

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
June 30, 2006

OFFICE OF ENERGY PROJECTS

Project No. 2594-009 – Montana
Lake Creek Hydroelectric Project
Northern Lights, Inc

**Re: Scoping of environmental issues for relicensing the Lake Creek
Hydroelectric Project**

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing a Pre-Application Document (PAD), submitted by Northern Lights, Inc (NLI), for the relicensing of the Lake Creek Hydroelectric Project (FERC No. 2594). The project is located on Lake Creek near the City of Troy in Lincoln County Montana. NLI, licensee for the Lake Creek Project, filed its Notice of Intent and PAD on May 31, 2006 and is using the Commission's Integrated Licensing Process (ILP) for the project's licensing. NLI plans to file a final license application for the continued operation of the project on or before November 31, 2009.

Pursuant to the National Environmental Protection Act (NEPA), the Commission staff intends to prepare an environmental assessment (EA) for the Lake Creek Project, which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the project. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. Please review this SD1 and, if you wish to provide comments, follow the instructions contained in section 5.0 *Request for Information*. In addition to our request for information in Section 5.0 of SD1, the Commission's regulations for the ILP require that parties wishing to submit comments on

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the PAD or staff's SD1 or wishing to request studies, do so within 60 days of the issuance date of SD1.¹

As part of our Scoping process and in an effort to identify issues, concerns, and opportunities associated with a proposed action, we will hold a site visit and two scoping meetings on August 9, 2006, to receive input on the scope of the EA. The site visit will start at 9:00 am at the project.

A daytime meeting, focused on resource agency, tribal, and non-governmental organization (NGO) input, will begin at 1:30 pm Three Rivers Ranger District, Troy Ranger Station 1437 North Highway 2, Troy, MT.

An evening meeting, primarily for public input, will start at 7:00 pm at Troy United Methodist Church 3rd Street, Troy, MT. The public, agencies, Indian tribes and NGOs may attend either or both meetings. More information on the meetings is available in the attached SD1.

Please direct any questions about the Lake Creek Hydroelectric Project licensing to Sean Murphy at (202) 502-6145, sean.murphy@ferc.gov.

Enclosure: Scoping Document 1

cc: Mailing List
Public Files

¹ CFR 18 Section 5.9 *Comments and information or study requests*

SCOPING DOCUMENT 1

LAKE CREEK HYDROELECTRIC PROJECT

MONTANA

PROJECT NO. 2594-009

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

June, 2006

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SCOPING DOCUMENT 1

Lake Creek Hydroelectric Project No. 2594-012

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),² may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On May 31, 2006, Northern Lights, Inc. (NLI), using the Integrated Licensing Process, filed a Pre-Application Document (PAD) for a new license for the Lake Creek Project (FERC Project No. 2594). The current license was issued on December 16, 1981 and expires November 30, 2011.

The Lake Creek Hydroelectric Project is located on Lake Creek, a tributary of the Kootenai River in Lincoln County, Montana. The project is located near the Kootenai National Forest. The project does not occupy federal lands.

The Project consists of: (1) a 268-foot-long, 44-foot-high concrete gravity dam; (2) a 30-acre reservoir with a storage capacity of 150 acre-feet (af); (3) a reinforced concrete intake structure; (4) a 1,694-foot-long, 10-foot diameter flowline, leading to a forebay created by a reinforced concrete structure with wood superstructure; (5) a 297-foot-long, 5-foot diameter penstock, leading to Powerhouse No. 1 containing a Francis-type, turbine-generating unit with a rated capacity of 1 MW; (6) a 441-foot-long penstock with a diameter of 8.5 feet, leading to Powerhouse No. 2 containing a Francis-type, turbine-generating unit with a rated capacity of 3.5 MW; (7) a 2.4-7.97/13.8 kilovolt (kV) step-up transformer at Powerhouse No. 2; and (8) appurtenant facilities.

The National Environmental Policy Act of 1969 (NEPA),³ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of licensing the project as proposed and to consider reasonable alternatives to the proposed action. Based on a preliminary analysis of the issues, we intend to prepare an environmental assessment (EA) for this project. The EA will describe and evaluate the probable effects, including any site-specific and cumulative effects, of the proposed action and alternatives.

² 16 U.S.C. §791(a) -825(r).

³ National Environmental Policy Act of 1969, as amended (Pub. L. 91-190. 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, §4(b), Sept. 13, 1982).

