

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Fall Creek Hydro, LLC

P-12778-000

NOTICE OF INTENT TO FILE LICENSE APPLICATION, FILING OF PRE-APPLICATION DOCUMENT, COMMENCEMENT OF LICENSING PROCEEDING, SCOPING, SOLICITATION OF COMMENTS ON THE PAD AND SCOPING DOCUMENT, AND IDENTIFICATION ISSUES AND ASSOCIATED STUDY REQUESTS

(July 24, 2007)

- a. Type of Filing: Notice of Intent to File License Application for a New License and Commencing Licensing Proceeding.
- b. Project No.: P-12778-000
- c. Dated Filed: February 16, 2007 and amended May 18, 2007
- d. Submitted By: Fall Creek Hydro, LLC (Fall Creek Hydro)
- e. Name of Project: Fall Creek Dam Hydroelectric Project
- f. Location: On Fall Creek, in Lane County, Oregon. The project will be located within the Willamette National Forest.
- g. Filed Pursuant to: 18 C.F.R. Part 5 of the Commission's Regulations
- h. Applicant Contact: Brent Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, Idaho 83442.
- i. FERC Contact: Kim Nguyen at (202)502-6105 or e-mail at kim.nguyen@ferc.gov.
- j. We are asking federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph n below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See, 94 FERC ¶ 61,076 (2001).

- k. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 C.F.R., Part 402 and (b) the State Historic Preservation Officer, as required by Section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. § 800.2.
- l. Fall Creek Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 C.F.R. § 5.6 of the Commission's regulations. Fall Creek Hydro also filed an addendum to the PAD pursuant to the Commission's Additional Information request dated February 28, 2007.
- m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202)502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

- n. With this notice, we are soliciting comments on the PAD and Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application (original and eight copies) must be filed with the Commission at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. All filings with the Commission must include on the first page, the project name (Fall Creek Dam Hydroelectric Project) and number (P-12778-000), and bear the heading "Comments on Pre-Application Document," "Study Requests," "Comments on Scoping Document 1," "Request for Cooperating Agency Status," or "Communications to and from Commission Staff." Any individual or entity interested in submitting study

requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by September 17, 2007.

Comments on the PAD and SD1, study requests, requests for cooperating agency status, and other permissible forms of communications with the Commission may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov>) under the "e-filing" link.

- o. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, this meeting will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.
- p. Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Thursday, August 16, 2007

Time: 9:00 a.m.

Location: Lane Community College – Center for Meeting and Learning
4000 East 30th Avenue, Room 202
Eugene, Oregon

Phone: (541)463-3500

Evening Scoping Meeting

Date: Thursday, August 16, 2007

Time: 7:00 p.m.

Location: Lane Community College – Center for Meeting and Learning
4000 East 30th Avenue, Room 202
Eugene, Oregon

Phone: (541)463-3500

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at <http://www.ferc.gov>, using the "eLibrary" link. Follow the directions for accessing information in paragraph m. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Meeting Objectives

At the scoping meetings, staff will: (1) initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in paragraph m of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

q. Site Visit

The applicant and Commission staff will conduct a site visit of the project on Friday, August 17, 2007, starting at 9:00 a.m. All participants should meet at the base of Fall Creek Dam. All participants are responsible for their own transportation. Those individuals planning to participate in the site visit should

notify Kim Nguyen of Commission staff at (202)502-6105, or Mr. Eric Steimle of Fall River Hydro at (503)219-3750 on or before August 9, 2007.

Kimberly D. Bose
Secretary