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-Filed By: Midwest Hydro, LLC, STS HYDROPOWER, LLC  
-Signed By: Michael Scarzello,  
begin relicensing process for their respective project.  
-Submission Date/Time: 8/30/2019 11:29:57 AM  
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August 30, 2019

**VIA ELECTRONIC FILING**

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Rockton and Dixon Hydroelectric Projects (FERC Project Nos. 2373 and 2446)  
Notifications of Intent to File License Applications, Requests to Use the Traditional Licensing  
Process, Requests for Designation of Non-Federal Representative, and Pre-Application  
Document**

Dear Secretary Bose:

Midwest Hydro, LLC (Midwest Hydro) and STS Hydropower, LLC (STS Hydropower), wholly-owned indirect subsidiaries of Eagle Creek Renewable Energy, LLC, are preparing to relicense the Rockton Hydroelectric Project (FERC Project No. 2373) and the Dixon Hydroelectric Project (FERC Project No. 2446) respectively, with the Federal Energy Regulatory Commission (FERC or Commission).

Midwest Hydro, the Licensee for the Rockton Hydroelectric Project (Rockton, Rockton Project), located on the Rock River in Winnebago County, Illinois owns and operates the Rockton Project.

STS Hydropower, the Licensee for the Dixon Hydroelectric Project (Dixon, Dixon Project), located on the Rock River in Lee, and Ogle Counties, Illinois, owns and operates the Dixon Project<sup>1</sup>.

The current FERC licenses for Rockton and Dixon expire on August 31, 2024.

In accordance with the Commission's regulations, Midwest Hydro and STS Hydropower hereby declare their unequivocal intent to begin the relicensing process for their respective Project by filing the enclosed Notices of Intent (NOI) to file applications for a subsequent license or new license, as appropriate, and a Pre-Application Document (PAD) that includes information for both Projects.<sup>2</sup>

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<sup>1</sup> Throughout the documents included with this transmittal, Rockton and Dixon are individually referred to as Project or collectively as the Projects. Additionally, Midwest Hydro and STS Hydropower are individually referred to as Licensee or collectively as Licensees.

<sup>2</sup> Since Midwest Hydro and STS Hydropower are wholly owned indirect subsidiaries of Eagle Creek Renewable Energy, LLC and both are located on the Rock River in Illinois with the Dixon Hydroelectric Project being the next FERC-Licensed Project downstream of the Rockton Hydroelectric Project, one PAD including known information for both is being submitted.

Under 18 CFR § 5.3, Midwest Hydro and STS Hydropower hereby request approval from the Commission for use of the Traditional Licensing Process (TLP) for their respective Project.

In accordance with 18 CFR. § 5.5 (c) and 5.6(a)(1) of the Commission's regulations, Midwest Hydro and STS Hydropower are also distributing electronic copies of the NOIs, requests to use the TLP, and PAD to appropriate federal, state, and interstate resource agencies as well as Indian Tribes, local governments, and members of the public likely to be interested in the relicensing proceedings. This transmittal is being provided to the individuals listed on the attached stakeholder distribution list. These electronic copies are being distributed to each stakeholder on the distribution list via an email, or where an email address is not available, via a hardcopy of this correspondence, with the link or website address to the documents on Eagle Creek Renewable Energy's website (below). Electronic copies are also available on the Commission's eLibrary website at <https://elibrary.ferc.gov/idmws/search/fercgensearch.asp> and searching for dockets P-2373 and P-2446. Midwest Hydro and STS Hydro are also providing two paper courtesy copies of the NOIs, TLP Requests, and PAD to Commission Staff in the Office of Energy Projects and the Office of General Counsel-Energy Projects as outlined in the Commission's filing guidelines.

Under 18 CFR § 5.3 (d)(2), Midwest Hydro and STS Hydropower have published a notice in the Rockford Register and STS Hydropower has published a notice in the Dixon Telegraph, both are daily newspapers of general circulation in Winnebago, Lee, and Ogle Counties respectively. Each notice includes the filing date of the NOI, the request to use the TLP and PAD, summarizes the documents filed and the basis of the request to use the TLP, includes the project number, the licensee's name, address and telephone number, indicates comments are due within 30 days of the filing date, and states respondents must submit comments to the Secretary of the Commission in accordance with filing procedures outlined in the Commission's website at <http://FERC.gov>.

The NOIs, TLP Requests, and PAD for both Rockton and Dixon are available for public inspection and copying during normal business hours at the Talcott Free Library, 101 East Main Street, Rockton, IL and the Dixon Public Library, 221 South Hennepin Avenue, Dixon, IL, as well as on the Projects' relicensing website: <http://www.eaglecreekre.com/rock-river-relicensing>.

As required by 18 CFR § 5.3(d)(1), comments regarding Midwest Hydro's and STS Hydropower's requests to use the TLP to relicense the Projects must be filed with the Commission within 30 days of this filing (by Monday, September 30, 2019) and must reference FERC Project No. 2373 or 2446, as appropriate.

Midwest Hydro and STS Hydropower believe the Commission will issue a public notice of the NOIs and PAD, and then will issue a Notice of Commencement (NOC) no later than 60 days following the filing of the NOIs, PAD, and TLP Requests. If the Commission approves Midwest Hydro's and STS Hydro's requests to use the TLP to relicense the Projects, Midwest Hydro and STS Hydro will host a single Joint Meeting that encompasses both Projects and Site Visits for the Projects between 30 and 60 days of the NOC issuance, which is proposed to be conducted no later than Saturday, December 29, 2019. Within 60 days following the Joint Meeting and Site Visits, interested parties must file written comments on the PAD and study requests with the Commission, with a copy provided to Midwest Hydro or STS Hydropower, as appropriate.

Some of the information included in the PAD is considered Critical Energy Infrastructure Information (CEII) as defined by 18 CFR § 388.113(c). Other confidential financial information as defined by 18 CFR §388.112, is also included in the PAD. This information has been removed from the public version of the PAD. Midwest Hydro and STS Hydropower respectfully request such information be treated as privileged.

