

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
January 12, 2023

OFFICE OF ENERGY PROJECTS

Project No. 1889-085
FirstLight MA Hydro LLC

Project No. 2485-071
Northfield Mountain LLC

VIA ELECTRONIC MAIL

Mr. Alan Douglass
Regulatory Compliance Manager
Northfield Mountain LLC and FirstLight MA Hydro LLC
alan.douglass@firstlightpower.com

Reference: Requests to Delay Issuance of Notice of Ready for Environmental Analysis

Dear Mr. Douglass,

Northfield Mountain LLC and FirstLight MA Hydro LLC (collectively, the Licensees) filed relicensure applications for the Northfield Mountain Pumped Storage Project No. 2485 and Turners Falls Hydroelectric Project No. 1889 on April 29, 2016, and amended the applications on December 4, 2020. On December 16, 2020, Commission staff issued procedural schedules that included a target date of May 2021, for the notice that the license applications are ready for environmental analysis (REA notice).

On August 3, 2021, the Massachusetts Department of Environmental Protection requested that the Commission delay the REA notice until November 12, 2021, to provide time for relicensing participants to negotiate a settlement agreement. On August 5, 2021, the Massachusetts Division of Fish and Wildlife and the Licensees filed comments in support of delaying the REA notice. The Licensees stated, in the August 5, 2021 filing, that they were engaging resource agencies and other stakeholders in settlement discussions involving fish passage, streamflow, recreation, and cultural resources. On November 12, 2021, the Licensees filed an update indicating that substantial progress had been made on a settlement. The Licensees stated their intent to file a settlement agreement in June 2022, and requested that the Commission continue to

delay the REA notice. The Licensees subsequently filed updates on January 4 and January 31, 2022, indicating that conceptual agreements had been reached on several issues.

The Licensees filed agreements in principle on whitewater boating releases and recreation improvements on February 28, 2022; and on flow releases, water level management, and fish passage on March 18, 2022. In the March 18 letter, the Licensees stated that they were targeting the summer of 2022 for filing a comprehensive settlement agreement that resolves all relicensing issues.

On July 25, 2022, Commission staff requested an update on the settlement agreement. The Licensees filed the update on August 9, 2022, indicating that substantial progress had been made toward a comprehensive settlement agreement and that an agreement would be filed by December 31, 2022. On October 31, 2022, the Licensees filed an amended agreement in principle on flow releases and fish passage, and reiterated that a settlement agreement would be filed by December 31, 2022.

On January 4, 2023, the Licensees filed an update stating that although a comprehensive settlement agreement has not been reached on all issues, they have finalized a settlement agreement on operations, fish passage, and protected, threatened, and endangered species. The Licensees state that the agreement is being circulated for signature by: Massachusetts Division of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the Nature Conservancy. The Licensees commit to filing an update on settlement discussions involving recreation, whitewater boating, cultural resources, and shoreline erosion by March 31, 2023.

To provide time for the licensing participants to finalize the settlement agreement(s), staff will delay the REA notices until May 31, 2023. The Licensees should file any settlement agreement(s) by March 31, 2023, to provide time for the Commission to provide public notice and solicit comments on the agreement(s) prior to issuing the REA notices. We expect the Licensees to file biweekly updates on the settlement discussions until March 31, 2023.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing