

December 16, 2016

Honorable Kimberly D. Bose Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Request for an extension of time to review and comment on revisions to erosion studies 2-3  
Project No. 1892-026  
Project No. 1855-045  
Project No. 1904-073

Dear Secretary Bose:

We continue to be concerned with the water level fluctuations associated with the operation of all three projects that cause streambank erosion and resulting water quality, threatened and endangered species, fisheries, wetlands, and riparian and littoral habitat impacts.

TransCanada (TC) did not follow important portions of some approved study plans. Among other problems, TC's Reports made undocumented claims and FERC required study revisions. TC also stated that the revised studies would address CRWC and others comments by January 15, 2017. Later as part of the PLP, TC moved the date to submit their revisions to the end of January, leaving *only 28 days* to review the revised report and then provide meaningful relevant input to the PLP with regard to erosion. Under these time constraints, accepting the current PLP as a complete application undermines the ILP process.

Further, Rule 5.15(f) provides an independent comment period for any updated study report.

Failure to allow meaningful comment on either the PLP or the updated study reports undermines the Integrated Licensing Process (ILP). Such comment is the ultimate step of the pre-filing process. It provides substantive stakeholder input that shapes the final application and its proposed environmental measures, and narrows or resolves issues for the post-application process. PLP comment is also the final opportunity for stakeholders to comment directly to the applicant and the applicant to respond to stakeholder comments. That critical step of the ILP would be lost if stakeholders are not provided the opportunity to file supplemental comments on a complete PLP. And here, comments on updated studies that then shape the PLP are cut out from this process further undermining the ILP.

The Commission was clear in its description of how the ILP is to work: The PLP should include a description of proposed measures and plans to protect, mitigate, or enhance environmental resources (e.g. a Draft Biological Assessment, Essential Fish Habitat Assessment, Historic Properties Management Plan, Recreation Management Plan, etc.). Filing drafts of the plans and measures with the PLP will facilitate the filing of final plans and measures with the license application, which is strongly encouraged by the Commission.

It is during this period that applicants and stakeholders often enter into settlement discussions to resolve issues related to licensing the project. The Commission looks with great favor on settlements in licensing cases.

Here however, the deadline for comments on the PLP is March 1, 2017, leaving us and others only 28 days from the completion of revisions to critical studies to evaluate the revised studies, conduct a peer review, and provide comment. Twenty-eight days is insufficient to review and construct a meaningful response. Further time is required to comment on the updated studies prior to the filing of the PLP.

Further, CRWC, other NGOs, and affected landowners have an abiding interest in the effects of project operations on the river. The complex task of properly evaluating the several revised studies and producing constructive, meaningful comment requires more time than 28 days.

We still await an evaluation of the hydrologic gradient caused by water level fluctuations and its impact of erosion. FERC does not know yet if they will find that “using HEC-RAS modeling in combination with logistic regression statistical analysis may be adequate” versus 2D modeling. Although required to do so, the reports do not identify “the effects of shoreline erosion on other resources (e.g., riparian areas and shoreline wetlands, rare plant and animal populations, water quality, and aquatic and terrestrial wildlife habitat).

The PLP is the first statement of the company of their position on the identified environmental effects of the project. They make claims within the PLP that rely of the findings of the studies. Without an opportunity for an impartial peer review of the revised studies, FERC cannot find that the PLP is complete and FERC should not force interested parties to comment on an incomplete application.

Managing erosion and the resulting impacts on water quality, littoral habitat, threatened and endangered species, wetlands, and fisheries is a core issue under the Federal Power Act and other applicable federal and state laws. Assuring quality studies and review, and basing decisions on well-reviewed, quality studies serve all of the parties’ interests.

Therefore, CRWC requests that FERC extend the comment period for responses to the PLP for 30 days so there is legitimate time to evaluate the key studies that will underwrite license conditions to protect the river, the land, and landowners along the river.

Sincerely

A handwritten signature in black ink, appearing to read "David L. Deen". The signature is fluid and cursive, with a small "v" mark at the end.

David Deen Upper Valley River Steward