In accordance with 18 CFR §5.5(e), Midwest Hydro and STS Hydropower formally request designation as the Commission's non-federal representative in relicensing of the Rockton and Dixon Hydroelectric Projects for consultation under Section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402 and Section 106 of the National Historic Preservation Act and implementing regulations at 36 CFR 800.2(c)(4).

If you have any questions regarding this submittal or NOIs, PAD, and TLP Requests please contact me, at (973) 998-8400 or [michael.scarzello@eaglecreekre.com](mailto:michael.scarzello@eaglecreekre.com).

Sincerely,  
Midwest Hydro, LLC  
STS Hydropower, LLC



Michael Scarzello  
Regulatory Director

Attachments: P-2373 Rockton NOI and Request for TLP  
P-2446 Dixon NOI and Request for TLP  
Certificate of Service and Distribution List  
P-2373 and P-2446 PAD PUBLIC  
P-2373 and P-2446 Exhibit F **CUI/CEII**  
P-2373 and P-2446 Project Net **CUI//PRIV**

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*Notice Of Intent to File License Application and Request to Use the  
Traditional Licensing Process for*

*ROCKTON PROJECT (P-2373)*

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**NOTICE OF INTENT  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION  
TO FILE AN APPLICATION  
FOR SUBSEQUENT LICENSE  
ROCKTON HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2373**

Pursuant to 18 CFR §5.5, Midwest Hydro, LLC (“Licensee” or “Applicant” or “Midwest Hydro”), a wholly-owned indirect subsidiary of Eagle Creek Renewable Energy, LLC, hereby declares to the Federal Energy Regulatory Commission its intent to file an Application for a Subsequent License for the Rockton Hydroelectric Project No. 2373 (“Project”, “Rockton” , “Rockton Project”). The current Project license was issued on September 28, 1994 and expires on August 31, 2024<sup>3</sup>. Accordingly, the Licensee shall file an Application for Subsequent License no later than August 31, 2022.

The following information is provided consistent with the requirements of 18 CFR §5.5:

**(1) Applicants Name and Address:**

Applicant’s Name: Midwest Hydro, LLC

Address: Eagle Creek Renewable Energy, LLC  
116 N. State Street  
P.O. Box 167  
Neshkoro, WI 54960-0167

Telephone: (973) 998-8400

**(2) Project Number:**

The FERC Project No. is 2373.

**(3) License Expiration Date**

August 31, 2024

**(4) Statement of Intent to File:**

Midwest Hydro unequivocally intends to file an Application for a Subsequent License for the Rockton Hydroelectric Project using the Commission’s Traditional Licensing Process (TLP). The Applicant’s request and justification for using the TLP is attached hereto.

**(5) Type of Principal Project Works to be Licensed:**

The Rockton Project consists of the following: (1) a 1,600-foot long, 5.3-foot high earthen

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<sup>3</sup> Federal Energy Regulatory Commission. 2018. Order Extending License Terms (FERC Nos. 2348-038, 2373-011, 2446-050). Issued November 13, 2018

dike (earthen wing dam) extends from the right abutment of the dam north through lowland areas, preventing river diversion around the east side of the dam. The dike has a 12-foot wide top width and 2:1 side slopes; (2) a rock and concrete overflow dam, located about 300 feet upstream from the project headworks, separating the power canal from the original river channel. The 1,000-foot long overflow dam is rock filled and concrete capped. The spillway crest is uneven with an average elevation of approximately 725.3 feet National Geodetic Vertical Datum 1929 (NGVD) and a minimum elevation of 724.6 feet NGVD. The height of the spillway from the downstream riverbed is approximately six feet; (3) an 84-foot wide gated headworks structure near the upstream end of the power canal dike that contains five 14-foot wide by 10-foot high steel radial gates; (4) a 155-acre impoundment as listed in the current license; (5) a 64-foot long by 33 feet deep powerhouse containing two turbine generators with a combined plant capacity of 1,100 kW; (6) an outdoor substation containing one 4.1 kV to 12.4 kV three-phase transformer and appurtenant facilities; and (7) other related facilities.

**(6) Project Location:**

State or Territory: Illinois  
 Counties: Winnebago County  
 City: Rockton  
 Waterway: Rock River  
 Latitude: 42.4511  
 Longitude: -89.0755

**(7) The Installed Capacity of the Project is: 500 kW**

Powerhouse

Unit No. 1: 600 kW  
 Unit No. 2: 500 kW

Total: 1,100 kW

**(8) Names and Mailing Addresses of Entities Listed in 18 CFR 5.5(b)(8):**

*Every county in which any part of the project is located, and in which any Federal facility that is used or to be used by the project is located:*

Ms. Lori Gummow  
 County Clerk  
 Winnebago County  
 440 Elm Street, Suite 104  
 Rockford, IL 61101-1244

The Project uses no federal facilities and occupies no federal lands.

*Each city, town or similar political subdivision in which any part of the Project is located, and in which any federal facility that is used or to be used by the Project is located:*

The Rockton Hydroelectric Project is located in the Village of Rockton, Illinois and the reservoir is also located in the Townships of Rockton and South Beloit, Illinois. It does not use any federal facilities and occupies no federal lands.

*Each city or town that has a population of 5,000 or more people and is located within 15 miles of the existing Project dams:*

The following cities and towns each have a population of 5,000 or more people (2010 U.S. Census data), and are located within 15 miles of the Project powerhouse:

Ms. Lori Stottler, City Clerk-Treasurer  
City of Beloit  
100 State Street  
Beloit, WI 53511-6234

Mr. Robert Burden, City Clerk  
City of Loves Park  
100 Heart Boulevard  
Loves Park, IL 61111-4785

Mr. David Godek, City Clerk-Treasurer  
City of Janesville  
PO Box 5005  
Janesville, WI 53547-5005

Mr. Tom McNamara, Mayor  
City of Rockford  
425 East State Street  
Rockford, IL 61104-1014

Ms. Tracy Patrick, City Clerk  
City of South Beloit  
519 Blackhawk Boulevard, Suite 2  
South Beloit, IL 61080-1916

Ms. Christina Stewart, Village Clerk  
Village of Rockton  
110 East Main Street  
Rockton, IL 61072

*Each irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located, and in which any Federal facility that is used or to be used by the Project is located:*

There is no irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located or that owns, operates, maintains, or uses any Project facility. The Project uses no federal facilities and occupies no federal lands.

