

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
March 27, 2009

OFFICE OF ENERGY PROJECTS

Project No. 1256-029 – Nebraska
Loup River Hydroelectric Project
Loup River Public Power District

Subject: Scoping Document 2 for the Relicensing of the Loup River Hydroelectric Project

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is reviewing the Pre-application Document (PAD) submitted to the Commission by the Loup River Public Power District (Loup Power District) on October 16, 2008 for relicensing the Loup River Hydroelectric Project (FERC No. 1256-029). The project is located on the Loup River and occupies lands and waters in Nance and Platte Counties, Nebraska. The Loup Power District will use the Commission's Integrated Licensing Process (ILP) to relicense the project. Under the ILP, the Loup Power District must file their preliminary licensing proposal or a draft license application for the continued operation of the project by August 15, 2011. The final license application must be filed with the Commission on or before April 16, 2012. The current license for the project expires on April 15, 2014.

Pursuant to the National Environmental Policy Act of 1969, as amended, the Commission staff intends to prepare an environmental assessment (EA) for the project. The EA would be used by the Commission to determine whether, and under what conditions, to issue a new license. To support and assist our environmental review, we are conducting a scoping process to ensure that all pertinent issues are identified and analyzed and that the EA is thorough and balanced.

In our December 12, 2008, Scoping Document (SD1), we disclosed our preliminary view of the scope of environmental issues associated with the Loup River Project. Based on the verbal comments that we received at the scoping meetings held on January 12 and 13, 2009, in Columbus, Nebraska, and written comments we received throughout the scoping process, we prepared the enclosed Scoping Document 2 (SD2). We appreciate the participation of governmental agencies, non-governmental organizations, and the general public in the scoping process. The enclosed SD2 for the project serve as a guide to the issues and alternatives to be addressed in the EA. Key changes from SD1 to SD2 are identified in bold, italicized type.

SD2 is distributed to entities on the Commission's Mailing List. No response is required. SD2 is also available from our Public Reference Room at 202-502-8371. It also can be accessed online at <http://www.ferc.gov/docs-filing/elibrary>.

If you have any questions about the scoping process, please contact Kim Nguyen at (202) 502-6105 or kim.nguyen@ferc.gov. Additional information about the Commission's licensing process and the Loup River Project may be obtained from our website, <http://www.ferc.gov>.

Enclosure: Scoping Document 2 for the Loup River Project

cc: Mailing List
Public Files

SCOPING DOCUMENT 2

LOUP RIVER HYDROELECTRIC PROJECT

NEBRASKA

PROJECT NO. 1256-029



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

March 2009

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1. INTRODUCTION

The Federal Energy Regulatory Commission (Commission), under the authority of the Federal Power Act (FPA),¹ may issue licenses for up to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On October 16, 2008, the Loup River Public Power District (District), the current licensee, filed a Notice of Intent (NOI) to seek a new license² and a Pre-application Document (PAD) for the 53.46-megawatt (MW) Loup River Hydroelectric Project (FERC Project No. 1256-029). The Loup River Project is located on the Loup River and occupies lands and waters in Nance and Platte Counties, Nebraska (figure 1). The Loup Power District is using the Integrated Licensing Process (ILP) and intends to file its application for a new license for the project with the Commission on or before April 16, 2012.

The National Environmental Policy Act (NEPA) of 1969,³ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of licensing the project as proposed, as well as consider reasonable alternatives to the proposed action. Based on our review of the PAD and preliminary analysis of the issues, we propose to prepare an Environmental Assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives considered. This scoping process will help us to identify the pertinent issues that we will need to analyze in the EA.

2.0 SCOPING

This *Scoping Document 2 (SD2)* is intended to advise all participants about the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains a brief description of: (1) the scoping process and schedule for developing the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

¹ 16 U.S.C. §§ 791(a)-825(r) (2000).

² The current license for the Loup River Project was issued on December 29, 1982 (21 FERC 62,535), with an effective date of December 1, 1982; the license expires on April 15, **2014**.

³ 42 U.S.C. §§ 4321-70(f) (2000).

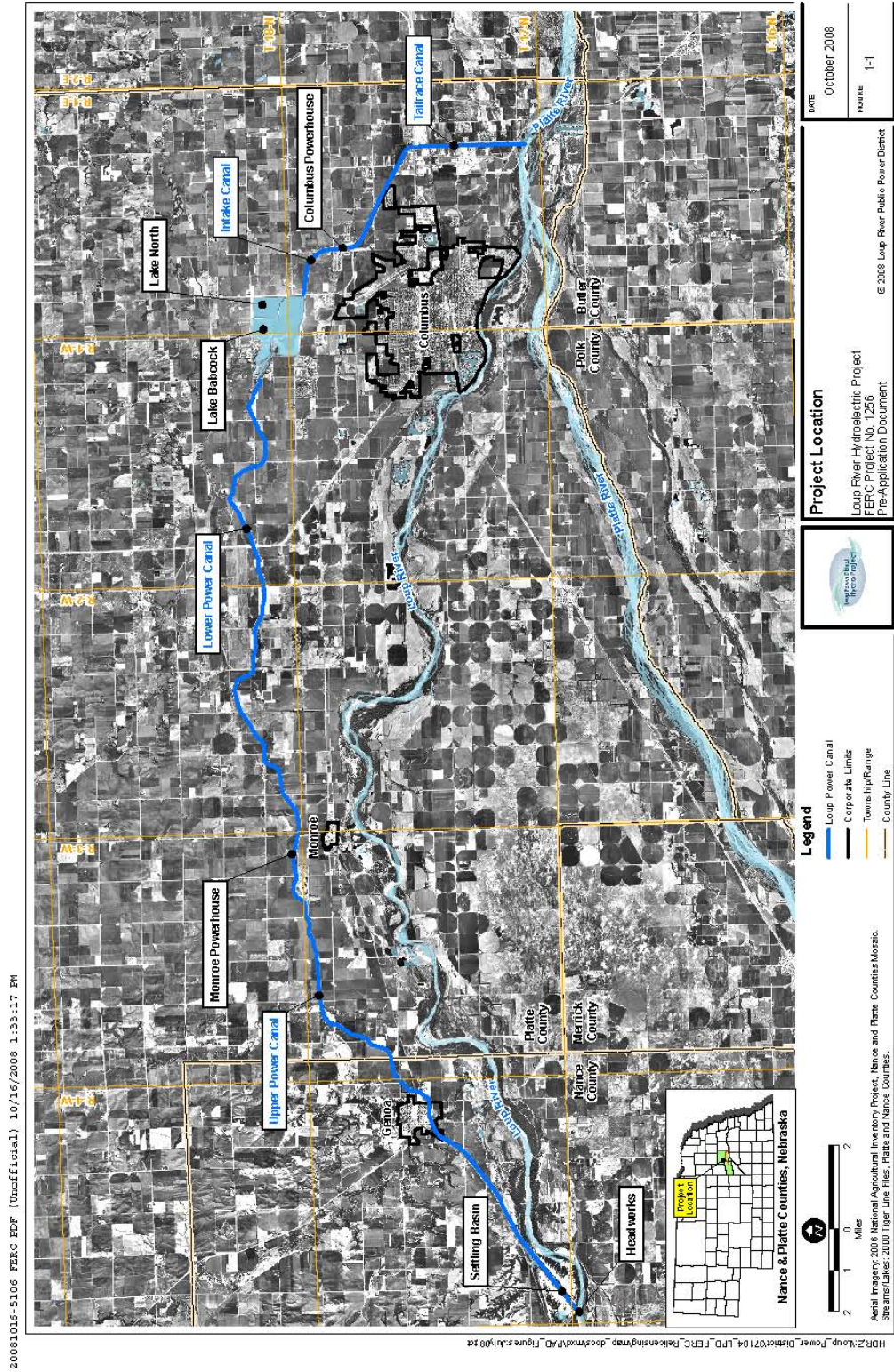


Figure 1. Location of the Loup River Project No. 1256-029 (Source: Loup Power District, 2008, PAD).

2.1 Purposes of Scoping

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action. The process, according to NEPA, should be conducted early in the planning stage of a project.

The purposes of the scoping process are as follows:

- Invite participation of federal, state, and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and other interested persons to help us identify significant environmental and socioeconomic issues related to the proposed action
- Determine the resource areas, depth of analysis, and significance of issues to be addressed in the 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 the EA
- Solicit from participants available information on the resources at issue
- Determine the resource areas and potential issues that do *not* require detailed analysis during review of the project

We issued Scoping Document 1 (SD1) for the project on December 12, 2008, to enable appropriate resource agencies, Indian tribes, and other interested parties to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of preliminary issues concerning the Loup River Project and identification of any new issues that need to be addressed in the EA. We revised SD1 following the scoping meetings and after reviewing comments filed during the scoping comment period. SD2 presents our current view of issues and alternatives to be considered in the EA. Major changes to SD1 are shown in bold and italic type in this SD2.

2.2 Comments and Scoping Meetings

In addition to written comments solicited by SD1, we held two public scoping meetings on January 12 and 13, 2009, in Columbus, Nebraska. We also had a site visit of the project area on January 12, 2009. Notice of the scoping meetings and site visit was published in local newspapers and in the Federal Register. A court reporter recorded the scoping meetings.

In addition to the comments received at the scoping meetings, the following

entities filed written comments on SD1:

<i>Entity</i>	<i>Date Filed</i>
<i>Trent Hurley</i>	<i>Jan. 16, 2009</i>
<i>Gregg Schuetz</i>	<i>Jan. 16, 2009</i>
<i>The Bradbury Family</i>	<i>Jan. 20, 2009</i>
<i>Ryan Shea</i>	<i>Jan. 20, 2009</i>
<i>Joe & Cheryl Smisek</i>	<i>Jan. 26, 2009</i>
<i>Timothy Leinart</i>	<i>Jan. 26, 2009</i>
<i>Kim Sothan</i>	<i>Jan. 28, 2009</i>
<i>John Brook</i>	<i>Jan. 28, 2009</i>
<i>Dave & Jackie Lewis</i>	<i>Jan. 30, 2009</i>
<i>William Larson</i>	<i>Jan. 30, 2009</i>
<i>Adam Benson</i>	<i>Feb. 2, 2009</i>
<i>Seth Wilson</i>	<i>Feb. 2, 2009</i>
<i>Kevin Kersten</i>	<i>Feb. 2, 2009</i>
<i>Nebraska Off Road Vehicle Association (NORVA)</i>	<i>Feb. 2, 2009</i>
<i>Randy Leiser</i>	<i>Feb. 3, 2009</i>
<i>Tern & Plover Conservation Partnership</i>	<i>Feb. 4, 2009</i>
<i>Allan Feller</i>	<i>Feb. 4, 2009</i>
<i>Vicki Ladoff</i>	<i>Feb. 9, 2009</i>
<i>Erik & Sarah Sprague</i>	<i>Feb. 9, 2009</i>
<i>Nebraska Department of Natural Resources (Nebraska DNR)</i>	<i>Feb. 10, 2009</i>
<i>U.S. Fish and Wildlife Service (FWS)</i>	<i>Feb. 10, 2009</i>
<i>Nebraska Game and Parks Commission (Nebraska GPC)</i>	<i>Feb. 10, 2009</i>
<i>Michael Kroeger</i>	<i>Feb. 10, 2009</i>
<i>Jim Donaghue</i>	<i>Feb. 10, 2009</i>
<i>Loup Public Power District (District)</i>	<i>Feb. 10, 2009 & Mar. 16, 2009</i>
<i>Jason</i>	<i>Feb. 11, 2009</i>
<i>Barry Simons</i>	<i>Feb. 11, 2009</i>
<i>Randall Nelson</i>	<i>Feb. 11, 2009</i>

<i>Tim Hinkle</i>	<i>Feb. 17, 2009</i>
<i>Barry & Lisa Borgeson</i>	<i>Feb. 19, 2009</i>
<i>Bill Shanle</i>	<i>Feb. 19, 2009</i>
<i>Jim Shanle</i>	<i>Feb. 19, 2009</i>
<i>Frankie Shanle</i>	<i>Feb. 19, 2009</i>
<i>Ron & Patsy Mellen</i>	<i>Feb. 23, 2009</i>
<i>Tom Walters</i>	<i>Feb. 23, 2009</i>
<i>Dan & Deb Maurer</i>	<i>Feb. 23, 2009</i>
<i>Justin Sibert</i>	<i>Feb. 23, 2009</i>
<i>Roger Castor</i>	<i>Feb. 23, 2009</i>
<i>Jason Biorn</i>	<i>Feb. 23, 2009</i>
<i>Josh ?????</i>	<i>Feb. 23, 2009</i>
<i>Juanita Bowersox</i>	<i>Feb. 23, 2009</i>
<i>Glenn Bowersox</i>	<i>Feb. 23, 2009</i>
<i>Carrie Heesacker</i>	<i>Feb. 23, 2009</i>
<i>Verland Widga & Susan Peterson</i>	<i>Feb. 23, 2009</i>
<i>Tim & Susan Zabka</i>	<i>Feb. 23, 2009</i>
<i>Dennis Taylor</i>	<i>Feb. 23, 2009</i>
<i>Craig Nichols</i>	<i>Feb. 24, 2009</i>
<i>Mike Engle</i>	<i>Feb. 24, 2009</i>
<i>Judy Trautwein</i>	<i>Feb. 24, 2009</i>
<i>Tim Rodehurst</i>	<i>Feb. 25, 2009</i>
<i>Monica Lee-Buss</i>	<i>Feb. 25, 2009</i>
<i>Van Wurst</i>	<i>Feb. 25, 2009</i>
<i>Monte Swantek</i>	<i>Feb. 25, 2009</i>
<i>Brad Wells</i>	<i>Feb 27, 2009</i>
<i>Arthur Spenner</i>	<i>Feb. 27, 2009</i>
<i>Columbus Area Recreation Trails (CART)</i>	<i>Mar. 2, 2009</i>
<i>Randall Haskell</i>	<i>Mar. 2, 2009</i>
<i>Jason Buss</i>	<i>Mar. 2, 2009</i>
<i>U.S. National Park Service (NPS)</i>	<i>Mar. 13, 2009</i>

