

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
August 8, 2018

OFFICE OF ENERGY PROJECTS

Project No. 1889-085 – Massachusetts/New
Hampshire/Vermont
Project No. 2485-071 – Massachusetts
FirstLight Hydro Generating Company

Douglas Bennett
Plant General Manager
FirstLight Power Resources, Inc.
Northfield, MA 01360

Reference: Letter Denying Waiver Request and Granting Extension of Time

Dear Mr. Bennett:

On March 15, 2018, the Commission issued an order on rehearing that required FirstLight Hydro Generating Company (FirstLight) to complete Phase IB and Phase II archaeological investigations on 24,425 meters (m) of shoreline in Vermont, New Hampshire, and Massachusetts as part of the relicensing process for the Turners Falls Hydroelectric Project No. 1889 (Turners Falls Project) and the Northfield Mountain Pumped Storage Project No. 2485 (Northfield Mountain Project).¹ The Rehearing Order required FirstLight to file the results of the Phase IB and Phase II investigations with the Commission by September 1, 2018.²

On May 31, 2018, FirstLight filed a request for a waiver of the requirement to conduct the Phase IB survey on 1,375 m of the 24,425 m of shoreline at issue in the Rehearing Order.³ On July 17, 2018, FirstLight filed a request for an extension of time to

¹ *FirstLight Hydro Generating Company*, 162 FERC ¶ 61,235 (2018) (Rehearing Order).

² *Id.* at Ordering Paragraph B.

³ FirstLight's May 31, 2018 filing was submitted to the Commission as a privileged document. FirstLight refiled its waiver request on June 20, 2018 as a publicly available document, with certain sensitive cultural resources information removed.

complete the Phase IB archaeological survey for the 12,000 m of shoreline in Massachusetts.⁴

Waiver Request

In its May 31, 2018 filing, FirstLight requests waiver of the Phase IB survey requirement for 1,375 m of shoreline in New Hampshire based on the fact that the land is owned by Great River Hydro, LLC (GRH), and is within the project boundary and area of potential effects of GRH's Vernon Hydroelectric Project No. 1904.

On June 21, 2018, Commission staff issued an additional information request to FirstLight and GRH to obtain information on the location, ownership, and extent of any prior archaeological investigations for the 1,375 m of shoreline at issue in the waiver request. GRH and FirstLight responded to staff's information request on July 6, 2018 and July 16, 2018, respectively. GRH states that it has not conducted any Phase IB or Phase II investigations on the 1,375 m of shoreline, and that it has granted permission to FirstLight to conduct a Phase IB survey on the 1,375 m of shoreline owned by GRH. GRH and FirstLight also filed information regarding the potential causes of erosion within the 1,375 m of shoreline.⁵

There is no basis for granting FirstLight's request for waiver of the Phase IB archaeological survey requirement for the 1,375 m of shoreline. The Rehearing Order required FirstLight to complete the Phase IB survey on the entire 24,425 m of shoreline and to complete a Phase II investigation on the portion of the 24,425 m that the Phase IB survey identifies as archaeologically significant.⁶ The 1,375 m of shoreline is part of the 24,425 m of archaeologically sensitive, eroding shoreline at issue in the Rehearing Order; is within the area of potential effects of the Turners Falls and Northfield Mountain Projects; and is legally accessible by FirstLight. Therefore, FirstLight's request for a waiver of the Phase IB survey requirement on the 1,375 m of shoreline is denied.

⁴ FirstLight states that it has completed the archaeological investigation for the portion of the 24,425 m of shoreline that occurs in Vermont. FirstLight also states that it plans to submit the archaeological report for the portion of the 24,425 m of shoreline that occurs in New Hampshire to the State Historic Preservation Officer by September 1, 2018, except for 1,375 m of shoreline that is the subject of the waiver request.

⁵ GRH filed additional information on July 27, 2018, disputing statements made by FirstLight in its July 16, 2018 filing.

⁶ Rehearing Order, 162 FERC ¶ 61,235 at P 42.

The Rehearing Order required FirstLight to file the results of its Phase IB and Phase II investigations by September 1, 2018, which is less than 30 days from the date of this letter. To provide FirstLight additional time to conduct the investigations, FirstLight is granted an extension of time until December 15, 2018 to file the New Hampshire Phase IB report and an extension of time until March 15, 2019 to file the New Hampshire Phase II report. Please include documentation of consultation with the New Hampshire Division of Historical Resources with the archaeological reports.

Extension Request

In its July 17, 2018 extension request, FirstLight explains that it is in the process of obtaining a research permit from the Massachusetts Historical Commission and environmental approvals from Massachusetts state and local agencies, and that it does not anticipate being able to commence the Phase IB field work in Massachusetts until August 1, 2018. FirstLight requests an extension of time until December 15, 2018 to complete the Phase IB survey work in Massachusetts. FirstLight states that it may request an additional extension of time in the event that the Phase IB survey results recommend a Phase II evaluation in Massachusetts.

Extending the deadline for filing the Phase IB survey results will allow FirstLight the necessary time to obtain the state and local approvals required to conduct the surveys in Massachusetts. However, because the Phase IB survey results will determine the need for, and extent of a Phase II investigation, FirstLight is granted an extension of time until December 15, 2018 to file the Massachusetts Phase IB report, and an extension of time until March 15, 2019 to file the Massachusetts Phase II report. Please include documentation of consultation with the Massachusetts Historical Commission with the archaeological reports. To the extent additional time is needed to complete the Phase IB and Phase II investigations, FirstLight must file a separate extension request concerning the additional delay.

If you have any questions, please contact Dr. Frank Winchell at 202-502-6104.

Sincerely,



Vince Yearick
Director
Division of Hydropower Licensing