2.0 SCOPING

2.1 Purposes of Scoping

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action. According to NEPA, scoping should be conducted early in the planning stage of a project. The purposes of scoping are as follows:

- invite federal, state, and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed action;
- determine the depth of analysis and significance of issues to be addressed in our EA;
- identify how the project would or would not contribute to cumulative impacts in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in our EA;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 Comments and Scoping Meetings

During the preparation of our EA, there will be the following opportunities for the public and resource agencies to comment on the scope and content of the EA:

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- during the public scoping process and study plan meetings, prior to the preparation of the EA, so that we can receive written comments regarding scope and content;
- in response to the Commission's ready for environmental analysis notice; and
- after issuance of the EA so that we can receive written comments on the contents of the EA.

In addition to written comments solicited by this SD1, we will hold a site visit and two public scoping meetings in the vicinity of the project. A daytime meeting will focus on resource agency concerns, and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the meetings to assist us in identifying the scope of environmental issues that should be analyzed in the EA. The times and locations of the meetings are as follows:

Site Visit

Date and Time: Wednesday, August 9, 2006, 9:00 AM

Location: The site visit will be at the project.

Daytime Scoping Meeting

Date and Time: Wednesday, August 9, 2006, 1:30 to 4:00 PM

Location: Three Rivers Ranger District, Troy Ranger Station
1437 North Highway 2, Troy, MT

Evening Scoping Meeting

Date and Time: Wednesday, August 9, 2006, 7:00 to 9:00 PM

Location: Troy United Methodist Church
3rd Street, Troy, MT

The scoping meetings will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the project. Prior to each meeting, all individuals who attend, especially those presenting statements at the meetings, will be asked to sign in and clearly identify themselves for the record. We will divide the time available for public comments equally among those who sign up to speak. Interested parties who choose not to speak or who are unable to attend the scoping

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meetings may provide written comments and information to the Commission as described in section 5.0. These meetings are posted on the Commission's calendar located on the internet at <http://www.ferc.gov/EventCalendar/EventsList.aspx>, along with other related information.

Meeting participants should come prepared to discuss their issues and/or concerns as they pertain to the Lake Creek Project's relicensing. We request that participants review the PAD in preparation for the scoping meetings. 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, P-2594, 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. Copies of the PAD are also available from Northern Lights by contacting Mark Contor at (208) 263-5141

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions will be made about the level of analysis needed. If preliminary analysis shows that any issues presented in this scoping document have little potential for causing significant impacts, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

If we receive no substantive comments on this Scoping Document 1, we will not prepare a Scoping Document 2 (SD2). Otherwise, SD2 will be issued for informational use only by all participants or interested persons; no response will be required. The EA will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA guidelines, our environmental analysis will consider the following alternatives, at a minimum: (1) the applicant's proposed action; (2) alternatives to the proposed action; and (3) no action.

3.1 Northern Lights' Proposed Action

Northern Lights proposes to continue operating the Lake Creek Project as currently licensed. Northern Lights does not proposed any construction, redevelopment, or additional generation units at the project.

3.1.1 Lake Creek Project Facilities

The facilities associated with the Lake Creek Project are briefly described herein. For a more detailed description of the facilities, please refer to section 4 of the PAD

The existing Lake Creek Project consists of: (1) a 268-foot-long, 44-foot-high concrete gravity dam; (2) a 30-acre reservoir with a storage capacity of 150 acre-feet (af); (3) a reinforced concrete intake structure; (4) a 1,694-foot-long, 10-foot diameter flowline leading to a forebay created by a reinforced concrete structure with wood superstructure; (5) a 297-foot-long, 5-foot diameter penstock, leading to Powerhouse No. 1 containing a Francis-type, turbine-generating unit with a rated capacity of 1 MW; (6) a 441-foot-long penstock with a diameter of 8.5 feet, leading to Powerhouse No. 2 containing a Francis-type, turbine-generating unit with a rated capacity of 3.5 MW; (7) a 2.4-7.97/13.8 kilovolt (kV) step-up transformer at Powerhouse No. 2, and (8) appurtenant facilities.

3.1.2 Current Project Operation

NLI operates the project in a run-of-river mode to take advantage of flows as they are available. As such, Unit 1 is only operated under high flow periods, typically from April to the middle of July.