2.2.1 Issues Raised During Scoping

The general concerns raised by participants in the scoping process are summarized below by subject area. Both oral and written comments are addressed in the summary. The summary does not include every oral and written comment made during the scoping process. For instance, we do not address comments that are recommendations for schedule changes, or minor editorial corrections. We also have not included comments that are recommendations for license conditions. Such recommendations will be addressed in the EA.

CUMULATIVE EFFECTS

Comment: *The District recommends that the geographic scope of the cumulative effects analysis for the least tern and piping plover be limited to the Loup River bypassed reach to the confluence with the Missouri River because the project and its operations have no effect on the Loup River or the species upstream of the project's diversion weir.*

Response: *Just because the project might not affect flow or resources upstream of the project, it does not reduce the needed geographic scope of the cumulative effects analysis. The area defined by the District would better represent the likely project-specific impact zone, which will be considered. As stated in section 4.1, a cumulative effect is an impact on the resource resulting from the incremental effects of the action when added to other past, present, and reasonably foreseeable future actions. Thus, cumulative effects must be added to effects (past, present, and future) caused by all other actions that affect the same resource. Other actions (i.e., flow diversions and depletions) occurring within the Loup River basin above the project may contribute to or interact with the effects of the project on these species and their habitat, and thus, should be weighed and disclosed by the Commission in its environmental analysis. Therefore, we are not modifying our geographic scope.*

Comment: *The District states that we should limit the geographic scope of analysis for cumulative effects to pallid sturgeon to the lower Platte River from the Elkhorn River confluence to the Missouri River confluence, because pallid sturgeon do not inhabit the Platte River upstream of the Elkhorn River confluence.*

Response: *We included the Loup River basin and the Platte River mainstem upstream of the Elkhorn River confluence within our geographic scope, because such project and non-project related actions as sediment management, flow depletions, flow diversions, and flow fluctuations occurring upstream of the confluence of the Elkhorn River with the Platte River could potentially affect pallid sturgeon in the lower Platte River. In other words, the geographic scope includes not only the location of the affected resource, but also the location of the action or actions affecting the resource.*

We, therefore, make no change to our geographic scope identified in SD1.

Comment: *The District notes that it reviewed the Nebraska Department of Health and Human Service's September 2008 "Total Coliform History Report" for public water supplies for Genoa and Monroe, Nebraska, and based on that review, concluded that there is no connection between project diversions and bacteria levels in public water wells located in the vicinity of the bypassed reach of the Loup River. The District, therefore, suggests that we eliminate the issue of project effects on the quality of nearby public water wells.*

Response: *We agree. At the January 13, 2009, scoping meeting, we suggested eliminating this issue from SD2, stating that we included in SD1 primarily to foster discussion of the issue through the scoping process. A District representative present at the meeting clarified that the concern identified during preparation of the PAD was that project diversions could potentially lead to higher water temperatures in the bypassed reach during the summer, which in turn could raise the water temperature of adjacent water wells sufficiently to allow bacteria to grow. However, the District representative noted that although there were isolated reports of bacteria growing in some adjacent wells, the instances occurred in May and October when water temperatures are not high. We've identified no other possible connection between project operations and the isolated cases of bacteria growth in adjacent wells; therefore, we no longer include the issue in SD2.*

Comment: *The District identifies a number of actions that would affect flow depletions in the Platte River including initiatives associated with Platte River Recovery Implementation Program, Natural Resources Conservation Service programs to retire irrigated acres, and the Nebraska DNR preliminary determination that the lower Platte is fully appropriated. The District suggests that the geographic scope of other programs and projects considered for the cumulative effects analysis should include activities in the entire Platte River basin, not just the lower Platte River basin.*

Response: *All of the above initiatives, measures, and proclamations will be considered in the cumulative effects analysis as it relates to flow and flow processes in the lower Platte River. For the cumulative effects analysis to help a decision-maker and inform interested parties, it must be limited to scoping effects that can be evaluated meaningfully; in other words, the geographic bounds are limited to the area where there are actions that have the potential to have a significant and measurable affect on the targeted resource. In the case of the Loup River project, expanding the geographic scope to include the entire Platte River basin would extend the analysis beyond the point of providing a meaningful analysis of the project's and other action's combined potential influences on resources in the lower Platte River. However, as the relicensing proceeding progresses, we will consider modifying the geographic scope of analysis as needed based on our identification of any new relevant information.*

Comment: *The District does not believe that the project results in flow depletions in the Loup River, thus flow depletions should not be considered for cumulative effects.*

Response: *Although the District has assessed whether there are flow depletions in the lower Platte River owing to the project, Commission staff must conduct its own independent assessment of this issue, and will do so in the NEPA document. We, therefore, will retain the issue in SD2.*

AQUATIC RESOURCES

Comment: *The District notes that with respect to fish passage at the diversion weir, the Nebraska Game and Parks Commission expressed interest in providing passage for channel catfish, but no other fish species. The District requests that we limit the issue of fish passage to only channel catfish.*

Response: *Our preference is to not limit the issue to just channel catfish, because although channel catfish may be the primary target species, other fish species could be affected (beneficially or adversely) by fish passage at the project. Further, should a relicensing participant ultimately recommend fish passage at the project, we would identify all species that would likely use the fish passage, not just those that the recommending entity targets. In addition, the Meeting Notes for August 19, 2008, in Volume 2 of the PAD states that the Nebraska Game and Parks Commission “are interested in channel catfish and flathead catfish....smaller species may also be a concern [with respect to fish passage].”*

Comment: *The District notes that hydrocycling operations do not cause conditions in the tailrace canal conducive to fish stranding or mortality, and therefore, the issue of project operational effects on fish stranding and mortality should be limited to just the Platte River downstream of its confluence with the tailrace canal. The District notes that the canal is continuously watered through project operations and flow inputs via the Lost Creek Flood Control Channel.*

