

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Nushagak Cooperative, Inc.

Project No. 14873-000

ORDER GRANTING EXTENSION OF TERM FOR
PRELIMINARY PERMIT

(Issued April 29, 2021)

On April 22, 2021, Nushagak Cooperative, Inc. filed an application for a four-year extension of its existing preliminary permit for the proposed Nuyakuk River Hydroelectric Project, issued on June 11, 2018, and expiring on June 1, 2021.¹ The proposed hydroelectric project would be located on the Nuyakuk River near Dillingham, Alaska. For the reasons discussed below, we will grant the request to extend the term of the preliminary permit for an additional four years. This order also amends the permit to require annual rather than semi-annual progress reports.

Section 5(b) of the Federal Power Act (FPA),² allows for a preliminary permit term to be extended once for not more than four additional years if the Commission finds that the permittee has carried out activities under the permit in good faith and with reasonable diligence.

In its five progress reports, Nushagak Cooperative, Inc. indicated that it has: (1) filed a Notice of Intent, Pre-Application Document, and Proposed Study Plan under the Commission's Integrated Licensing Process; (2) formed and regularly met with an Aquatics Resource Working Group to assess the feasibility and potential impacts related to project development and operation; (3) acquired the requisite permits to conduct preliminary on-site investigations and construct a temporary man camp at the project site; (4) completed partial construction of the man camp; and (5) held meetings with stakeholders and members of the public in the project vicinity. Nushagak Cooperative, Inc. anticipates filing a revised Proposed Study Plan and re-initiating the integrated licensing process to develop its license application in July of 2021.³

¹ See *Nushagak Cooperative, Inc.*, 163 FERC ¶ 62,166 (2018).

² 16 U.S.C. § 798(b)(1).

³ Due to challenges related to the COVID-19 pandemic, on June 9, 2020, the Commission granted Nushagak Cooperative, Inc.'s request to hold the Integrated Licensing Process for the Nuyakuk River Hydroelectric Project in abeyance, however Nushagak Cooperative, Inc. has continued to make progress during the abeyance period.

Upon review of the application for extension, as well as five progress reports submitted under the preliminary permit, Nushagak Cooperative, Inc. has demonstrated that it has carried out activities under the permit in good faith and with reasonable diligence. Therefore, the request for extension of the preliminary permit term is granted. It is expected that during the remaining term of the permit, as extended, agency consultation will continue, studies will be completed, and a development application will be prepared.

The Director orders:

(A) Ordering paragraph (A) of the preliminary permit for the Nuyakuk River Hydroelectric Project No. 14873 is amended to read as follows:

(A) A preliminary permit is issued for the Nuyakuk River Hydroelectric Project No. 14873 to Nushagak Cooperative, Inc. for a period effective the first day of the month in which this permit is issued, and ending either 84 months from the effective date or on the date that a development application submitted by the permittee has been accepted for filing, whichever occurs first.

(B) The first sentence of Article 4 of Form P-1 is amended to read as follows:

Article 4. No later than the last day of each 12-month period from the effective date of this permit, the permittee shall file a progress report.

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 825*l*, and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2020). The filing of a request for rehearing does not operate as a stay of any date specified in this order.

David Turner, Chief
Northwest Branch
Division of Hydropower Licensing