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Douglas Bennett  
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Northfield Mountain/Turners Falls Projects

May 6, 2019

**VIA ELECTRONIC FILING**

Ms. Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C 20426

Re: FirstLight Hydro Generating Company, Turners Falls Hydroelectric Project (FERC No. 1889) and Northfield Mountain Pumped Storage Project (FERC No. 2485). Request for Extension regarding Phase II Archaeological Report.

Dear Secretary Bose:

FirstLight Hydro Generating Company (FirstLight) owns and operates the Turners Falls Hydroelectric Project and Northfield Mountain Pumped Storage Project. FirstLight is in the process of relicensing the facilities with the Federal Energy Regulatory Commission (FERC), including conducting Phase II archaeological investigations in Massachusetts.

In its Order of Rehearing dated March 15, 2018, FERC established a deadline of September 15, 2018 to file reports for required Phase IB and Phase II archaeological investigations. By letter dated August 8, 2018, FERC provided an extension of time until December 15, 2018 for FirstLight to file the New Hampshire and Massachusetts Phase IB reports, and an extension of time until March 15, 2019 to file the New Hampshire and Massachusetts Phase II reports. On December 14, 2018, FirstLight filed the New Hampshire and Massachusetts Phase IB reports and the New Hampshire Phase II report with FERC and informed FERC that it had filed the Massachusetts Phase IB archaeological survey report with the Massachusetts Historical Commission (MHC). FirstLight also requested an extension of time until September 15, 2019 to complete the Phase II archaeological investigations in Massachusetts.

On January 18, 2019, FERC granted an extension of time until May 14, 2019 to file the Phase II report for Massachusetts. FERC stated “[g]iven the relatively limited size of the 14 remaining sites (approximately 0.15 acre, on average), and the number of shovel tests that have already been completed to-date, any Phase II excavations that are needed to determine site eligibility should be fairly limited in scope. In addition, FirstLight should have already applied for the relevant state and local permits to conduct the Phase II investigation, given that consultation with the MHC on the Phase IB study report was finished on December 30, 2018. Accordingly, an extension of time until September 15, 2019 is not warranted, regardless of ground conditions at this time.”

For the reasons explained below, FirstLight will now require an extension of time until October 18, 2019 to file the Massachusetts Phase II report with FERC.

Consultation with MHC

FERC’s limited extension request to May 14, 2019 was predicated on the mistaken assumption that consultation with the MHC on the Phase IB report was completed on December 30, 2018. As noted in FirstLight’s December 14, 2018 filing, in accordance with the MHC’s regulations, the MHC has 30 days to provide comments on the Massachusetts Phase IB report, which was submitted to the MHC by letter

dated November 30, 2018. The MHC did not actually provide its comments on the Phase IB report until January 3, 2019 (letter was not received until January 11, 2019). In its comment letter, the MHC stated that it did not have enough information to evaluate the information in the Phase IB report and requested that FirstLight revise the Phase IB report in accordance with its comments.

FirstLight filed a revised Phase IB report, which was received by the MHC on February 11, 2019.<sup>1</sup> By letter dated March 7, 2019, the MHC found that 17 archaeological sites (as opposed to the 14 sites recommended in the Phase IB report) may meet the criteria for eligibility for listing on the National Register for Historic Places (NRHP). The MHC requested that site examinations (Phase II investigations) be conducted at the 17 sites to determine eligibility, and to determine size, boundaries, and data contents. The MHC also requested that a State Archaeologist's Permit application be filed with the MHC. In accordance with MHC regulations, Phase II examination may not begin until the MHC has issued the State Archaeologist's permit. Accordingly, by letter dated March 25, 2019, TRC filed an application for the State Archaeologist's permit with the MHC. By letter dated April 11, 2019, the MHC requested revisions to the permit application, including taking into consideration the findings of a draft report on file at the MHC that was not previously available to TRC. On May 2, 2019, TRC submitted a revised permit application with the MHC. FirstLight is hopeful that it will receive a State Archaeologist's permit from the MHC on or about June 2, 2019.<sup>2</sup> Until that time, consultation with the MHC permitting FirstLight to conduct the Phase II site examinations will not be complete.

Copies of the MHC's comment letters on the Phase IB report and on the State Archaeologist's permit application are contained in Attachment A. (Because the letters contain confidential site location information, Attachment A is being filed as Privileged.)