Response: *We agree. As noted in the PAD, the FWS and Nebraska DNR expressed concerns with how hydrocycling operations might affect aquatic resources, specifically in the Platte River downstream of the confluence with the tailrace canal. We, therefore, have modified the issue in SD2 to specifically target the Platte River.*

Comment: *The Nebraska Game and Parks Commission notes that the main area within the Loup River bypassed reach where fish kills may occur during the summer months is from the diversion weir downstream to the Loup River confluence with Beaver Creek. They request that as part of our analysis of project effects on bypassed reach water temperature, we specifically target the area of the bypassed reach between the diversion weir and the confluence with Beaver Creek.*

Response: *We agree and have made the modification in SD2.*

THREATENED AND ENDANGERED SPECIES

Comment: *The FWS requests that we analyze project operational affects on polychlorinated biphenyls (PCB) transport within the project area and associated effects on federally listed species, including piping plover, least term, and pallid sturgeon. They also request an analysis of non-point sources of atrazine, nutrients, and bacteria to the project canal system with the goal of identifying strategies to reduce these pollutant inputs to the project area.*

Response: *Inputs of atrazine, nutrients, and bacteria to the project canal system from non-point sources are unrelated to the project or operations, and therefore, the requested issue is not included as an issue for analysis in our NEPA document.*

The potential exists for dredging operations to mobilize PCB-laden sediments if present in the settling basin. In addition, small fish discharged onto the North Sand Management Area with sediments during dredging activities could potentially contain PCBs. Such fish could be ingested by federally listed least terns nesting and feeding in the North Sand Management Area. Therefore, we have modified SD2 to show that we will assess the effects of project operations on PCB transport within the project area.

At this time, we are not including pallid sturgeon as part of our analysis of PCBs, because pallid sturgeon are not located in the project area where the project has the potential to expose pallid sturgeon or their prey to any PCB-laden sediments disrupted by project operations or maintenance.

Comment: *The FWS recommends that the scoping document indicate that the project lies in one of Nebraska's Biologically Unique landscapes as described by the Nebraska Natural Legacy Project. The rare, threatened and endangered species found on or in the vicinity of the project are identified as Tier 1 At-Risk Species by the Legacy Project, indicating the critical need to implement measures to promote their conservation and recovery.*

Response: *The Commission's analysis will consider the need for conservation and management actions to assist in the recovery of the Tier 1 species identified by the Legacy Project.*

Comment: *The FWS insists that for its Section 7 consultation that the analysis must examine the effects of the project operation using a baseline of with compared to without the project.*

Response: *The environmental baseline on relicensing is the environment as it exists at*

*the time of relicensing, not pre-project conditions.*⁴ *Nonetheless, this does not prevent the FWS from using a different baseline for its analysis.*⁵

Comment: *The FWS recommends that all transmission and distribution lines owned and maintained by the District and/or power lines that are located within the project boundary be evaluated for potential adverse impact to migrating whooping cranes. The FWS says that such transmission and distribution lines are an interrelated component of the project operations and subject to Section 7 consultation and evaluation pursuant to the Endangered Species Act (ESA). FWS states that transmission and distribution lines located in the vicinity of roost sites represent a collision hazard to whooping cranes.*

Response: *An interrelated activity is an activity that is part of the proposed action and depends on the proposed action for its justification (underline added).⁶ The transmission and distribution lines referenced by the FWS are unrelated to the Commission's licensing action. The Commission's jurisdiction is limited to primary transmission lines, that is the primary line or lines transmitting power from the project to the point of junction with the distribution system or with the interconnected primary transmission system (FPA section 3(11)). The project does not have any primary transmission lines and the Commission has no authority to require any modifications to the lines to reduce or mitigate any potential adverse affect to whopping cranes. Moreover, the transmission and distribution lines would continue to transmit and distribute power regardless of whether the project exists or would continue to operate under a new license; therefore, they are independent of the Commission's action. Thus, we have not added this as an issue to SD2.*

Comment: *The District submitted additional information regarding the documented*

⁴ *The Commission's choice of current environmental conditions as the baseline for environmental analysis in relicense cases was affirmed in American Rivers v. FERC, 187 F.3d 1007, amended and rehearing denied, 201 F.3d 1186 (9th Cir., 1999); Conservation Law Foundation v. FERC, 216 F.3d 41 (D. C. Cir. 2000).*

⁵ *PG&E*, 107 FERC ¶ 61,232 at 19-21 (2004), order on reconsideration, 108 FERC ¶ 61,266 (2004) (P-77, Potter Valley), appeal filed, Friends of the Eel River v. FERC, 9th Cir. No. 04-73862 (8-5-04), Cal. Sportfishing Protection Alliance v. FERC, 9th Cir. No. 04-73498 (rejecting argument that reliance on Biological Opinion was arbitrary and capricious because Joint Regulations require ESA agencies to use a "current conditions" baseline).

⁶ *U.S. Fish and Wildlife Service and National Marine Fisheries Service. 1988. Final ESA Section 7 Consultation Handbook.*

sightings of whooping cranes as well as documented collisions with power lines as justification for not conducting the transmission and distribution line impact evaluation recommended by the FWS.

Response: As stated in the previous response, we agree that an assessment of transmission and distribution lines are beyond the scope of this project since the Commission's jurisdiction is limited to primary transmission lines, and there are no such lines within the project boundary.

RECREATION AND LAND USE

Comment: Several citizens (37 letters) as well as NORVA expressed support for the continued operation of the off-road vehicle area in Headworks Park. Most respondents noted the lack of alternative places to ride in the state and the high quality experience provided through a partnership between the District and NORVA.

Response: We have identified the issue of providing opportunities for off-road vehicle use on lands within the project boundary and will provide our assessment in the EA.

Comment: A number of individuals (6 letters) as well as CART supported efforts by the District to develop trails and to provide recreational opportunities on project lands.

Response: We have identified the issue of providing trail opportunities on lands within the project boundary and will provide our assessment in the EA.

Comment: The District notes that the two bullets recommending a recreational survey and a land use inventory were proposed by the Commission and asks what the Commission's intent is by recommending them at this time.

Response: All the measures identified in section 4.3 were proposed by the District in the PAD, which was incorrectly reflected as Commission recommendations. We have rephrased the introduction to the bullets and removed the reference to the studies from the list of environmental measures.

Comment: Several neighboring landowners (8 letters) have voiced concern over a comment made by FWS staff during one of the scoping meetings that the District does not have to allow irrigators access to their water rights on Loup River Power District property. These landowners want assurances that they will continue to be allowed to access their water rights from the canal to irrigate crops.