*Each irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, maintains, or uses any Project facility or any Federal facility that is or is proposed to be used by the Project:*

There is no irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located or that owns, operates, maintains, or uses any Project facility. The Project uses no federal facilities and occupies no federal lands.

*Every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, this notification:*

There is no other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, this notification.



*Affected Indian Tribes:*

Mr. John Barrett, Jr., Chairman  
Citizen Potawatomi Nation  
1601 South Gordon Cooper Drive  
Shawnee, OK 74801-9002

Mr. Ned Daniels Jr., Chairman  
Forest County Potawatomi Community of Wisconsin  
PO Box 340  
Crandon, WI 54520-0340

Mr. Earl Meshiguad, Cultural Director  
Hannahville Indian Community  
N-14911 Hannahville B1 Road  
Wilson, MI 49896

Mr. Wilfrid Cleveland, President  
Ho-Chunk Nation of Wisconsin  
PO Box 667  
Black River Falls, WI 54615-0667

Mr. Kent Collier, NAGPRA Officer  
Kickapoo Tribe of Oklahoma  
PO Box 70  
McCloud, OK 74851-3051

Mr. David Grignon, THPO  
Menominee Indian Tribe of Wisconsin  
PO Box 910  
Keshena, WI 54135-0910

Ms. Diane Hunter, THPO  
Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 74355-1326

Mr. Thomas Wabnum, THPO  
Prairie Band Potawatomi Nation  
16281 Q Road  
Mayetta, KS 66509-8970

Mr. Randy Teboe, THPO  
Winnebago Tribe of Nebraska  
PO Box 687  
Winnebago, NE 68071

All correspondence and service of documents related to this Notice of Intent and subsequent proceedings should be addressed to:

Mr. Michael Scarzello  
Regulatory Director  
Eagle Creek Renewable Energy, LLC  
116 State Street  
PO Box 167  
Neshkoro, WI 54960-0167

If you have any questions regarding this Notice of Intent or require additional information please call Mr. Scarzello at 973-998-8400 or [Michael.Scarzello@eaglecreekre.com](mailto:Michael.Scarzello@eaglecreekre.com) or Shawn Puzen at 920-593-6865 or [Shawn.Puzen@MeadHunt.com](mailto:Shawn.Puzen@MeadHunt.com).

**ROCKTON HYDROELECTRIC PROJECT**  
**FERC PROJECT NO. 2373**  
**REQUEST TO USE THE TRADITIONAL LICENSING PROCESS**

Midwest Hydro, LLC (Midwest Hydro or Applicant), Licensee for the Rockton Hydroelectric Project (Project or Rockton Project), is including in this filing a request to use the Federal Energy Regulatory Commission's (FERC) Traditional Licensing Process (TLP) for the Project. Justification for this request, as required by 18 CFR § 5.3, is provided below. Any comments on the Applicant's request to use the TLP must be filed with the Commission within 30 days of the filing date of the request.

**Likelihood of Timely License Issuance (18 CFR § 5.3(c)(1)(ii)(A))**

Midwest Hydro anticipates FERC will be able to complete the timely issuance of a new license for the Project by approving the use of the TLP. The agencies and Non-Governmental Organizations (NGOs) that are participating in the relicensing have been involved in relicensing proceedings with other hydroelectric projects and have experience using the TLP. In preparing the Pre-Application Document (PAD), Midwest Hydro, agencies, and other stakeholders have informally consulted regarding issues related to the relicensing, and they are aware of the limited number of issues that are likely to be raised during the relicensing proceeding.

As described in Section 2 (*Process Plan and Schedule (18 CFR § 5.6(d)(1))*) of the PAD for the Project, Midwest Hydro intends to complete and distribute the draft license application for the Project by March 31, 2022. The Process Plan and Schedule will allow Midwest Hydro to consult with agencies and other stakeholders regarding study plans, collect and analyze the necessary field data, and incorporate the study results into the final license application.

**Complexity of the Resource Issues (18 CFR § 5.3(c)(1)(ii)(B))**

The proposed Project is an existing FERC-licensed project of a conventional hydro design that has well-known and understood minimal impacts. As described in the PAD, there is existing resource information available for the project area. Under Article 401, the Project operates in run-of-river mode. It has existing minimum flow requirements and resource management plans. The existing minimum flow requirement is established by license Article 402, which states "...the Licensee shall maintain a minimum flow of 300 cfs into the bypass reach of the Rock River below the spillway, or inflow to the project reservoir, whichever is less, as measured immediately downstream of the dam in the bypass reach, for the protection and enhancement of fish and wildlife resources." and further refined to include maintaining a minimum headwater elevation of 725.48 feet NGVD at the spillway to pass the minimum flow.

Midwest Hydro owns very little upland property associated with the Project and implements an Operations Compliance Monitoring Plan under Article 403 and a Cultural Resources Management Plan under Article 405 to protect cultural resources of the Project. Under Article 406, Midwest Hydro developed recreation facilities on Project property. Midwest Hydro does not expect the resource issues to be complex as Midwest Hydro is not proposing changes to project facilities or operations.

Due to the limited geographic scope of the potential Project impacts, a relatively straightforward relicensing process is envisioned to generate the needed information to support the development of a complete license application. A list of identified resource issues and how these will be addressed in the study program is included in Section 5 (*Preliminary Issues and Studies List (18 CFR § 5.6(d)(4))*) of the PAD.