NLI maintains the reservoir approximately 2 feet below the top of the piers on the dam crest (normal operating elevation 2,058.60 feet). Under certain conditions, such as rapidly falling flows in Lake Creek, the reservoir may drop to 2,055.60 feet for short periods. City of Troy personnel check the gate adjustments twice daily. Operators adjust the gates, as required, to maintain a relatively constant pool elevation. The steel gates near the left and right abutments are the primary gates used for adjusting the reservoir level.

3.1.3 Proposed Project Operation and Facilities

The Lake Creek Project is an existing development. NLI is not proposing to add capacity or to make any major modifications to the project or its operation as part of the new license.

3.2 Staff's Modification of the Proposed Action

We will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement measures identified by us (Commission staff), the agencies, Indian tribes, NGOs, and the general public. To the extent that modifications would reduce the power production of the proposed project, we will evaluate costs and contributions to airborne pollution related to generation of replacement power by fossil fuel stations.

3.3 No Action Alternative

Under the no action alternative, the Lake Creek Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.4 Alternatives Considered But Eliminated from Detailed Study

At present, we propose to eliminate the following alternatives from detailed analysis in the EA.

3.4.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to Sections 14 and 15 of the FPA.⁴ We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

3.4.2 Nonpower License

A nonpower license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this point, no agency has suggested a willingness or ability to do so. No party has sought a non-power license, and we have no basis for concluding that the project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing in this circumstance.

3.4.3 Project Decommissioning

Project decommissioning could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or

⁴ 16 U.S.C. §§ 791(a)-825(r).

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termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. In addition, the project provides a viable, safe, and clean renewable source of power to the region. No party has suggested project decommissioning, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate enhancement measures.

4.0 SCOPE OF CUMULATIVE ANALYSIS AND RESOURCE ISSUES

4.1 Cumulative Effects

According to the Council on Environmental Quality's regulations for implementing NEPA (Section 1508.7), an action may cause a cumulative effects if its effects overlap in space and/or time with the effects of other past, present and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

Based on information in the PAD, agency comments, and preliminary staff analysis, we have not, at this time, identified any resources that would be cumulatively affected by the proposed continued operation and maintenance of the Lake Creek Project.

4.1.1 Geographic Scope

The geographic scope of our cumulative effects analysis defines the physical limits or boundaries of: (1) the proposed action's effect on the resources; and (2) contributing effects from other hydropower and non-hydropower activities within the river basin. Because the proposed action would affect the resources differently, the geographic scope for each resource may vary. We have not yet identified the geographic scope and are currently seeking comments and recommendations on the geographic scope.

4.1.2 Temporal Scope

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30-50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource.

4.2 Resource Issues

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We have identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Lake Creek Project.⁵ This list of issues is not intended to be exhaustive or final, but is an initial listing of issues that have been raised.

4.2.1 Geology and Soil Resources

- Effects of continued project operation and any changes in project operation or facilities on geology and soils (e.g., leakage in tunnels may result in soil instability).

4.2.2 Water Resources

- Effects of continued project operation and any changes in project operation or facilities on the water quality of Lake Creek, and possibly the Kootenai River (dissolved oxygen, water temperature and/or turbidity).
- Effects of continued project operation and any changes in project operation or facilities on stream flows in Lake Creek.

4.2.3 Aquatic Resources

- Effects of continued project operation and any changes in project operation or facilities on aquatic habitats in Lake Creek and the Kootenai River downstream of the confluence.
- Effects of continued project operation and any changes in project operation or facilities on downstream aquatic biota including fish and macroinvertebrates, and the aquatic biota of the impoundment.

4.2.4 Terrestrial Resources

⁵ In this section, we summarize the issues outlined in the applicant's PAD and any other issues that we have identified. For a detailed explanation of many of the issues, please refer to section 6 of the PAD.

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- Effects of continued project operation and any changes in project operation or facilities on vegetation and wildlife resources, including wetlands and wetland-dependent wildlife.

4.2.5 Threatened and Endangered Species

- Effects of continued project operation and any changes in project operation or facilities on any threatened and endangered species such as, but not limited to the bull trout, bald eagle, and grizzly bear.

4.2.6 Recreation Resources and Land Uses

- Effects of the continued project operation and any changes in project operation or facilities on recreational opportunities within the project area, including, but not limited to, effects on trails and roads and recreational fishing on Lake Creek and the reservoir.
- Effects of project-induced recreation use on the shoreline, fish and wildlife habitat, wetlands, and downstream resources.

