



Great River Hydro

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VIA ELECTRONIC FILING

February 3, 2022

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

**Re: FirstLight MA Hydro LLC and Northfield Mountain LLC,
FERC Project Nos. 1889 and 2485, and
Great River Hydro, LLC, FERC Project Nos. 1855, 1892, and 1904**

**Comments of Great River Hydro, LLC on Continued Request to Defer
Issuance of Notice of Acceptance / Ready for Environmental Analysis Notice**

Dear Secretary Bose:

Great River Hydro, LLC (GRH) submits these comments on the recent request filed by FirstLight MA Hydro LLC and Northfield Mountain LLC (FirstLight Licensees) for the Federal Energy Regulatory Commission (FERC or Commission) to continue to defer the issuance of its notice that the amended Final License Applications (FLAs) for the Turners Falls Hydroelectric Project (FERC No. 1889) and Northfield Mountain Pumped Storage Project (FERC No. 2485) (FirstLight Projects) are ready for environmental analysis (REA Notice).

GRH is the licensee of the Wilder (FERC No. 1892), Bellows Falls (FERC No. 1855), and Vernon (FERC No. 1904) Hydroelectric Projects (GRH Projects). The GRH Projects, located upstream of the FirstLight Projects on the Connecticut River, also are undergoing relicensing on a similar schedule.

Background

On January 31, 2022, the FirstLight Licensees filed a status update and continued request for the Commission to delay its issuance of the REA Notice for the amended FLAs the FirstLight Licensees filed on December 4, 2020, for the FirstLight Projects. The filing reiterated the

FirstLight Licensees' previous request of November 12, 2021, that the Commission defer its issuance of the REA Notice while the FirstLight Licensees continue to negotiate a comprehensive settlement agreement with stakeholders.

In the most recent status report, FirstLight Licensees announced conceptual agreements with a number of relicensing participants on several key issues and that they were close to reaching agreement on other key issues. The filing asks the Commission to further defer issuance of the REA Notice until after February 28, 2022, to allow relicensing stakeholders to reach agreements in principle. It also suggests that they intend to request the Commission further delay issuance of the REA Notice until after June 30, 2022, to allow for the development of a binding settlement agreement that the parties. GRH anticipates the Commission would reasonably hold off issuing the REA Notice for at least six months, in order to consider an executed settlement agreement between FirstLight Licensees and stakeholders as a preferred alternative in an amended application.

Comments on Continued Delay of the REA Notice

GRH does not object to further delay in the Commission's issuance of the REA Notice for the amended FLAs for FirstLight Projects. However, GRH respectfully requests that the Commission move forward with issuing the REA Notice for the amended FLAs filed by GRH on December 7, 2020 for relicensing the GRH Projects, independent from the REA Notice to be issued for the FirstLight Licensees' amended FLAs.

GRH's amended FLAs included a Memorandum of Understanding (MOU), which GRH executed with the U.S. Fish and Wildlife Service (FWS), New Hampshire Departments of Environmental Services (NHDES) and Fish and Game (NHFG), Vermont Departments of Environmental Conservation (VDEC) and Fish and Wildlife (VFW), The Nature Conservancy, and the Connecticut River Conservancy. The MOU supports the alternative operational regime GRH proposed in its amended FLA for the GRH Projects. Moreover, NHDES and VDEC—the agencies with authority to issue WQCs for the GRH Projects—will include GRH's proposed alternative operations, which is fully supported by the parties to the MOU, in their respective draft WQCs issued for public comment.

GRH also has been engaged in productive settlement discussions with FWS, NHFG, and VFW to address fish passage at each of the GRH Projects. The parties' negotiations are nearly complete. GRH anticipates finalizing the fish passage agreement and filing the executed agreement as a supplement to its amended FLAs in February 2022.

Once GRH files the settlement agreement on fish passage, there will be no outstanding information necessary for the Commission to perform its environmental analysis of GRH's proposal for relicensing the GRH Projects. GRH has fulfilled all outstanding additional information requests related to environmental resources, and neither the Commission nor any other federal or state resource agency, tribe or other stakeholder in the GRH Projects' relicensing

has suggested that any other information is required for the Commission to begin its environmental analysis of the amended FLAs for the GRH Projects.

There may have been efficiencies in keeping the FirstLight Projects and GRH Projects on the same relicensing schedule early on in the relicensing process, which began in 2012. At this point in the process, however, there is no reason for the Commission not to issue the REA Notice for the GRH Projects. Even if the Commission further defers the REA Notice for the FirstLight Projects for another six months, it can still prepare a multi-project environmental impact statement for all five projects. In fact, staggering the deadlines for motions to intervene, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions will ease the burden on the many overlapping stakeholders in the respective relicensing processes. It will also present efficiencies for GRH, the FirstLight Licensees, and Commission staff. GRH has consulted with federal and state fishery and water quality agencies, and we are authorized to state their support GRH's request for the Commission to move forward.

For these reasons, GRH respectfully requests that the Commission move forward with issuance of the REA Notice for the GRH Projects, following the submission by GRH of the fish passage settlement agreement it anticipates filing with the Commission by the end of February. The Commission can and should begin the environmental analysis of the GRH Projects even if it defers analysis of the FirstLight Projects.

If there are any questions or the Commission requires any additional information to issue the REA Notice for GRH's amended FLAs following submission of the fish passage settlement agreement, please contact me at 603-498-2851 or jragonese@greatriverhydro.com. Thank you for your consideration.

Sincerely,



John L. Ragonese
FERC License Manager

cc: Steve Kartalia, FERC