#### Schedule for Completing 17 Phase II Site Examinations

As noted in its December 14, 2018 request for an extension of time to complete the Massachusetts Phase II study, FirstLight must also receive permits from the Massachusetts Natural Heritage and Endangered Species Program (MA NHESP), and from the Conservation Commissions of the towns of Gill, Northfield, and Greenfield. While FERC stated in its January 18, 2019 determination that FirstLight should have already prepared the MA NHESP and local applications, it was not possible to prepare or file the applications because at the time, FirstLight did not have a recommendation from the MHC as to what sites would require Phase II evaluation. Specific location information on the areas to be tested is required by the MA NHESP and the Conservation Commissions so that they can evaluate impacts of testing on natural resources such as rare botanical species, sensitive and priority botanical and wildlife habitat, and wetland areas.

In addition, state and local regulations require that the permit applications must include a copy of the State Archaeologist's permit. Thus, the permit applications cannot be finalized until MHC has concurred with the scope of the precise areas to be investigated and has issued the State Archaeologist's permit. Nonetheless, TRC has consulted with the permitting authorities to confirm permit application requirements and has begun preparation of the four permit applications while concurrently applying for a State Archaeologist's permit from the MHC. All four entities have indicated that a minimum four-week review period should be anticipated. If a State Archaeologist's permit is received on or about June 2, FirstLight anticipates immediately filing its state and local permit applications and, assuming timely issuance of the state and local permits, initiation of Phase II field work in mid-July.

Contrary to FERC's January 18, 2019 letter, the Phase II evaluations will not be limited in scope. In planning for Phase II fieldwork, TRC has estimated that the 17 Phase II evaluations will necessitate a field crew of approximately 14 persons for 50 9-hour days. Assuming favorable weather conditions, TRC anticipates completion of field work in mid to late August 2019. TRC has also estimated that a minimum of 7,000 artifacts will need to be analyzed, although the final artifact count will only be determined upon the conclusion of the Phase II investigations. Lab processing and analysis and development of the Phase II

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<sup>1</sup> FirstLight filed the revised Massachusetts Phase IB report with FERC on March 14, 2019 as part of an Updated Study Report filing.

<sup>2</sup> The MHC typically provides its written comments within 30 days of its receipt of a document.

report will be conducted concurrently with the fieldwork, beginning in July and anticipated to be completed by October 18, 2019 at which time FirstLight will file the Phase II report with the MHC and with FERC.<sup>3</sup>

Table 1 sets forth the anticipated schedule for completion of Phase II evaluations as well as evidence of consultation with MHC since December 2018.

**Table 1: Schedule for Completing Phase II Evaluations**

<b>Project Element/Task</b>	<b>Date</b>
➤ Submit Phase IB Report to the MHC	November 30, 2018
➤ MHC provides Phase IB report comments	January 3, 2019 (letter received January 11, 2019)
➤ Submit Revised Phase IB Report to the MHC	February 8, 2019
➤ The MHC provides Revised Report review comments	March 7, 2019 (letter received March 11, 2019)
➤ Submit Phase II Research Design and State Archaeologist's Permit Application to the MHC	March 25, 2019
➤ The MHC provides Phase II Research Design Comments, requests revisions	April 11, 2019 (letter received April 18, 2019)
➤ Submit Revised Phase II Revised Research Design and Permit Application to the MHC	May 2, 2019
➤ The MHC Issues State Archaeologist's Permit to TRC	June 2, 2019
➤ Submit MA NHESP and local permit applications	Week of June 2, 2019
➤ Receipt of MA NHESP and local permits	July 8, 2019
➤ Begin Phase II Fieldwork	July 9, 2019
➤ Complete Phase II Fieldwork	August 14, 2019
➤ Submit Phase II Report to the MHC and FERC	October 18, 2019

Based on the foregoing reasons, FirstLight requests an extension of time until October 18, 2019 to file the Massachusetts Phase IB report with FERC. FirstLight also proposes to provide FERC with a progress update, on a monthly basis beginning on June 6, 2019.

If you have any questions, or need additional information, please feel free to contact me.

Sincerely,



Douglas Bennett  
Director of MA Hydro Operations

**Attachment A (Filed as Privileged):**

- MHC comment letter dated January 3, 2019 on Phase IB Report
- MHC comment letter dated March 7, 2019 on Revised Phase IB Report
- MHC comment letter dated April 11, 2019 on State Archaeologist's Permit Application

<sup>3</sup> Based on prior experience, it is possible that the MHC will request revisions to the Phase II report. If that is the case, it is anticipated that a revised Phase II report would be filed with the MHC and FERC in January 2020.