4.2.7 Cultural Resources

- Effects of continued project operation and any changes in project operation or facilities on historic and archeological resources that are listed or considered eligible for inclusion in the National Register of Historic Places.
- Effects of continued project operation and any changes in project operation or facilities on traditional cultural properties, if any exist.

4.2.8 Aesthetic Resources

- Effects of continued project operation and any changes in project operation or facilities on aesthetic resources within the project area.

4.2.9 Developmental Resources

- Effects of potential operational changes on the project energy and capacity benefits and the funding of environmental enhancement measures on the cost of project power.

4.3 Proposed Protection and Enhancement Measures

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NLI has proposed specific measures to protect and enhance environmental resources that may be affected by the project. Depending upon findings of studies completed by NLI and the recommendations of stakeholders, NLI will consider, and may propose, additional measures to enhance environmental resources affected by the project as part of the proposed action.

At this time, NLI proposes to:

- not unilaterally sluice sediment from the reservoir, except as required by FERC or for dam safety reasons and then, except in emergencies, only in consultation with the appropriate agencies; and
- operate the Project in a defined run-of-river mode, except under emergencies or as ordered by a jurisdictional agency.

NLI has identified the following potential studies and other information needs, which may be appropriate for the project. These potential studies may be modified and/or other studies may be added to this list based on comments provided to FERC from resource agencies and other interested parties, including tribes. Northern Lights proposes to:

Water Resources

- document the existing water quality conditions (physical, chemical, and biological water quality characteristics) in Lake Creek;

Aquatic Resources

- conduct fish community surveys in the lake and bypassed reach;
- conduct an aquatic habitat survey in the bypass reach;
- conduct a spawning habitat survey for bull trout and kokanee salmon in the bypass reach;

Wildlife and Botanical Resources

- prepare a supplement to the PAD if other entities have additional information concerning wildlife use in the project area;
- conduct an amphibian presence/absence survey;
- record sightings of birds and mammals;

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- carry out a wetland delineation, mapping and characterization survey within the project area;

Cultural Resources

- complete a field heritage resource inventory within the project boundary, incorporating information from previous surveys conducted by the US Forest Service, evaluate if sites are eligible for the National Historic Registry, identify their condition, and determine whether any project related effects are occurring; and
- develop a Historic Properties Management Plan for resources within the project boundary.

5.0 REQUEST FOR INFORMATION

We are asking federal, state, and local resource agencies, Indian tribes, other governmental and non-governmental organizations, and individuals to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the site-specific and cumulative effects of licensing the Lake Creek Project. Types of information requested include, but are not limited to:

- information, quantified data, or professional opinion that may contribute to defining the geographic scope of the cumulative effects analysis and identifying significant environmental issues;
- identification of, and information from, any other environmental document or similar study (previous, ongoing, or planned) relevant to the proposed licensing of the project;
- existing information and any data that would help to describe the past and present actions and the effects of the project and other developmental activities on environmental and socioeconomic resources;
- information that would help characterize the existing environmental conditions and habitats;
- identification of any federal, state, or local agency or tribal resource plans and future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs);

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- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal, state, and local agencies, as well as tribal governments; and
- documentation showing why any resources should be excluded from further study or consideration.

The requested information, comments on the PAD and SD1, and study requests should be submitted in writing to the Commission no later than July 31, 2006. All filings must clearly identify the following on the first page: Lake Creek Hydroelectric Project No. 2594-012. All information, comments, and study requests should be sent to:

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

All filings sent to the Secretary of the Commission should contain an original and eight copies. Failure to file an original and eight copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. Scoping comments and study requests may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 85.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov>) under the "e-Filing" link. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-(866) 208-3676, or for TTY, (202) 502-8659. The Commission strongly encourages electronic filings.

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

Any questions concerning the scoping meetings, site visit, how to file written comments with the Commission, or preparation of the EA should be directed to Sean Murphy at (202)502-6154 or sean.murphy@ferc.gov.

6.0 EA PREPARATION SCHEDULE

At this time, we do not anticipate the need to prepare a draft EA. We will prepare a single EA for this project, which will be sent to all persons and entities on the Commission's service and mailing lists for the Lake Creek Project. The EA will include

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recommendations for operating procedures, and environmental protection and enhancement measures that should be part of any license issued by the Commission. Recipients (and stakeholders) will then have 30 days to provide the Commission with written comments on the EA. All comments on the EA filed with the Commission will be considered in the Commission's decision on the license application.