Response: Administration of water rights is a state legal matter beyond the purview of our environmental analysis. However, we will assess the effects of any changes to project diversions on irrigation use of Loup power canal waters.

REQUEST FOR INFORMATION AND STUDIES

Comment: *The District recommends adding the Platte River Recovery Implementation Program cooperative agreement to the list of comprehensive plans.*

Response: *To be included on the list of comprehensive plans and accorded FPA section 10(a)(2)(A) comprehensive plan status, the plan must be developed by a federal or state resource agency and filed with the Commission for approval. Because this plan has not been filed for consideration as a comprehensive plan, we will consider this program's objectives, but not under section 10(a)(2)(A) of the FPA.*

Comment: *The Nebraska DNR requests a study to evaluate the effects the project has on ice jam flooding. They would like the study to include a predictive model of the project's effects on ice jam flooding, and ways to prevent, alleviate and mitigate for ice jam flooding caused by the project.*

Response: *This study request will be discussed under the study plan process.*

3.0 PROPOSED ACTION AND ALTERNATIVES

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

3.1 Loup Power District's Proposed Action

The District is seeking a new license for the continued operation and maintenance of the Loup River Project. The Commission will consider whether, and under what conditions, to issue a new license for the project.

3.1.1 Description of Existing and Proposed Project Facilities

The headworks for the Loup River Project are located on the Loup River approximately 34 miles upstream of the confluence of the Loup and Platte Rivers. Water is diverted at the headworks into the Upper Power Canal to the Monroe Powerhouse. From this powerhouse, water then flows into the Lower Power Canal to Lakes Babcock and North (regulating reservoirs). From these *regulating reservoirs*, flow is then diverted into the Intake Canal to the Columbus Powerhouse. From this powerhouse, flow is then diverted back to the Platte River via the Tailrace Canal.

The project consists of: (1) a diversion weir on the Loup River at an elevation of 1,574 feet with wooden flashboards (or planks) to create an effective crest elevation of 1,576 feet; (2) eleven 24-foot-long and 5-foot-**high** steel intake gates located on the north

bank of the river with *gate sill elevation* of 1,569.5 feet; (3) three 20-foot-long and 6-foot-*high* steel sluice gates with *sill elevation* of 1,568 feet spanning the portion of river flowing between the downstream leg of the diversion weir and the intake gates diverting water into a settling basin; (4) a 2-mile-long, 200-foot *bottom width*, and 16-foot-deep settling basin with a floating hydraulic dredge and skimming weir at the downstream end of the settling basin; (5) a 10-mile-long, 73-foot-*bottom width*, and 14.3-foot-deep Upper Power Canal with inverted siphons bringing water to the Monroe Powerhouse; (6) the Monroe Powerhouse containing three Francis-type, turbine-generating units each with a rated capacity of **2.612** MW; (7) a 13-mile-long, 39-foot-*bottom width*, and 19.5-foot-deep Lower Power Canal with two siphons extending from the Monroe Powerhouse to Lake Babcock; (8) a concrete weir structure (Sawtooth Weir) located where the Lower Power Canal enters Lake Babcock; (9) a 760-acre regulating reservoir, Lake Babcock, with storage capacity of **2,270** acre-feet at its full pool elevation of 1,531 feet; (10) a 200-acre second regulating reservoir, Lake North, with storage capacity of 2,080 acre-feet at an elevation of 1,531 feet; (11) a concrete control structure in the south dike linking the two regulating reservoirs; (12) a 1.5-mile-long, 94- to 108-foot-*bottom width*, and 17.2- to 22.2-foot-deep intake canal bringing water from the reservoirs to the Columbus Powerhouse; (13) a 60-foot-long, 104-foot-wide, and 40-foot-high inlet structure with trashracks; (14) three 20-foot-diameter and 385-foot-long steel penstocks connecting the inlet structure with the powerhouse; (15) the Columbus Powerhouse containing three Francis-type, turbine-generating units each with a rated capacity of 15.2 MW; (16) a 5.5-mile, 42-foot-*bottom width*, and 19-foot-deep tailrace canal returning water to the river; and (17) appurtenant facilities.

3.1.2 Existing and Proposed Project Operation

From the headworks to the regulating reservoirs (Lakes Babcock and North), the project is operated run-of-river. From the regulating reservoirs to the Columbus Powerhouse, the project operates in an on-and-off mode called hydrocycling. Using the storage capacity of the Lakes and the Nebraska Public Power District's need for power on a daily basis, power is generated for one, or sometime, two, periods of several hours during the day.

The hydraulic capacity for the project is 3,500 cubic feet per second (cfs), or 6,930 acre-feet per day, so all flows above this must be bypassed into the Loup River. Typically, during normal project operations, the long-term average amount of flow diverted for the project is 1,610 cfs, or 3,180 acre-feet per day. During cold weather operations, the entire 35-mile length of the project must be monitored for heavy slush, frazil ice formation, ice floes, and ice jams. Any of these conditions may create an emergency situation where flow diversion must be quickly adjusted or curtailed. During high flows operations, typically during the spring freshet, the diversion of flows for the project would reduce or curtail as needed. During the hot summer months when flows in the Loup River are impacted by upstream irrigation withdrawals, the project operates by

releasing a minimum of 50 to 75 cfs in the Loup River bypassed reach when conditions warrant.

The project generates about 134,192 megawatt-hours (MWh) of energy per year. The District proposes no changes to the operation of the project.

3.2 Staff's Modification of the Proposed Action

We will consider various alternatives, including environmental measures not proposed by the District. We will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement measures identified by us (the Commission staff), the agencies, Indian tribes, NGOs, and the general public. To the extent that modifications would reduce power production from the project, we will evaluate the costs of providing an equivalent amount of fossil-fueled power generation.

3.3 No-action Alternative

Under no action, the Loup River Project would continue to operate as required by the current project license. 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 and comprehensive analyses 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.⁷ 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.

⁷ 16 U.S.C. §§ 791(a)-825(r).

3.4.2 Nonpower License

A non-power license is a temporary license which the Commission would terminate whenever it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the non-power license. Hence, issuing a non-power license for the project would not provide a long-term solution to the issues presented. To date, 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 to be a reasonable alternative to some form of new license with enhancement measures.

3.4.3 Project Decommissioning

Decommissioning of the project could be accomplished with or without *diversion weir* removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power (about 134,192 MWh annually) to the region. With decommissioning, the project would no longer be authorized to generate power.

At this time, no party has suggested that project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental 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 (40 CFR Section 1508.7), a cumulative effect is an impact on the environment resulting from the incremental impacts of the action when added to 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.

