



Solutions for the Future

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March 2, 2022

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

- FILED ELECTRONICALLY -

Filing of the Proposed Study Plan for the Nuyakuk River Hydroelectric Project (P-14873), Request to Re-initiate the ILP and a 30-day Extension Request for Commenting on the Document

Dear Secretary Bose:

On June 11, 2018 the Federal Energy Regulatory Commission (FERC) issued a Preliminary Permit to the Nushagak Electric and Telephone Cooperative (Cooperative) for the proposed Nuyakuk River Hydroelectric Project (Project). On October 7, 2019, the Cooperative filed its Pre-Application Document (PAD) and Notice of Intent (NOI) and formally entered into the Integrated Licensing Process (ILP). Upon the filing of the PAD, the Cooperative adhered to all scheduling milestones and FERC approved modifications associated with the ILP, had substantial consultation and collaboration with Project stakeholders (kick-off meeting, study planning meetings, numerous phone calls, etc.) and developed a Proposed Study Plan (PSP) which was filed with FERC on April 16, 2020.

During the study planning phase for the proposed Project, a series of extenuating circumstances occurred making it clear that a modification to the current ILP schedule was necessary to allow for an effective and collaborative licensing process to take place. Upon dialogue with our stakeholders and FERC, it was mutually agreed that an abeyance would be the best approach. As was detailed in our June 7, 2020 abeyance request letter, these items included:

- The COVID Pandemic
- Additional collaboration/agreement time necessary with local stakeholders
- The upcoming commercial fishing season
- The potential for a better overall ILP schedule

Based on the justification provided in our request letter and concurrence from all parties, the abeyance was formally approved by FERC on June 11, 2020.



As FERC is aware, we have used the abeyance period to collaboratively advance the project feasibility assessment as much as possible given the current circumstances. Key advancements include but are not limited to:

- **Development of an Aquatic Resources Working Group (ARWG)** – This group was formed immediately after the abeyance order was issued and consists of local and regional technical experts familiar with both the aquatic species and potentially successful methods that can be employed to assess the current conditions and potential impacts (positive and negative) associated with Project construction and operations. Together, this group has collaboratively revised the PSP, making it more quantitative in nature and refining proposed to studies to more comprehensively assess the impacts to key aquatic species in the Project area. Per our conversations with FERC and the ARWG, the filing of this collaboratively developed PSP will re-initiate the ILP for the Project.
- **Series of ARWG Meetings and Informal Discussions** – This entire abeyance period has been made up of a series of technical meetings and smaller study-specific conversations related to the advancement of the PSP. These meetings and genuine collaborative intent have culminated in the development of the revised PSP.
- **Public Engagements and Status Updates** – The Cooperative has remained committed throughout the abeyance period to keeping the public informed on Project progress, status, planned next steps, etc. These updates culminated in a series of public meetings in late September to update everyone on the substantive progress made with the ARWG and to receive their input and preference on timing to re-initiate the ILP.
- **Informal Public Review of Revised PSP** – Immediately after the series of public meetings, the Cooperative sent the revised PSP to their entire Project contact list and solicited an informal review/comment period to make sure that all interested parties were up to date on planning and the modifications that were made to the PSP as a result of the ARWG meeting process. The public comments were received in late October, have been reviewed, and many applied to the version of the PSP that FERC will receive shortly. To be clear, the Cooperative has no intent to circumvent any portion of the formal review process that will take place once the PSP is filed. Rather given the abeyance period, it was our genuine intent to be as collaborative as possible and allow for as much public input as we could receive during the period.
- **Establishment of an On-site Camp to House Technical Staff During the Study Period** – The Cooperative is approximately 70% complete on the construction of on-site cabins and storage facilities that will ultimately house technical staff during the two robust study seasons planned for 2023 and 2024.
- **Consistent Communication and Status Updates to With FERC** – As will continue to be the case after re-initiation of the ILP, the Cooperative will continue to adhere to all requirements of the process and stay in direct contact with FERC throughout.



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With that as some context as to what has taken place during the abeyance period and based upon our discussions with FERC staff, we hereby file our revised PSP and request to re-initiate the ILP for the Project. The attached PSP does contain an updated schedule that shows milestones associated with a March 1st, 2022 re-initiation. This schedule is supplemented with text that recognizes that FERC will ultimately define the re-initiation date and schedule going forward. As such, the Cooperative understands that dates may have minimal shifts and we will file an updated schedule with FERC upon hearing their ultimate determination as to a final schedule.

Finally and consistent with our intent throughout to receive as much stakeholder input as possible on the PSP, we are requesting a 30-day extension to the PSP review cycle which would take it from a 90 to a 120-day comment period. We have collaboratively developed a plan with our stakeholders whereby the Cooperative will coordinate a site visit to the Project area for the technical experts that have taken part in the revisions to the PSP. The site visit will likely assist in further definition of specific methodologies to be implemented during the study program that will take place in 2023 and 2024. As such, perspective gained from the site visit may result in additional substantive comments to the PSP that would culminate in a more comprehensive Revised Study Plan (RSP). Given typical weather conditions in the area, a site visit prior to late May will be difficult given the snow/ice conditions in the area. This 30-day extension would allow for both a site visit in that late May/early June period and subsequent comments to be developed by stakeholders prior to a comment deadline in the late June/early July timeframe, assuming re-initiation of the ILP by FERC relatively soon. With that as context, we formally request a 30-day extension for the PSP comment period and if approved, will incorporate this into our final ILP schedule filing (see previous paragraph) once FERC formally re-initiates the process.

We sincerely appreciate all of the assistance and communication the ARWG, the public and FERC have taken part in during this time and look forward to assessing the feasibility of this project via the Integrated Licensing Process. Please feel free to contact me (907.842.5251 or wchaney@nushagak.coop) with any questions regarding this filing.

A handwritten signature in blue ink that reads "Will Chaney".

Will Chaney
Electric Operations Manager/CEO
Nushagak Cooperative