Our preliminary schedule for processing the license application is as follows:

ACTION	TARGET DATE
Scoping Meeting	August 2006
License Application Filed	February 2008
Issue Ready for Environmental Analysis Notice	April 2008
Deadline for Filing Preliminary Agency Recommendations	June 2008
Single EA Issued	December 2008
Deadline for Filing Modified Agency Recommendations	March 2009
Ready for Commission Decision on the Application	May 2009

A copy of Northern Lights' process plan, which has a list of pre-filing activities, is attached as Appendix A to this SD1.

7.0 DRAFT EA OUTLINE

The preliminary outline for the Lake Creek Project EA is as follows:

SUMMARY

I. APPLICATION

II. PURPOSE OF ACTION AND NEED FOR ACTION

- A. Purpose of Action
- B. Need for Power

III. PROPOSED ACTION AND ALTERNATIVES

- A. Applicant's Proposed Action
- B. Proposed Action with Additional Measures
- C. No-action
- D. Alternatives Considered but Eliminated from Detailed Study

IV. CONSULTATION AND COMPLIANCE

- A. Consultation
 - 1. Scoping
 - 2. Interventions

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3. Comments on the Application

B. Compliance

1. Water Quality Certifications
2. Section 18 Fishway Prescriptions
3. Endangered Species Act
4. Coastal Zone Consistency Determination
5. Section 106 Cultural Resources Consultation

V. ENVIRONMENTAL ANALYSIS

A. General Description of Lake Creek and the Kootenai River

B. Cumulative Effects

1. Geographic Scope
2. Temporal Scope

C. Environmental Analysis

1. Geology and Soils
1. Water Resources
2. Fisheries and Aquatic Resources
3. Terrestrial Resources
4. Threatened and Endangered Resources
5. Recreational Resources and Land Use
6. Aesthetic Resources
7. Cultural Resources

D. No Action

VI. DEVELOPMENTAL ANALYSIS

- A. Power and Economic Benefits of the Project
- B. Cost of Environmental Measures
- C. Economic Comparison of the Alternatives
- D. Pollution Abatement (Greenhouse Gases)

VII. COMPREHENSIVE DEVELOPMENT ANALYSIS

- A. Recommended Alternative
- B. Conclusion

VIII. RECOMMENDATIONS OF FISH AND WILDLIFE AGENCIES

IX. CONSISTENCY WITH COMPREHENSIVE PLANS

X. FINDING OF [OR NO] SIGNIFICANT IMPACT

XI. LITERATURE CITED

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XII. LIST OF PREPARERS

APPENDICES (if necessary)

8.0 LIST OF COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA requires us to consider whether or not, and under what conditions, relicensing the project would be consistent with relevant comprehensive plans on the Commission's Comprehensive Plan List. Those plans currently listed which we consider to be relevant to this project are listed below. Agencies are requested to review this list and to inform FERC of any changes (additions/subtractions). If there are plans that should be added to the list, agencies should file the plans according to 18 CFR 2.19.

Bureau of Land Management. 1983. Final environmental impact statement for the Billings resource area management plan. Department of the Interior, Miles City, Montana. November 1983. 287 pp. and appendix.

Forest Service. 1987. Kootenai National Forest plan. Department of Agriculture, Libby, Montana. September 1987.

Montana Board of Natural Resources and Conservation. No date. Order of the Board of Natural Resources establishing water reservations. Helena, Montana. 374 pp. and amendments.

Montana Board of Natural Resources and Conservation. 1992. Final order establishing water reservations above Fort Peck Dam. Helena, Montana. July 1992. 398 pp.

Montana Department of Environmental Quality. 1996. List of water bodies in need of Total Maximum Daily Load development. Helena, Montana. 11 pp. and appendices.

Montana Department of Environmental Quality. 1998. List of water bodies in need of Total Maximum Daily Load development. Helena, Montana. 24 pp. and appendices.

Montana Department of Fish, Wildlife, and Parks. 2003. Montana Statewide Comprehensive Outdoor Recreation Plan (SCORP), 2003-2007. Helena, Montana. March 2003.

Montana Department of Fish, Wildlife and Parks. 1993. Water rights filings under S.B.76. Helena, Montana. February 8, 1993. 6 pp.