4.1.1 Resources That Could Be Cumulatively Affected

We have reviewed the information provided in the PAD, and based on our review and preliminary analysis, we have identified threatened and endangered species, specifically the federally listed piping plover, interior least tern, and pallid sturgeon as

resources that may be cumulatively affected by the proposed continued operation of the Loup River Project.

Water depletions and diversions associated with evaporative losses, irrigation diversions, human disturbances, channelization, encroaching vegetation, and introductions of non-native species *may* have led to degradation of habitat and reduced populations of the above federally listed species in the lower Platte River. *Potential* depletions of water (evaporative losses) and flow alterations associated with Loup River Project operations may contribute to the adverse effects on these species.

4.1.2 Geographic Scope

Our geographic scope of analysis for cumulatively affected resources is defined by 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 Loup River basin and the lower Platte River basin. Because the proposed action would affect the resources differently, the geographic scope for each resource may vary.

At this time, we have tentatively identified the Loup River basin and the lower Platte River *from the Loup River confluence* to the Missouri River *confluence* as our geographic scope of analysis for the federally listed species.

4.1.3 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. Based on the potential term of a new license, the temporal scope will look 30-50 years into the future, concentrating on the effect to the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource.

We are seeking further information from federal and state resource agencies, Indian tribes, and any other sources pertaining to past, present, and future actions and their effects on the aforementioned resources (in the form of previous studies; present plans; and future plans, goals, or forecasts) in the Loup River basin and the lower Platte River, especially those areas where we will focus our analysis (see section 5 for submitting information).

4.2 Resource Issues

In this section, we present the preliminary list of environmental issues and concerns to be addressed in the EA. This list is not intended to be exhaustive or final, but is an initial listing of issues we have identified to date associated with relicensing the

project. We may modify or add to the list of issues based on comments received during scoping. After scoping is completed, we will review this list and determine the appropriate level of analysis needed to address each issue in the EA. For convenience, the issues have been listed by resource area. Those issues identified by an asterisk (*) will be analyzed for both cumulative and site-specific effects.

4.2.1 Geology and Soil Resources

- Effects of continued project operation and maintenance and recreational boating on shoreline erosion.

4.2.2 Aquatic Resources

- Effects of the project diversions on water temperatures in the *Loup River* bypassed reach *with particular emphasis between the diversion weir and the confluence of the Loup River with Beaver Creek*.
- *Effects of any changes to project diversions on irrigation use of Loup power canal waters.*
- Effects of project operations on water quality (dissolved oxygen [DO], E. coli, pH, *PCBs*, and temperature) in the *Loup* power canal and regulating reservoirs.
- Effects of the project diversions and flow fluctuations on aquatic habitat (including habitat connectivity and distribution) and aquatic species in the Loup River below the project diversion structure and in the lower Platte River.*
- Effects of peaking (hydrocycling) operations on aquatic habitat and aquatic species in the Platte River *downstream of the confluence with the tailrace canal*.*
- Effects of intermittent flow releases from the tailrace canal into Lost Creek on aquatic resources and aquatic habitat in Lost Creek.
- Effects of the diversion weir on fish passage and aquatic species distribution and life histories in the Loup River.
- Effects of peaking (hydrocycling) operations on fish stranding and mortality in the tailrace canal and the lower Platte River.

4.2.3 Terrestrial Resources

- Effects of the project diversions and flow fluctuations on wetland and riparian vegetation establishment and composition in the Loup River below the project diversion structure and in the lower Platte River.
- Effects of project operation and maintenance activities and project-related recreation on wintering and nesting bald eagles, migratory birds (bank and cliff swallows), small white lady's slipper, *and Tier 1 At-Risk Species by the*

Nebraska Natural Legacy Project.

4.2.4 Threatened and Endangered Species

- Potential effects of continued project operations (timing and amount of flow diversion for generation, sediment management, and flow fluctuations from hydrocycling on the federally listed pallid sturgeon in the lower Platte River.*
- Effects of continued project operations (timing and amount of flow diversion for generation, sediment management, and flow fluctuations from hydrocycling and project-related recreation (use of off-road vehicles) on the federally listed interior least tern and piping plover in the bypassed reach of the Loup River, the sand management areas, and in the lower Platte River, specifically considering: (1) creation, longevity, and quality of nesting habitat (sandbar formation, foundation, erosion); (2) availability of food and the quality of foraging habitat; (3) species composition and establishment of invasive species and woody vegetation; (4) susceptibility of land-based predation and human disturbance on nesting terns and piping plovers; and (5) nesting initiation and success (inundation effects).*
- Effects of flow fluctuations from hydrocycling on ice jam formations in the lower Platte River including associated effects (ice scouring) on nesting and foraging habitat for the least tern and piping plover.
- Effects of continued project operations on the federally listed Western prairie fringed orchid.
- *Effects of project operations on whooping crane foraging habitat in the bypassed reach of the Loup River.*
- *Effect of project operations (e.g., dredging) on PCB dispersal and the associated effect on the least tern.*

4.2.5 Recreation and Land Use

- Effects of existing recreation facilities (fishing areas, hunting areas, camping sites, boat launches, trails, playgrounds and swimming areas) and public access within the project boundary on current and future (over the term of a new license) recreation demand, including barrier-free access.
- Effects of water quality on recreational fisheries, swimming, canoeing, and boating.
- Effects of the project diversion on the recreational use within the bypassed reach of the Loup River.

4.2.6 Land Use and Aesthetics

- Effects of current project operation, maintenance, and recreation on adjacent

land uses.

- Effects of encroaching vegetation and bank stabilization measures along shoreline areas on aesthetic resources within the project area.

4.2.7 Cultural Resources

- Effects of continued project operations and maintenance on cultural, historic, archeological, and traditional resources in the project area of potential effect and their eligibility to be included in the National Register of Historic Places

4.2.8 Developmental Resources

- The effects of the proposed project and alternatives, including any recommended environmental measures on the power economic of the project.

4.3 Proposed Protection and Enhancement Measures and Potential Studies

Depending upon the findings of studies completed by the District and the recommendations of the consulted entities, the District will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of the proposed action. The following are the District's initial study proposals to fill information gaps to address the above issues and determine appropriate environmental measures. Further studies may need to be added to this list based on comments provided to the Commission from interested participants, including Indian tribes. The District proposes the following studies:

- Sedimentation - Determine if project operations materially affect sediment transport within the Loup River bypassed reach and the Platte River downstream of the Tailrace Canal.
- Hydrocycling - Determine the effect of Project operations on the sub-daily hydrograph and stage of the Platte River downstream of the Tailrace Canal.
- Water Temperature in the Platte River - Determine if Project operations materially affect water temperature in the Lower Platte River.
- Water Temperature in the Loup River bypassed reach - Determine if Project operations materially affect water temperature in the Loup River bypassed reach.
- Flow Depletion in the Loup River bypassed reach - Determine the effect on riverine habitat of reduced flows in the Loup River bypassed reach resulting from project operations.
- Fish Sampling - Determine the species abundance, composition, and distribution of sport fisheries in the Loup Power Canals.
- Fish Passage - Determine if the diversion weir is a barrier to fish movement

upstream.