Based upon the information obtained during the questionnaire consultation in preparation of the PAD included in Section 6 (*Consultation in Preparation of the PAD (18 CFR § 5.6(d)(5))*), where Midwest Hydro received resource agency support of the use of the TLP, Midwest Hydro believes that any additional remaining resource issues will be identified through the Joint Agency Public Meeting and Site Visit, and through subsequent consultation activities.

#### **Level of Anticipated Controversy (18 CFR § 5.3(c)(1)(ii)(C))**

Midwest Hydro anticipates very limited or no controversy associated with the relicensing of the Project. Midwest Hydro has initiated informal consultation and outreach with the resource agencies and potential stakeholders to gain existing information about Project resources, and to consider resource issues and management goals that will need to be considered during the process.

Midwest Hydro is not anticipating substantial public involvement or interest in the relicensing process given the location and nature of the Project.

Given the low complexity of issues already identified to date at the Project, it is not anticipated that the relicensing process will result in any significant controversy that cannot be resolved within the TLP. Midwest Hydro believes that the TLP is a process that will enable the Applicant and stakeholders to reach agreement on protection, mitigation, and enhancement measures for the Project, as may be determined to be necessary.

#### **Relative Cost of the Traditional Process Compared to the Integrated Process (18 CFR § 5.3(c)(1)(ii)(D))**

Midwest Hydro believes that the TLP is the most efficient process to use for the Project, which is characterized by its relatively small size and no proposed changes to the current operation. Given the limited geographic scope of the current or proposed Project boundary, the limited number of anticipated issues, the limited number of potential stakeholders, and the low level of controversy, Midwest Hydro believes that the TLP is better suited to license the Project from a cost standpoint than the Integrated Licensing Process (ILP). Experience to date at other projects nationwide demonstrates that the ILP is more costly to Licensees compared to the TLP. For projects with limited geographic scope and related issues, significant process cost savings can be realized using the TLP. Midwest Hydro believes that, given the circumstances at this Project, the TLP can be a more efficient relicensing process than the ILP. The Project licensing should proceed smoothly with the TLP, through consultation during designated phases in the process.

The timelines and more flexible nature of the TLP will provide Midwest Hydro and other stakeholders more flexibility to schedule meetings and develop pre-filing documentation. This flexibility will better allow all the relicensing parties to perform such activities in coordination with other ongoing relicensing and routine regulatory activities. The flexibility afforded by following the TLP will help reduce the overall cost of the relicensing effort for both the Licensee and stakeholders.

**The Amount of Available Information and Potential for Significant Disputes over Studies (18 CFR § 5.3(c)(1)(ii)(E))**

Preparation of the PAD and outreach/consultation with agencies and stakeholders has indicated there is a reasonable amount of available information regarding resources associated with the Project, much of which comes from the previous relicensing and state biological surveys and environmental monitoring. A USGS gage is located upstream of the Project, so an adequate flow record is available. Based on initial informal consultation conducted as part of the preparation of the PAD, it is anticipated that the information contained in the PAD will provide agencies and stakeholders with much of the information necessary to clarify any Project related issues or concerns, and to identify any additional study or data needs to be addressed by Midwest Hydro through the TLP.

As discussed above, the Project has a small footprint and hence an equally limited effect on existing resources. It is Midwest Hydro's intent to conduct its pre-filing consultation in a manner that addresses and resolves, to the extent possible, any differences of opinion with regard to the design and implementation of any necessary studies. Due to the small geographic area of Project impacts, required field information can be collected in a relatively short amount of time. Midwest Hydro does not anticipate significant disputes over any necessary studies.

**Other Factors Believed by the Applicant to be Pertinent (18 CFR § 5.3(c)(1)(ii)(F))**

In conclusion, Midwest Hydro affirms that for the relicensing of this relatively small, straightforward project, the TLP will provide the most efficient, effective, and least burdensome process for relicensing the Rockton Hydroelectric Project. Midwest Hydro believes that this justification provides good cause for the Commission to grant this request to use the TLP and appreciates the Commission's consideration of this request.

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*Notice Of Intent to File License Application and Request to Use the  
Traditional Licensing Process for*

*DIXON PROJECT (P-2446)*

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**NOTICE OF INTENT  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION  
TO FILE AN APPLICATION  
FOR NEW MAJOR LICENSE  
DIXON HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2446**

Pursuant to 18 CFR §5.5, the STS Hydropower, LLC (“Licensee” or “Applicant” or “STS Hydropower”), a wholly-owned indirect subsidiary of Eagle Creek Renewable Energy, LLC, hereby declares to the Federal Energy Regulatory Commission its intent to file an Application for a New Major Project License for the Dixon Hydroelectric Project No. 2446 (“Project”, “Dixon Project”). The current Project license was issued on December 28, 1993 and expires on August 31, 2024<sup>4</sup>. Accordingly, the Licensee shall file an Application for a New License no later than August 31, 2022.

The following information is provided consistent with the requirements of 18 CFR §5.5:

**(1) Applicants Name and Address:**

Applicant’s Name: STS Hydropower, LLC

Address: Eagle Creek Renewable Energy, LLC  
116 N. State Street  
P.O. Box 167  
Neshkoro, WI 54960-0167

Telephone: (973) 998-8400

**(2) Project Number:**

The FERC Project No. is 2446.

**(3) License Expiration Date**

August 31, 2024

**(4) Statement of Intent to File:**

STS Hydropower unequivocally intends to file an Application for a New License for the Dixon Hydroelectric Project, a Major Project, using the Commission’s Traditional Licensing Process (TLP). The Applicant’s request and justification for using the TLP is attached hereto.

