

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

June 10, 2016

OFFICE OF ENERGY PROJECTS

Project No. 2814-024 – New Jersey
Great Falls Hydroelectric Project
City of Paterson, New Jersey
Great Falls Hydroelectric Company

Mr. Robert Gates
Senior Vice President of Operations
Eagle Creek Renewable Energy
65 Madison Avenue, Suite 500
Morristown, NJ 07960

Reference: Authorization to Use the Traditional Licensing Process

Dear Mr. Gates:

In a letter filed on February 26, 2016, the City of Paterson, New Jersey (City) and Great Falls Hydroelectric Company (Great Falls), as co-licensees, requested to use the Traditional Licensing Process (TLP) in preparing a relicense application for the 10.95-megawatt Great Falls Hydroelectric Project located on the Passaic River near the city of Paterson, New Jersey. The City and Great Falls also filed a notice of intent and pre-application document (PAD) for the proposed project.

On March 9, 2016, the City and Great Falls filed documentation confirming the publication of the request to use the TLP in the February 26, 2016 edition of *The Star Ledger*. The notice contained the information required in section 5.3(d)(2) of the Commission's regulations, including a statement that comments on the request to use the TLP should be filed with the Commission by March 27, 2016. Comments were filed by the New Jersey Department of Environmental Protection (New Jersey DEP) and the National Park Service (Park Service).

The New Jersey DEP comments include department-specific procedural information relevant to the development of the license application and provide points of contact at the agency. New Jersey DEP did not comment on the TLP request. The Park Service comments note that it is developing a draft General Management Plan (GMP) and Environmental Assessment (EA) for the Paterson Great Falls National Historic Park

(Great Falls NHP),¹ within which the proposed project is located on non-federal land. Pursuant to section 10(a)(2)(A) of the Federal Power Act,² the Park Service intends to submit the final GMP and EA to the Commission for consideration as a comprehensive plan. In order to address one of the management goals in the GMP, the Park Service recommends that the City and Great Falls conduct an aesthetics flow study as part of the relicensing process, and believes that such a study would be better suited to the Integrated Licensing Process (ILP) to allow for early identification of issues and adequate time to develop the study. The Park Service states that it is not implying that there is significant controversy associated with the project's relicensing, but rather that aesthetic flows are an important resource to be addressed.

Notwithstanding the Park Service's request for the ILP, our review of the PAD suggests that the complexity of the resource issues is low, the level of anticipated controversy and disputes over studies is expected to be minimal, and there is a substantial amount of available information relevant to potential project effects. We note that the TLP provides a framework for the conduct of studies and a provision for requesting dispute resolution where there are disagreements over studies. Therefore, I am granting your request to use the TLP.

Section 16.8 of the Commission's regulations describes the pre-filing steps that need to be completed when preparing an application for a hydropower license under the TLP, including consultation and conducting necessary studies [18 C.F.R. §16.8 (a)-(e)]. Specific steps that will need to be carried out during pre-filing consultation include an initial joint agency/public meeting and site visit [§16.8(b)(3)]; an opportunity for participants to request studies [§16.8(b)(5)]; preparation and participant review of a draft application [§16.8(c)(4)]; and a meeting to resolve any disputes on the draft application [§16.8(c)(6)]. Please note that the initial joint agency/public meeting, is required to be held no sooner than 30 days, nor later than 60 days, from the date of this letter [§16.8(b)(3)(ii)].

¹ The Great Falls NHP was authorized on March 30, 2009 under the Omnibus Public Land Management Act (Public Law 111-11).

² See 16 U.S.C. section 803 (a)(2)(A).

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If you have any questions, please contact Christopher Millard at christopher.millard@ferc.gov or (202) 502-8256.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

cc: Mailing List
Public Files

Document Content(s)

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