

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426
February 21, 2019

OFFICE OF ENERGY PROJECTS

Project No. 14655-001–Idaho
Cat Creek Energy Generation Facility
Pumped Storage Hydroelectric Project
Cat Creek Energy, LLC

James Carkulis
Cat Creek Energy, LLC
398 S. 9th Street, Suite 240
Boise, ID 83702

Subject: Additional Information Request

Dear Mr. Carkulis:

After reviewing your successive preliminary permit application filed on November 9, 2018, for the Cat Creek Energy Generation Facility Pumped Storage Hydroelectric Project No. 14655-001 and the comments filed on the application, additional information is needed to continue processing your application. Please provide the information requested in Schedule A within 15 days from the date of this letter.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-14655-001.

If you have any questions concerning this letter, please call Karen Sughrue at (202) 502-8556.

Sincerely,

For David Turner, Chief
Northwest Branch
Division of Hydropower Licensing

Enclosure: Schedule A

ADDITIONAL INFORMATION

1. In section (iii) of Exhibit 2 of your application, you request a waiver of section 4.81(c)(2) of the Commission's regulations, which requires the filing of a work plan for new dam construction. S Bar Ranch, LLC, in its motion to intervene and protest, objects to this waiver request.

Section 4.81(c)(3) of the Commission's regulations allows the Commission to waive the requirements of paragraph (c)(2) upon a showing by the applicant that the field studies, tests, and other activities to be conducted under the permit would not adversely affect cultural resources or endangered species and would cause minor alterations or disturbances of lands and waters, and that any land altered or disturbed would be adequately restored. The federally listed bull trout and its critical habitat are within the proposed project boundary at the Anderson Ranch Reservoir. Neither your permit or the project record clearly describes if you intend to conduct geotechnical studies during the term of the successive permit.

If you intend to conduct geotechnical studies, you must either demonstrate that the studies will not affect cultural resources or endangered species and result in minimal disturbance to land and waters, or file a work plan. In the latter case, the work plan must contain: (i) a description, including the approximate location, of any field study, test, or other activity that may alter or disturb lands or waters in the vicinity of the proposed project, including floodplains and wetlands; measures that would be taken to minimize any such disturbance; and measures that would be taken to restore the altered or disturbed areas; and (ii) a proposed schedule (a chart or graph may be used), the total duration of which does not exceed the proposed term of the permit, showing the intervals at which the studies, investigations, tests, and surveys, identified under this paragraph are proposed to be completed.

2. As explained in your original permit, the proposed project would require a Lease of Power Privilege (LOPP) from the U. S. Bureau of Reclamation (Reclamation) for the use of Anderson Ranch Reservoir. Letters filed by Reclamation on April 4, 2017 and January 31, 2019, indicate that you have begun that LOPP process by receiving approval from Reclamation on October 17, 2016 to be a preliminary leasee for a five-year period. The January 31, 2019 filing also indicates that you have entered into a contributed-funds-agreement contract with Reclamation on May 9, 2017. However both letters indicate that you have not provided the required funding for Reclamation's review of the project, entered into a preliminary LOPP agreement with Reclamation, or begun conducting the studies required by Reclamation to evaluate project impacts. The letters also indicate that Reclamation does not intend to commit resources to processing your proposed project until the required funding is provided. Reclamation's January 31, 2019, filing states that if you are still interested in this

Schedule A

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project that it is critical to initiate these steps to attempt to complete the required LOPP steps by October 16, 2021.

Therefore, please file an update on your efforts at conducting the LOPP process steps with noted in Reclamation's January 31, 2019 letter.