**(5) Type of Principal Project Works to be Licensed:**

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<sup>4</sup> Federal Energy Regulatory Commission. 2018. Order Extending License Terms (FERC Nos. 2348-038, 2373-011, 2446-050). Issued November 13, 2018

The Dixon Project consists of the following: (1) a 120-foot long forebay wall perpendicular to the dam on the left end of the dam and extends both upstream and downstream of the dam and it ties the powerhouse and fender wall to the dam; (2) a concrete retaining wall approximately 15 to 20 feet high along the entire length of the forebay; (3) a fender wall supported by 12 concrete piers extending from the upstream end of the forebay wall to the left stream bank, at an approximate 40 degree angle to the axis of the dam; (4) a 12-foot wide sluiceway with a motor operated radial gate to relieve ice jams located at the end of the forebay between the powerhouse and the left bank; (5) a 250-foot long powerhouse that is 34 feet wide , located parallel to the fender wall, containing five identical generating units for a total capacity of 3,000 kW; (6) a 600-foot long overflow spillway with 16-inch high flash boards creating a crest elevation of 647.0 feet National Geodetic Vertical Datum of 1929 (NGVD); (7) a 800-acre impoundment, as listed in the current license; (8) one three-phase 2.3 kV to 34.5 kV step-up Transformer and appurtenant facilities; and (9) other related facilities.

**(6) Project Location:**

State or Territory: Illinois  
 Counties: Lee County and Ogle County  
 City: Dixon  
 Waterway: Rock River  
 Latitude: 41.8456  
 Longitude: -89.4813

**(7) The Installed Capacity of the Project is: 3,000 kW**

Powerhouse

Unit Nos. 1 through 5: 600 kW

Total: 3,000 kW

**(8) Names and Mailing Addresses of Entities Listed in 18 CFR 5.5(b)(8):**

*Every county in which any part of the project is located, and in which any Federal facility that is used or to be used by the project is located:*

Ms. Cathy Myers  
 Lee County Clerk/Recorder  
 112 E Second Street  
 Dixon, IL 61021

Ms. Laura J. Cook  
 Ogle County Clerk and  
 Recorder  
 105 S. 5<sup>th</sup> Street  
 Suite 104 & 212  
 Oregon, IL 61061



The Project uses no federal facilities and occupies no federal lands.

*Each city, town or similar political subdivision in which any part of the Project is located, and in which any federal facility that is used or to be used by the Project is located:*

The Dixon Hydroelectric Project is located in the City of Dixon, Illinois and the reservoir is also located in the Townships of Dixon and Grand Detour, Illinois. It does not use any federal facilities and occupies no federal lands.

*Each city or town that has a population of 5,000 or more people and is located within 15 miles of the existing Project dams:*

The following cities and towns each have a population of 5,000 or more people (2010 U.S. Census data), and are located within 15 miles of the Project powerhouse:

Ms. Keesha Blumhoff - City Clerk  
City of Dixon  
121 West 2nd Street  
Dixon, IL 61021-3030

Ms. Michelle Conklin - Deputy City Clerk  
City of Rock Falls  
603 West 10<sup>th</sup> Street  
Rock Falls, IL 61071

Ms. Marie Rombouts - City Clerk  
City of Sterling  
212 Third Avenue  
Sterling, IL 61081-3932

*Each irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located, and in which any Federal facility that is used or to be used by the Project is located:*

There is no irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located or that owns, operates, maintains, or uses any Project facility. The Project uses no federal facilities and occupies no federal lands.

*Each irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, maintains, or uses any Project facility or any Federal facility that is or is proposed to be used by the Project:*

There is no irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project is located or that owns, operates, maintains, or uses any Project facility. The Project uses no federal facilities and occupies no federal lands.

*Every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, this notification:*

There is no other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, this notification.

*Affected Indian Tribes:*

Mr. John Barrett, Jr., Chairman  
Citizen Potawatomi Nation  
1601 South Gordon Cooper Drive  
Shawnee, OK 74801-9002

Mr. Ned Daniels Jr., Chairman  
Forest County Potawatomi Community of Wisconsin  
PO Box 340  
Crandon, WI 54520-0340

Mr. Earl Meshiguad, Cultural Director  
Hannahville Indian Community  
N-14911 Hannahville B1 Road  
Wilson, MI 49896

Mr. Wilfrid Cleveland, President  
Ho-Chunk Nation of Wisconsin  
PO Box 667  
Black River Falls, WI 54615-0667

Mr. Kent Collier, NAGPRA Officer  
Kickapoo Tribe of Oklahoma  
PO Box 70  
McLoud, OK 74851-3051

Mr. David Grignon, THPO  
Menominee Indian Tribe of Wisconsin  
PO Box 910  
Keshena, WI 54135-0910

Ms. Diane Hunter, THPO  
Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 74355-1326

Mr. Thomas Wabnum, THPO  
Prairie Band Potawatomi Nation  
16281 Q Road  
Mayetta, KS 66509-8970

Mr. Randy Teboe, THPO  
Winnebago Tribe of Nebraska  
PO Box 687  
Winnebago, NE 68071

All correspondence and service of documents related to this Notice of Intent and subsequent proceedings should be addressed to:

Mr. Michael Scarzello  
Regulatory Director  
Eagle Creek Renewable Energy, LLC  
116 State Street  
PO Box 167  
Neshkoro, WI 54960-0167

If you have any questions regarding this Notice of Intent or require additional information please call Mr. Scarzello at 973-998-8400 or [Michael.Scarzello@eaglecreekre.com](mailto:Michael.Scarzello@eaglecreekre.com) or Shawn Puzen at 920-593-6865 or [Shawn.Puzen@MeadHunt.com](mailto:Shawn.Puzen@MeadHunt.com).

**DIXON HYDROELECTRIC PROJECT**  
**FERC PROJECT NO. 2446**  
**REQUEST TO USE THE TRADITIONAL LICENSING PROCESS**

STS Hydropower, LLC (STS Hydropower or Applicant), Licensee for the Dixon Hydroelectric Project (Project or Dixon Project), a Major Project, is including in this filing a request to use the Federal Energy Regulatory Commission's (FERC) Traditional Licensing Process (TLP) for the Project. Justification for this request, as required by 18 CFR § 5.3, is provided below. Any comments on the Applicant's request to use the TLP must be filed with the Commission within 30 days of the filing date of the request.

**Likelihood of Timely License Issuance (18 CFR § 5.3(c)(1)(ii)(A))**

STS Hydropower anticipates FERC will be able to complete the timely issuance of a new license for the Project by approving the use of the TLP. The agencies and Non-Governmental Organizations (NGOs) that are participating in the relicensing have been involved in relicensing proceedings with other hydroelectric projects and have experience using the TLP. In preparing the Pre-Application Document (PAD), STS Hydropower, agencies, and other stakeholders have informally consulted regarding issues related to the relicensing, and they are aware of the limited number of issues that are likely to be raised during the relicensing proceeding.

As described in Section 2 (*Process Plan and Schedule (18 CFR § 5.6(d)(1))*) of the PAD for the Project, STS Hydropower intends to complete and distribute the draft license application for the Project by March 31, 2022. The Process Plan and Schedule will allow STS Hydropower to consult with agencies and other stakeholders regarding study plans, collect and analyze the necessary field data, and incorporate the study results into the final license application.

**Complexity of the Resource Issues (18 CFR § 5.3(c)(1)(ii)(B))**

The proposed Project is an existing FERC-licensed-Major Project of a conventional hydro design that has well-known and understood minimal impacts. As described in the PAD, there is existing resource information available for the project area.

Under Article 401, the Project operates in run-of-river mode for the protection of fish and wildlife in the Rock River. Under Article 402, the Project releases a minimum flow over the spillway of 50 cfs or inflow, whichever is less.

Under Article 405, STS Hydropower implemented a plan to monitor water quality at three locations downstream of the dam and one location upstream of the dam. In general, monitoring conducted through 1997 indicated the dissolved oxygen levels were well above state standards above and below the dam.

STS Hydropower owns very little upland property associated with the Project and implements a Cultural Resources Management Plan under Article 406 to protect cultural resources of the Project. Under Article 407, STS Hydropower implemented a tailrace fishing enhancement plan downstream of the dam. STS Hydropower does not expect the resource issues to be complex

as STS Hydropower is not proposing changes to project facilities or operations.

Due to the limited geographic scope of the potential Project impacts, a relatively straightforward relicensing process is envisioned to generate the needed information to support the development of a complete license application. A list of identified resource issues and how these will be addressed in the study program is included in Section 5 (*Preliminary Issues and Studies List (18 CFR § 5.6(d)(4))*) of the PAD.

Based upon the information obtained during the questionnaire consultation in preparation of the PAD included in Section 6 (*Consultation in preparation of the PAD (18 CFR § 5.6(d)(5))*) where STS Hydropower received resource agency comments in support of the use of the TLP, STS Hydropower believes that any additional remaining resource issues will be identified through the Joint Agency Public Meeting and Site Visit, and through subsequent consultation activities.

#### **Level of Anticipated Controversy (18 CFR § 5.3(c)(1)(ii)(C))**

STS Hydropower anticipates very limited or no controversy associated with the relicensing of the Project. STS Hydropower has initiated informal consultation and outreach with the resource agencies and potential stakeholders to gain existing information about Project resources, and to consider resource issues and management goals that will need to be considered during the process.

STS Hydropower is not anticipating substantial public involvement or interest in the relicensing process given the location and nature of the Project.

Given the low complexity of issues already identified to date at the Project, it is not anticipated that the relicensing process will result in any significant controversy that cannot be resolved within the TLP. STS Hydropower believes that the TLP is a process that will enable the license applicant and the stakeholders to reach agreement on protection, mitigation, and enhancement measures for the Project, as may be determined to be necessary.

#### **Relative Cost of the Traditional Process Compared to the Integrated Process (18 CFR § 5.3(c)(1)(ii)(D))**

STS Hydropower believes that the TLP is the most efficient process to use for the Project, which is characterized by its relatively small size and no proposed changes to the current operation. Given the limited geographic scope of the Project boundary, the limited number of anticipated issues, the limited number of potential stakeholders, and the low level of controversy, STS Hydropower believes that the TLP is better suited to license the Project from a cost standpoint than the Integrated Licensing Process (ILP). Experience to date at other projects nationwide demonstrates that the ILP is more costly to licensees compared to the TLP. For projects with limited geographic scope and related issues, significant process cost savings can be realized using the TLP. STS Hydropower believes that, given the circumstances at this Project, the TLP can be a more efficient relicensing process than the ILP. The Project licensing should proceed smoothly with the TLP, through consultation during designated phases in the process.

The timelines and more flexible nature of the TLP will provide STS Hydropower and other stakeholders more flexibility to schedule meetings and develop pre-filing documentation. This flexibility will better allow all the relicensing parties to perform such activities in coordination with other ongoing relicensing and routine regulatory activities. The flexibility afforded by following the TLP will help reduce the overall cost of the relicensing effort for both the Licensee and stakeholders.

**The Amount of Available Information and Potential for Significant Disputes over Studies (18 CFR § 5.3(c)(1)(ii)(E))**

Preparation of the PAD and outreach/consultation with agencies and stakeholders has indicated there is a reasonable amount of available information regarding resources associated with the Project, much of which comes from the previous relicensing and state biological surveys and environmental monitoring. A USGS gage is located downstream of the Project, so an adequate flow record is available. Based on initial informal consultation conducted as part of the preparation of the PAD, it is anticipated that the information contained in the PAD will provide agencies and stakeholders with much of the information necessary to clarify any Project related issues or concerns, and to identify any additional study or data needs to be addressed by STS Hydropower through the TLP.

As discussed above, the Project has a limited footprint, and hence an equally limited effect on existing resources. It is STS Hydropower's intent to conduct its pre-filing consultation in a manner that addresses and resolves, to the extent possible, any differences of opinion with regard to the design and implementation of any necessary studies. Due to the small geographic area of Project impacts, required field information can be collected in a relatively short amount of time. STS Hydropower does not anticipate significant disputes over any necessary studies.