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Montana Department of Fish, Wildlife and Parks. 1997. Montana warm water fisheries management. Helena, Montana. March 1997. 137 pp.

Montana Department of Health and Environmental Sciences. 1990. State of Montana non-point source management plan. Helena, Montana. 131 pp. and appendices.

Montana Department of Health and Environmental Sciences. 1992. Montana water quality 1992: Montana 305 (b) Report. Helena, Montana. June 1992. 42 pp. and attachment.

Montana Department of Health and Environmental Services. 1994. Montana 305 (b) Report. Helena, Montana. June 1994. 56 pp.

Montana Department of Natural Resources and Conservation. 1989. Montana water plan section: Instream flow protection. Helena, Montana. February 1989. 5 pp.

Montana Department of Natural Resources and Conservation. 1990. Montana water plan: Water storage. Helena, Montana. December 1990. 19 pp.

Montana Department of Natural Resources and Conservation. 1990. Montana water plan: Drought management. Helena, Montana. December 1990. 9 pp.

Montana Department of Natural Resources and Conservation. 1992. Montana water plan: Integrated water quality and quantity management. Helena, Montana. November 1992. 17 pp.

Montana Department of Natural Resources and Conservation. 1989. Montana water plan management section: Federal hydropower licensing and State water rights. Helena, Montana. February 1989. 4 pp.

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APPENDIX A: PROCESS PLAN AND SCHEDULE

Below is the schedule for the Lake Creek Hydroelectric Project pre-application activity.

Responsible Entity	Pre-Filing Milestone	Date	FERC Regulation
NLI	Issue Public Notice for NOI/PAD	5/30/06	5.3(d)(2)
NLI	File NOI/PAD with FERC	5/30/06	5.5, 5.6
FERC	Tribal Meeting	6/29/06	5.7
FERC	Notice of Commencement of Proceeding & SD1	6/30/06	5.8
FERC	Scoping Document 1 issued	6/30/06	5.8(c)
FERC	Scoping and Site Visit	8/09/06	5.8(b)(viii)
All stakeholders	NOI/PAD/SD1 comments due	8/30/06	5.9
FERC	Issue SD2 if needed	10/15/06	5.1
NLI	File Proposed Study Plan	10/15/06	5.11(a)
All stakeholders	Study Plan Meeting	11/ 7&8 /06	5.11(e)
All stakeholders	Study Plan Comments due	1/10/07	5.12
NLI	File Revised Proposed Study Plan	2/9/07	5.13(a)
All stakeholders	Revised Proposed Study Plan Comments due	2/28/07	5.13(b)
FERC	Director's Study Plan Determination	3/9/07	5.13(c)
FS, FWS, WDOE	Any Study Disputes due ¹	3/29/07	5.14(a)
Study D. Panel	Panel Convenes	4/18/07	5.14(d)
NLI	Applicant Comments on Study Dispute due	4/23/07	5.14(j)
Study D. Panel	Technical Conference held	4/24/07	5.14(j)
Study D. Panel	Panel Finding Issued	5/18/07	5.14(k)
FERC	Director's Study Dispute Determination	6/07/07	5.14(l)
NLI	First Study Season	Spr/Sum 07	5.15(a)
NLI	Initial Study Report	11/13/07	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	11/28/07	5.15(c)(2)
NLI	Initial Study Report Meeting Summary	12/14/07	5.15(c)(3)
All stakeholders	Study Disputes/Request to Modify Study Plan due	1/12/08	5.15(c)(4)
All stakeholders	Responses to Disputes/Study Requests	2/13/08	5.15(c)(5)
FERC	Directors Study Plan Determination	3/14/08	5.15(c)(6)
NLI	Second Study Season	Spr/Sum	5.15(a)

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NLI	Updated Study Report due	11/10/08	5.15(f)
All stakeholders	Updated Study Report Meeting	11/25/08	5.15(f)
NLI	Updated Study Report Meeting Summary	12/10/08	5.15(f)
All stakeholders	Study Disputes/Request to Modify Study Plan due	1/09/09	5.15(f)
All stakeholders	Responses to Disputes/Study Requests	2/09/09	5.15(f)
FERC	Directors Study Plan Determination	3/10/09	5.15(f)
NLI	Preliminary Licensing Proposal due	7/01/09	5.16(a)
All stakeholders	Comments on Preliminary Licensing Proposal	9/29/09	5.16(e)
NLI	File Final License Application	11/23/09	5.17(a)