

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D. C. 20426  
June 12, 2020

OFFICE OF ENERGY PROJECTS

Project No. 2790-072 – Massachusetts and  
New Hampshire  
Lowell Hydroelectric Project  
Boott Hydropower, LLC

VIA FERC Service

Mr. Kevin Webb  
Licensing Manager  
Central Rivers Power  
670 N. Commercial Street, Suite 204  
Manchester, NH 03102

**Subject: Revised Process Plan and Schedule and Determination on Requests for  
Study Modifications for the Lowell Hydroelectric Project**

Dear Mr. Webb:

On March 13, 2019, the study plan determination was issued for Boott Hydropower, LLC's (Boott) Lowell Hydroelectric Project No. 2790. The study plan determination required Boott to conduct 13 studies, and file an initial study report (ISR) on those studies by February 25, 2020. Boott filed its initial study report on February 25, 2020, and held a study report meeting on March 11, 2020.

Boott's February 25, 2020 ISR describes its progress in implementing the study plan, but does not include data collected during the 2019 study season, as required by section 5.15(c) of the Commission's regulations.<sup>1</sup> The ISR indicates that Boott only completed field data collection for three<sup>2</sup> of the 13 studies required by the study plan determination, and is still analyzing the data and preparing technical reports for those

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<sup>1</sup> 18 C.F.R. § 5.15(c) (2019).

<sup>2</sup> The three studies include: Study 1, Downstream American Eel Passage Assessment; Study 2, Juvenile Alosine Downstream Passage Assessment; and Study 7, Fish Assemblage Study.

studies. Boott anticipates filing study reports for five of the studies during the third quarter of 2020,<sup>3</sup> for two of the studies during the fourth quarter of 2020,<sup>4</sup> and for the remaining six studies on February 25, 2021, when the updated study report is due.<sup>5</sup>

Because the ISR does not include the data or study results from 2019, Commission staff and the other participants have not had the opportunity provided by section 5.15(c) of the Commission's regulations to review the first-year study results gathered to date and determine whether or not modifications to the study plan are needed. In order to provide Boott additional time to complete the required studies during the 2019 – 2020 study season and provide Commission staff and the participants the aforementioned opportunities afforded by section 5.15(c) of the Commission's regulations, we are revising the process plan and schedule (attached) to require Boott to submit a revised initial study report for five of the studies (Studies 1, 2, 3, 7, and 8) no later than September 30, 2020, and a revised initial study report for the remaining eight studies (Studies 4, 5, 6, 9, 10, 11, 12, and 13) no later than February 25, 2021.

The revised process plan and schedule extends the dates for the study plan modification process that follows the filing of an initial study report, consistent with the ILP pre-filing process. Boott must include with its revised initial study reports: a description of its progress in implementing the study plan, data collected during the 2019 – 2020 study season, and explanations of any variances from the study plan.

Pursuant to 18 C.F.R. § 5.15 of the Commission's regulations, Commission staff have reviewed the study modification requests filed by the U.S. Fish and Wildlife Service, the National Park Service, the National Marine Fisheries Service, and American Whitewater. Based on the available information provided for each of the ongoing studies, and because technical study reports have not been filed, staff cannot determine the need for any of the requested modifications at this time. Commission staff will

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<sup>3</sup> The five studies include: Study 1, Downstream American Eel Passage Assessment; Study 2, Juvenile Alosine Downstream Passage Assessment; Study 3, Upstream and Downstream Adult Alosine Passage Assessment; Study 7, Fish Assemblage Study; and Study 8, Recreation and Aesthetics Study.

<sup>4</sup> The two studies include: Study 9, Historically Significant Waterpower Equipment Study; and Study 12, Whitewater Boating and Access Study.

<sup>5</sup> The six studies include: Study 4, Fish Passage Survival Study; Study 5, Three-Dimensional Computational Fluid Dynamics Modeling Study; Study 6, Instream Flow Habitat Assessment and Zone of Passage Study in the Bypassed Reach; Study 10, Resources, Ownership, Boundaries, and Land Rights Study; Study 11, Water Level and Flow Effects on Historic Resources Study; and Study 13, Operation Analysis of the Lowell Canal Study.

Project No. 2790-072

3

address requests for study modifications on the initial study reports consistent with the revised process plan on January 28, 2021 and June 25, 2021, as detailed in the attached schedule.

If you have any questions, please contact Amy Chang at (202) 502-8250 or [amy.chang@ferc.gov](mailto:amy.chang@ferc.gov).

Sincerely,

Terry L. Turpin  
Director  
Office of Energy Projects

Attachment: Revised Process Plan and Schedule

Project No. 2790-072

**REVISED PROCESS PLAN AND SCHEDULE**

The revised process plan and schedule is presented below. Shaded milestones are unnecessary if there are no study disputes. If a due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines. As appropriate, the process plan and schedule may be further revised in the future.

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
Boott	<i>Revised</i> Initial Study Report for Studies 1, 2, 3, 7, and 8	9/30/20	5.15(c)(1)
All stakeholders	<i>Revised</i> Initial Study Report Meeting	10/15/20	5.15(c)(2)
Boott	<i>Revised</i> Initial Study Report Meeting Summary	10/30/20	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	11/29/20	5.15(c)(4)
Boott	File Preliminary Licensing Proposal	12/2/20	5.16(a)
All stakeholders	Responses to Disputes/Amendment Requests Due	12/29/20	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	1/28/21	5.15(c)(6)
Boott	<i>Revised</i> Initial Study Report for Studies 4, 5, 6, 9, 10, 11, 12, and 13	2/25/21	5.15(c)(1)
All stakeholders	Preliminary Licensing Proposal Comments Due	3/2/21	5.16(e)
All stakeholders	<i>Revised</i> Initial Study Report Meeting	3/12/21	5.15(c)(2)
Boott	<i>Revised</i> Initial Study Report Meeting Summary	3/27/21	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	4/26/21	5.15(c)(4)
All stakeholders	Responses to Disputes/Amendment Requests Due	5/26/21	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	6/25/21	5.15(c)(6)

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
Boott	File Final License Application	4/30/21 <sup>6</sup>	5.17
Boott	File Final Study Reports	TBD <sup>7</sup>	5.15(c) 5.15(f)

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<sup>6</sup> Pursuant to 18 C.F.R § 5.17(a), any application for a license for this project must be filed with the Commission at least 24 months prior to the expiration of the existing license. Because the current license expires on April 30, 2023, all applications for license for this project must be filed by April 30, 2021.

<sup>7</sup> As appropriate, the process plan and schedule will be revised in the future to address the filing of any outstanding final study reports and the process for requesting modifications to the approved study plans.

Document Content(s)

P-2790-072\_Revised Schedule and ISR Determination.PDF.....1-5