**Other Factors Believed by the Applicant to be Pertinent (18 CFR § 5.3(c)(1)(ii)(F))**

In conclusion, STS Hydropower affirms that for the relicensing of this relatively small, straightforward project, the TLP will provide the most efficient, effective, and least burdensome process for relicensing the Dixon Hydroelectric Project. STS Hydropower believes that this justification provides good cause for the Commission to grant this request to use the TLP and appreciates the Commission's consideration of this request.

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***CERTIFICATE OF SERVICE AND DISTRIBUTION LIST FOR***

*ROCKTON PROJECT (FERC NO. P-2373) AND  
DIXON PROJECT (FERC NO. P-2446)*

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**CERTIFICATE OF SERVICE**

I hereby certify that I, on behalf of Midwest Hydro, LLC and STS Hydropower, LLC, have this day caused to be served, either by First Class Mail, delivery service, or electronic mail, the Notices of Intent to File Applications for a Subsequent License [and a New Major Project License](#), respectively, upon all interested parties designated on the attached distribution list, which includes, but is not limited to all interested parties designated on the service lists for the Rockton Hydroelectric Project, Project No. 2373 and the Dixon Hydroelectric Project No. 2446, in accordance with Rule 2010 of the Rules of Practice and Procedure, 18 CFR §385.2010.

August 30, 2019

Midwest Hydro, LLC and STS Hydropower, LLC,



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Michael Scarzello  
Director



**ROCKTON AND DIXON HYDROELECTRIC PROJECT  
DISTRIBUTION LIST**

**Tribal Communities****John Barrett, Jr., Chairman**

Citizen Potawatomi Nation  
1601 South Gordon Cooper Drive  
Shawnee, OK 74801-9002

**Ned Daniels Jr., Chairman**

Forest County Potawatomi Community of  
Wisconsin  
PO Box 340  
Crandon, WI 54520-0340

**Earl Meshiguad, Cultural Director**

Hannahville Indian Community  
N-14911 Hannahville B1 Road  
Wilson, MI 49896

**Wilfrid Cleveland, President**

Ho-Chunk Nation of Wisconsin  
PO Box 667  
Black River Falls, WI 54615-0667

**Kent Collier, NAGPRA Officer**

Kickapoo Tribe of Oklahoma  
PO Box 70  
McCloud, OK 74851-3051

**David Grignon, THPO**

Menominee Indian Tribe of Wisconsin  
PO Box 910  
Keshena, WI 54135-0910

**Diane Hunter, THPO**

Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 74355-1326

**Thomas Wabnum, THPO**

Prairie Band Potawatomi Nation  
16281 Q Road  
Mayetta, KS 66509-8970

**Kelli Mosteller, THPO**

Citizen Potawatomi Nation  
1601 South Gordon Cooper Drive  
Shawnee, OK 74801-9002

**Michael LaRonge, THPO**

Forest County Potawatomi Community of  
Wisconsin  
PO Box 340  
Crandon, WI 54520-0340

**William Quackenbush, THPO**

Ho-Chunk Nation Executive Offices  
PO Box 667  
Black River Falls, WI 54615-0667

**David Pacheco Jr., Chairman**

Kickapoo Tribe of Oklahoma  
PO Box 70  
McCloud, OK 74851-3051

**Gary Besaw, Chairman**

Menominee Indian Tribe of Wisconsin  
PO Box 910  
Keshena, WI 54135-0910

**Douglas Lankford, Chief**

Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 74355-1326

**Liana Onnen, Chairperson**

Prairie Band Potawatomi Nation  
16281 Q Road  
Mayetta, KS 66509-8970

**Frank White, Chairman**

Winnebago Tribe of Nebraska  
PO Box 687  
Winnebago, NE 68071

**Randy Teboe, THPO**

Winnebago Tribe of Nebraska

PO Box 687

Winnebago, NE 68071

**Local**

**Lori Stottler, City Clerk-Treasurer**

City of Beloit  
100 State Street  
Beloit, WI 53511-6234

**Robert Burden, City Clerk**

City of Loves Park  
100 Heart Boulevard  
Loves Park, IL 61111-4785

**Tom McNamara, Mayor**

City of Rockford  
425 East State Street  
Rockford, IL 61104-1014

**Marie Rombouts, City Clerk**

City of Sterling  
212 Third Avenue  
Sterling, IL 61081-3932

**Town Supervisor**

Township of Dixon  
315 Highland Avenue  
Dixon, IL 61021-2909

**Judith Gurney, Town Clerk**

Township of Rockton  
1315 North Blackhawk Boulevard  
Rockford, IL 61072-1509

**Village of Rockton, Village Clerk**

Village of Rockton  
110 East Main Street  
Rockton, IL 61072

**Keesha Blumhoff, City Clerk**

City of Dixon  
121 West 2nd Street  
Dixon, IL 61021-3030

**Michelle Conklin, Deputy City Clerk**

City of Rock Falls  
603 West 10<sup>th</sup> Street  
Rock Falls, IL 61071

**Tracy Patrick, Town Clerk**

City of South Beloit  
519 Blackhawk Blvd. Suite 2  
South Beloit, IL 61080-1916

**Duane Long, Director**

Dixon Park District  
121 West 2nd Street  
Dixon, IL 61021-3030

**Debbie Lowry, Town Clerk**

Township of Grand Detour  
4642 House Road  
Oregon, IL 61061

**Lori Mitchell, Village Clerk**

Village of Machesney Park  
300 Roosevelt Road  
Machesney Park, IL 61115-2184

**County**

**Cathy Myers, County Clerk and Recorder**

County of Lee  
112 E Second Street  
Dixon, IL 61021

**Laura Cook, County Clerk and Recorder**

County of Ogle  
105 S 5th Street, Suite 215  
Oregon, IL 61061-1602

**Lori Gummow, County Clerk**

County of Winnebago  
404 Elm Street, Suite 104  
Rockford, IL 61101-1244

**Mike Groves, Resource Manager**

Forest Preserves of Winnebago County  
5500 Northrock Drive  
Rockford, IL 61103-1225

