

FEDERAL ENERGY REGULATORY COMMISSION

Washington, D. C. 20426

January 27, 2010

OFFICE OF ENERGY PROJECTS

Project No. 13563-000—Alaska
Sweetheart Lake Hydroelectric Project
Juneau Hydropower, Inc.

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

Subject: Introductory Letter

Dear Mr. Mitchell:

On December 14, 2009, we issued you a preliminary permit for the Sweetheart Lake Hydroelectric Project. In addition to processing preliminary permit applications, the Division of Hydropower Licensing (DHL) is responsible for processing any license application you may file. We are writing this letter for three reasons: (1) to highlight the filing requirements of Article 4 of your permit; (2) to offer guidance on the preparation of any license application; and (3) to make you aware of the Commission's Policy Statement on Consultation with Indian Tribes.

Article 4 of your preliminary permit issued requires you to submit a progress report every six months. The first progress report is due on June 1, 2010. Subsequent reports are due every six months. Please file your reports electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov/docs-filing/efiling.asp>). For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, your response may also be paper-filed. To paper-file, mail four copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, P-13563-000 on the first page of your response.

Your preliminary permit may be cancelled if you fail to pursue diligently the required consultation and feasibility studies. Any license application for the project must be filed before the permit expires to maintain your priority of application for a license. Please note that, pursuant to section 4.82 of the Commission's regulations, you must submit an application to amend your preliminary permit if you plan to change the project

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as proposed in your initial application. Also, please be advised that your preliminary permit does not authorize construction of any project works.

The Commission's regulations require that if, during the course of your investigation into the feasibility of the project, you decide to prepare a development application, you must first prepare a Notice of Intent (NOI) and Preliminary Application Document (PAD) pursuant to sections 5.5 and 5.6 of the Commission's regulations,¹ 18 C.F.R. §§ 5.5 and 5.6 (2008). Under Part 5 of the Commission's regulations, you must use the Integrated Licensing Process unless the Commission grants a request to use either the Traditional or Alternative Licensing Processes. Under section 5.3, such a request must accompany the NOI and PAD and set forth specific information justifying the request. It is important that you contact us three to six months before you file any NOI and PAD, so we can provide you with guidance on the prefiling licensing process.

In addition, our policy statement on consultation with tribes notes that we will strive to improve communications with tribes affected by Commission actions.² Our objective is to engage tribes in the consultation process at the earliest stage of the licensing process. As soon as you let DHL know that you have begun to prepare the PAD, we will contact the tribes to determine their interest in the potential project.

For further information or assistance on licensing matters, please contact Gina Krump at (202) 502-6704 or via e-mail at gina.krump@ferc.gov. We look forward to working with you.

Sincerely,

Jennifer Hill, Branch Chief
Hydro West Branch 1
Division of Hydropower Licensing

cc: Service List
Public Files

¹ *Hydroelectric Licensing Under the Federal Power Act*, Order 2002, 68 *Fed. Reg.* 51121, August 25, 2003, FERC Statutes and Regulations ¶ 31,150 (2003).

² *Policy Statement on Consultation with Indian Tribes in Commission Proceedings*, Order 2002, 68 *Fed. Reg.* 51121, August 25, 2003, FERC Statutes and Regulations ¶ 31,150 (2003).

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