- Recreational User Survey - Determine the public awareness, usage, and demand of the project's existing recreational facilities to determine if potential improvements are needed.
- Creel Survey - Determine the status of project fisheries and how the fisheries are used by anglers.
- Land Use Inventory - Determine specific land use of properties that abut the project boundary to identify potential conflicts and/or opportunities.
- Section 106 Compliance - Programmatic approach - Achieve NHPA section 106 compliance through a programmatic, ongoing relationship between the Loup Power District and the Nebraska SHPO

6.0 EA PREPARATION SCHEDULE

At this time, we do not anticipate the need for preparing a draft EA. We will prepare a "single EA" for these projects, which will be sent to all persons and entities on the Commission's service and mailing lists for the Loup River Project. The EA will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. All recipients (and stakeholders) will then have 45 days to review the EA and file written comments with the Commission. All comments on the EA, filed with the Commission, will be considered in any Commission order rendering a decision on a new license for the project.⁸

Appendix A contains the Process Plan and schedule for pre-application activity. Our preliminary schedule for processing the license application is as follows:

ACTION	TARGET DATE
Scoping Meetings	January 2009
License Applications Filed	April 2012
Issue Ready for Environmental Analysis Notice	July 2012
Deadline for Filing Comments, Recommendations and Agency Terms and Conditions/Prescriptions	September 2012
Single EA Issued	May 2013
Deadline for Filing Modified Agency Recommendations	July 2013

⁸ Should substantive comments requiring reanalysis be received on the EA, we would consider preparing a subsequent EA.

7.0 EA OUTLINE

The preliminary outline for the Loup River Project EA is as follows:

SUMMARY

- 1.0 APPLICATION**
- 2.0 PURPOSE OF ACTION AND NEED FOR POWER**
 - 2.1 Purpose of Action
 - 2.2 Need for Power
- 3.0 PROPOSED ACTION AND ALTERNATIVES**
 - 3.1 Project Facilities and Operation
 - 3.2 Proposed Protection, Mitigation, and Enhancement Measures
 - 3.3 Additional Staff-recommended Measures
 - 3.4 No-action
 - 3.5 Alternatives Considered but Eliminated from Detailed Study
- 4.0 CONSULTATION AND COMPLIANCE**
 - 4.1 Scoping
 - 4.2 Interventions
 - 4.3 Comments on the Application
 - 4.4 Compliance
 - 4.4.1 Water Quality Certification
 - 4.4.2 Section 18 Fishway Prescription
 - 4.4.3 Endangered Species Act
 - 4.4.4 Coastal Zone Consistency Determination
 - 4.4.5 Section 106 Consultation
- 5.0 ENVIRONMENTAL ANALYSIS**
 - 5.1 General Description of the Loup River Basin
 - 5.2 Cumulative Effects
 - 5.2.1 Geographic Scope
 - 5.2.2 Temporal Scope
 - 5.3 Environmental Analysis
 - 5.3.1 Geology and Soils
 - 5.3.2 Water Resources
 - 5.3.3 Fisheries and Aquatics
 - 5.3.4 Terrestrial Resources
 - 5.3.5 Threatened and Endangered Species
 - 5.3.6 Recreational Resources
 - 5.3.7 Land Use and Aesthetic Resources
 - 5.3.8 Archeological and Historic Resources
 - 5.4 No Action
- 6.0 DEVELOPMENTAL ANALYSIS**
 - 6.1 Power and Economic Benefits

6.2	Cost of Environmental Measures
6.3	Economic Comparison of the Alternatives
7.0	COMPREHENSIVE DEVELOPMENT ANALYSIS
8.0	RECOMMENDATIONS OF FISH AND WILDLIFE AGENCIES
9.0	CONSISTENCY WITH COMPREHENSIVE PLANS
10.0	FINDING OF [OR NO] SIGNIFICANT IMPACT
11.0	LITERATURE CITED
	LIST OF PREPARES
	APPENDICES (As Needed)

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 on the Commission's Comprehensive Plan List which we consider to be relevant to this project are listed below. We ask agencies to review this list and to inform us of any changes (additions/subtractions) that are needed. If there are plans that should be added to the list, agencies should file the plans according to 18 CFR 2.19.

Brown, MB & Jorgensen, JG (2008). 2008 Interior least tern and piping plover monitoring, research, management, and outreach report for the Lower Platte River, Nebraska. Joint report of the Tern and Plover Conservation Partnership and the Nebraska Game and Parks Commission.

National Park Service. 1982. The nationwide rivers inventory. Department of the Interior, Washington, D.C. January 1982.

Nebraska Game and Parks Commission. 2006-2010. State Comprehensive Outdoor Recreation Plan (SCORP). Lincoln, Nebraska. 104 pp.

Platte River Report Management Joint Study. 1990. Biology workgroup final report. Denver, Colorado. July 20, 1990. 131 pp.

U.S. Fish and Wildlife Service. 1990. Endangered resources in the Platte River ecosystem: description, human influences and management options. Department of the Interior, Denver, Colorado. July 20, 1990. 52 pp.

U.S. Fish and Wildlife Service. 1987. Fish and wildlife resources of interest to the U.S. Fish and Wildlife Service on the Platte River, Nebraska. Department of the Interior, Grand Island, Nebraska. May 15, 1987. 37 pp.

U.S. Fish and Wildlife Service. 1988. Great Lake and Northern Great Plains Piping

Plover recovery plan. Department of the Interior, Twin Cities, Minnesota.
May 12, 1988.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. Undated. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

9.0 MAILING LIST

The list below is the Commission's official mailing list for the Loup River Project. If you want to receive future mailings for the Loup River Project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Loup River Project No. 1256-029. You may use the same method if requesting removal from the mailing list shown below.

