

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
October 10, 2012

OFFICE OF ENERGY PROJECTS

Project No. 13563-001--Alaska
Sweetheart Lake Hydroelectric Project
Juneau Hydropower, Inc.

Mr. Duff Mitchell
Juneau Hydropower, Inc.
P.O. Box 22775
Juneau, AK 99802

Reference: Request for Expedited Review of the Draft License Application and Applicant-Prepared Environmental Assessment

Dear Mr. Mitchell:

This responds to your August 31, 2012, letter requesting a waiver of 18 C.F.R. § 4.38(c)(5), which provides 90 days for agencies to provide comments on your draft license application (DLA) and applicant-prepared environmental assessment (APEA) for the Sweetheart Lake Hydroelectric Project. In your letter, you explained that: (1) you have a strong and productive working relationship with the public and federal, state, local, and tribal stakeholders; (2) you would like to have time to fully incorporate the feedback received from federal, state, local and tribal partners in order to ensure a fully compliant and acceptable license application [before the expiration of your preliminary permit]; (3) your approved alternative licensing process (ALP) communications protocol calls for a 60 day review of documents and therefore this request for a 60 day period is not different from the comment period already established in your communications protocol; and (4) you are continuing consultation with applicable stakeholders to ensure that this waiver would be in the best interest of the project.

Page 5 of the Communications Protocol submitted with your Preliminary Application Document on July 28, 2010, states: “The review period for major documents will be no less than 30 days, unless longer periods are required by FERC regulations, or if individual agencies formally request more review time.” On October 3, 2012, we received a letter from the U.S. Forest Service, stating that it would need 90 days to review the DLA and the PDEA. On October 3, 2012, we also received a copy of an e-mail, sent to you by the U.S. Fish and Wildlife Service, stating that it would need the full 90-day review period. Finally, on October 5, 2012, we received a letter from the National Marine Fisheries Service, Alaska Region stating it would need at least the full 90 days to review the DLA and the PDEA.

Please be assured that one of our goals is to move as expeditiously as possible through the pre-filing consultation process. However, one of the purposes of the ALP is to combine pre-filing consultation and the agencies' environmental review process prior to the filing of the license application, and several study reports were included with the DLA and APEA, which stakeholders will also need to review. Therefore, consistent with the Communications Protocol signed by you and the agencies in support of the ALP pre-licensing procedures, the deadline for filing comments and preliminary terms and conditions for the DLA and PDEA submitted for the Sweetheart Lake Hydroelectric Project will be 90 days. Comments, as well as preliminary recommendations and terms and conditions are due on November 29, 2012.

If you have any further questions, please contact Jennifer Harper at (202) 502-6136 or via email at Jennifer.Harper@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

cc: Mailing List, Public Files

Document Content(s)

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