**State**

**Carrie Zalewski, Chairwoman**

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701-1813

**Cheri Bustos, State Representative**

Illinois Congressional District 17 - Rockford Office  
119 North Church Street, Suite 101  
Rockford, IL 61101-1034

**Loren Wobig, Water Resources Director**

Illinois Department of Natural Resources  
Office of Water Resources  
One Natural Resources Way  
Springfield, IL 62702-1271

**Alan Keller, Permits Section Manager**

Illinois Environmental Protection Agency  
Bureau of Water  
PO Box 19276  
Springfield, IL 62794-9276

**Kwame Raoul, Attorney General**

Illinois Office of Attorney General  
100 West Randolph Street  
Chicago, IL 60601

**Eric Schaubert, Director**

Illinois State Natural History Survey  
607 East Peabody Drive  
Champaign, IL 61820-6917

**Adam Kinzinger, State Representative**

Illinois Congressional District 16 - Rockford Office  
725 North Lyford Road, Suite 3  
Rockford, IL 61107-5314

**Nathan Grider, Consultation Services Manager**

Illinois Department of Natural Resources  
Office of Realty and Environmental Planning  
One Natural Resources Way  
Springfield, IL 62702-1271

**John Kim, Director**

Illinois Environmental Protection Agency  
PO Box 19276  
Springfield, IL 62794-9276

**John Nelson, Area 1 Specialist**

Illinois Nature Preserves Commission  
1510 South River Road  
McHenry, IL 60051-9217

**Bob Appleman, Deputy State Historic Preservation Officer**

Illinois State Historic Preservation Agency  
1 Old State Capitol Plaza, 2nd Floor  
Springfield, IL 62701-1512

**Cheryl Laatsch, FERC Coordinator**

Wisconsin Department of Natural Resources  
Horicon Field Office  
N7725 Highway 28  
Horicon, WI 53022-1060

**Federal****Kimberly D. Bose, Secretary**

Federal Energy Regulatory Commission Office of  
General Counsel  
888 First Street, N.E.  
Washington, D.C. 20426  
(Two Hard Copies)

**FERC Contact**

U.S. Coast Guard - MSO Chicago  
555 Plainfield Road, Suite A  
Willowbrook, IL 60527

**Regional Hydropower Coordinator**

USDA Forest Service  
2871 South Commerce Way  
Ogden, UT 84401-3277

**OCM, U.S. Department of Energy**

Chicago Operations Office  
9800 South Cass Avenue  
Argonne, IL 60439-4802

**Mary Manydeeds, Environmental Specialist**

U.S. Department of the Interior  
Bureau of Indian Affairs, Norman Pointe II Building  
5600 American Boulevard West, Suite 500  
Bloomington, MN 55437-1458

**Sara Schmuecker**

U.S. Department of the Interior - Fish & Wildlife  
Service - Illinois Iowa Field Office  
1511 47th Avenue  
Moline, IL 61265-7022

**Nick Chevance, Regional Environmental  
Coordinator**

U.S. Department of the Interior  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

**Kimberly D. Bose, Secretary**

Federal Energy Regulatory Commission Office of Office of  
Energy Projects  
888 First Street, N.E.  
Washington, D.C. 20426  
(Two Hard Copies)

**FERC Contact**

U.S. Coast Guard - MSO Louisville  
600 Martin Luther King Jr. Place, #360  
Louisville, KY 40202-2230

**Lieutenant Colonel Gregory Turner,  
FERC Coordinator**

U.S. Department of the Army Corps of Engineers  
Detroit District  
477 Michigan Avenue  
Detroit, MI 48226-2523

**Office of the Solicitor**

U.S. Department of the Interior  
Bureau of Indian Affairs  
1849 C Street, NW, MS-4606-MIB  
Washington, DC 20240

**Nick Utrup, Fisheries Biologist**

U.S. Department of the Interior  
Fish & Wildlife Service  
4101 American Boulevard East  
Bloomington, MN 55425-1665

**Angie Tornes, Hydropower Program Manager**

U.S. Department of the Interior  
National Park Service  
6 East Wisconsin Avenue, Suite 100  
Milwaukee, WI 53202-2213

**Jen Tyler**

Mail Code: E-19J  
U.S. Environmental Protection Agency - NEPA  
Implementation Section, Region V  
77 West Jackson Boulevard, AR-18J  
Chicago, IL 60604-3507

**Tammy Duckworth, Junior Senator**

U.S. Senator from Illinois  
524 Hart Senate Office Building  
Washington, DC 20510

**Richard Durbin, Senior Senator**

U.S. Senator from Illinois  
711 Hart Senate Building  
Washington, DC 20510

**Other**

**Therese Oldenberg**

Rock River Trail Initiative  
2410 Clifcorn Drive  
Beloit, WI 53511-3907

**Midwest Hydro and STS Hydropower**

**Robert Gates, Vice President**

Midwest Hydro, LLC  
STS Hydropower, LLC  
116 N State Street  
Neshkoro, WI 54960-0167

**Susan Giansante, Project Manager**

Eagle Creek Renewable Energy  
116 N State Street  
Neshkoro, WI 54960-0167

**Scott Purlee, Regional Manager**

Eagle Creek Renewable Energy  
116 N State Street  
Neshkoro, WI 54960-0167

**Melissa Rondou, Regulatory Supervisor**

Eagle Creek Renewable Energy  
116 N State Street  
Neshkoro, WI 54960-0167

**Michael Scarzello, Regulatory Director**

Eagle Creek Renewable Energy  
116 N State Street  
Neshkoro, WI 54960-0167

**David Brown, Regional Manager**

Eagle Creek Renewable Energy  
116 N State Street  
Neshkoro, WI 54960-0167