Commission's Mailing List for the Loup River Project

Environmental Protection Agency 901 N 5th St Kansas City, NEBRASKA 66101-2907

Federal Energy Regulatory Commission CHICAGO REGIONAL OFFICE - FEDERAL BLDG. 230 S Dearborn St Ste 3130 Chicago, NEBRASKA 60604-1695

Forest Service PO Box 25127 Denver, NEBRASKA 80225-0127

Regional Hydropower Coordinator FOREST SERVICE 125 S State St Salt Lake City, NEBRASKA 84138

ROBERT E WHITE, GEN. MANAGER
LOUP RIVER PUBLIC POWER DISTRICT
PO Box 988
Columbus, NEBRASKA 68602-0988

OWEN LLOYD, ENGR. MANAGER
LOUP RIVER PUBLIC POWER DISTRICT
PO Box 988
Columbus, NEBRASKA 68602-0988

Neal Suess, President/CEO
LOUP RIVER PUBLIC POWER DISTRICT
2404 15th Street
P.O. Box 988
Columbus, NEBRASKA 68602-0988

Prescott Brownell, Regional FERC Coordinator
National Marine Fisheries Service
219 Fort Johnson Road
Charleston, NEBRASKA 29412

NEBRASKA DEPARTMENT OF AGRICULTURE
PO Box 94947
Lincoln, NEBRASKA 68509-4947

Director
Nebraska Department of Natural Resources
PO Box 94676
Lincoln, NEBRASKA 68509-4676

Director
NEBRASKA DEPT. OF ENVIRONMENTAL QUALITY
PO Box 98922
Lincoln, NEBRASKA 68509-8922

Frank Albrecht, Director
NEBRASKA GAME & PARKS COMMISSION
PO Box 30370
Lincoln, NEBRASKA 68503-0370

ATTY. GENERAL
NEBRASKA OFFICE OF THE ATTORNEY GEN.
STATE CAPITOL
LINCOLN, NEBRASKA 68509

NEBRASKA STATE HISTORICAL SOCIETY
1500 R St
Lincoln, NEBRASKA 68508-1651

U.S. Bureau of Reclamation
PO Box 36900
Billings, NEBRASKA 59107-6900

U.S. Fish and Wildlife Service
FEDERAL BUILDING
203 W 2nd St
Grand Island, NEBRASKA 68801-5907

U.S. Fish and Wildlife Service
Regional Director
PO Box 25486
Denver, NEBRASKA 80225-0486

Angela M Tornes
U.S. National Park Service
626 E Wisconsin Ave Ste 100
Milwaukee, NEBRASKA 53202-4609

Nick Chevance, Environmental Coordinator
U.S. National Park Service
601 Riverfront Drive
Planning And Compliance Office
Omaha, NEBRASKA 68102

Honorable Chuck Hagel
United States Senate
Washington, NEBRASKA 20510

Honorable Ben Nelson
United States Senate
Washington, NEBRASKA 20510

US Army Corps of Engineers
MISSOURI RIVER DIVISION
12565 W Center Road
Omaha, NEBRASKA 68144-3869

US Bureau of Indian Affairs
ABERDEEN AREA OFFICE
115 4th Ave SE
Aberdeen, NEBRASKA 57401-4310

Bob Dach, Hydropower Program Manager
US Bureau of Indian Affairs
Natural Resources
911 NE 11th Avenue
Portland, NEBRASKA 97232

US Bureau of Land Management
PO Box 1828
Cheyenne, NEBRASKA 82003-1828

US Department of Interior
OFFICE OF ENVIRONMENTAL AFFAIRS
1849 C St NW # ROOM 2353
Washington, DC 20240-0001

Roger Trudell, Chairman
Santee Sioux Tribal Council
Route 2
Niobrara, NEBRASKA 68760

Trey Howe, Chairman
Ponca Tribe of Oklahoma
P.O. Box 2, White Eagle Drive
Ponca City, OKLAHOMA 74601

Amen Sheridan, Chairman
Omaha Tribal Council
Omaha Tribe of Nebraska
P.O. Box 368
Macy, NEBRASKA 68039

George Howell, President
Pawnee Tribal Business Council
P.O. Box 470
Pawnee, OKLAHOMA 74058

Robert F Stewart, Director
US Department of Interior
PO Box 25007
Denver, NEBRASKA 0007

APPENDIX A - PROCESS PLANS AND SCHEDULES

LOUP RIVER ILP PROCESS PLAN AND SCHEDULE

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Loup Power District	File NOI/PAD with FERC	10/16/08	5.5, 5.6
FERC	Tribal Meeting		5.7
FERC	Notice of Commencement of Proceeding and SD1 issued	12/12/08	5.8
FERC	Scoping and Site Visit (approximate date)	1/12/09	5.8(b)(viii)
All stakeholders	NOI/PAD/SD1 comments and Study Requests	2/10/09	5.9
FERC	Issue SD2 if needed	3/27/09	5.1
Loup Power District	File Proposed Study Plan	3/27/09	5.11(a)
All stakeholders	Study Plan Meeting	4/21/09	5.11(e)
All stakeholders	Study Plan Comments Due	6/25/09	5.12
Loup Power District	File Revised Study Plan	7/27/09	5.13(a)
All stakeholders	Revised Study Plan Comments Due	8/11/09	5.13(b)
FERC	Director's Study Plan Determination	8/26/09	5.13(c)
USFS, USFWS, NDEQ	Any Study Disputes Due ¹	9/15/09	5.14(a)
Study D. Panel	Third Panel Member Selected	10/5/09	5.14(d)(3)
Study D. Panel	Panel Convenes	10/5/09	5.14(d)
Loup Power District	Applicant Comments on Study Dispute Due	10/9/09	5.14(i)
Study D. Panel	Technical Conference Held	10/15/09	5.14(j)
Study D. Panel	Panel Finding Issued	11/4/09	5.14(k)
FERC	Director's Study Dispute Determination	11/24/09	5.14(l)
Loup Power District	First Study Season	Sum/Fall 09	5.15(a)
Loup Power District	Initial Study Report	8/26/10	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	9/10/10	5.15(c)(2)
Loup Power District	Initial Study Report Meeting summary	9/24/10	5.15(c)(3)
All stakeholders	Study Disputes/Request to Modify Study Plan Due	10/25/10	5.15(c)(4)
All stakeholders	Responses to Disputes/Study Requests	11/24/10	5.15(c)(5)
FERC	Directors Study Plan Determination	12/27/10	5.15(c)(6)
Loup Power District	Second Study Season	Spr/Sum 10	5.15(a)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Loup Power District	Updated Study Report Due	8/26/11	5.15(f)
All stakeholders	Updated Study Report Meeting	9/9/11	5.15(f)
Loup Power District	Updated Study Report Meeting Summary	9/23/11	5.15(f)
All stakeholders	Study Disputes/Request to Modify Study Plan Due	10/24/11	5.15(f)
All stakeholders	Responses to Disputes/Study Requests	11/23/11	5.15(f)
FERC	Directors Study Plan Determination	12/23/11	5.15(f)
Loup Power District	Preliminary Licensing Proposal File	11/18/11	5.16(a)
All stakeholders	Comments on Preliminary Licensing Proposal	2/16/12	5.16(e)
Loup Power District	License Application Filed	4/16/12	5.17

¹ Shaded milestones are unnecessary if there are no study disputes.