

RESPONSES TO STUDY REQUESTS

WHOOPING CRANE POWER LINE IMPACT EVALUATION

RESPONSE 1.0 WHOOPING CRANE POWER LINE IMPACT EVALUATION

Based on the following factors, the District proposes that the transmission and distribution line impact evaluation, as recommended by the U.S. Fish and Wildlife Service (USFWS), is not necessary to facilitate Project relicensing:

1. The District does not own any overhead transmission voltage lines (lines with a voltage above 115 kilovolts [kV]). The sub-transmission and distribution lines that the District owns are independent of the Project (are not interrelated or interdependent). These power lines would remain in use regardless of Project relicensing. The District's only overhead sub-transmission and distribution lines interrelated to Project operations are those located within the Project Boundary¹ that are used to provide power to the Project Headworks and developed recreation areas.
2. No whooping crane sightings have been documented within the Project Boundary. The nearest point of the Project Boundary is located approximately 35 miles east of the whooping crane's primary migration corridor,² as defined by the U.S. Geological Survey (USGS) (USGS, August 3, 2006), the Nebraska Game and Parks Commission (NGPC) (NGPC, November 2002), and USFWS (Stehn, June 1, 2007). This primary migration corridor is also referred to as the 100-mile-wide migration corridor by USFWS (Stehn, June 1, 2007). Maps showing these corridors are included at the end of this response.
3. Throughout the entire 100-mile-wide migration corridor, which spans from northern Alberta Canada to southern Texas, the USFWS report has not documented any whooping crane collisions with power lines east of the USFWS-delineated 100-mile-wide migration corridor (Stehn, June 1, 2007). The Project Boundary is located east of the migration corridor.

1.1 USFWS STUDY REQUEST

In response to the District's Pre-Application Document (PAD) (Loup Power District, October 16, 2008) and FERC's Scoping Document 1 (FERC, December 12, 2008), USFWS issued comments on these documents on February 9, 2009. On page 2 of its comment letter, USFWS recommended that the District evaluate all transmission and distribution lines owned and maintained by the District and/or power lines that are

¹ The Project Boundary is defined and shown in Figure 4-1, Sheets 1-14, in the PAD.

² All references in this document to whooping cranes and the whooping crane migration corridor are specific to the Aransas-Wood Buffalo National Park population, which migrates between Wood Buffalo National Park in northern Alberta Canada and the Aransas Wildlife Refuge in southeast Texas (Canadian Wildlife Service and USFWS, March 2007).

located within the Project Boundary for their potential to impact migrating whooping cranes.

1.2 DISTRICT RESPONSE TO STUDY REQUEST

The following sections detail the District's justification for proposing that the transmission and distribution line impact evaluation as proposed by USFWS is not necessary to facilitate Project relicensing.

1.2.1 Project-Associated Transmission Lines

Consistent with the following excerpt from Section 4.2.21 of the PAD, no overhead transmission voltage lines are included in the Project or contingent upon relicensing:

All power produced at the Monroe and Columbus powerhouses is sold at the on-site substations to NPPD. For this reason, no overhead transmission voltage lines are associated with the Project license. The District does own and maintain extensive overhead distribution voltage lines to serve customers throughout its four-county service area.

However, none of these lines are directly associated with the Project.

FERC defines transmission lines as being 115 kV and above. According to this definition, the District does not own any transmission lines. All transmission lines previously owned by the District were sold to the Nebraska Public Power District (NPPD) in November 1981. All lines currently owned by the District are sub-transmission or distribution lines.

The overhead sub-transmission and distribution lines associated with the District's four-county service area are independent of Project relicensing. These lines distribute power purchased from NPPD to the four-county area regardless of whether the power is generated at the Project or another power generating facility.

The only overhead power lines directly related to Project relicensing are the sub-transmission and distribution lines that provide power to the Project Headworks and developed recreation areas that are located inside the Project Boundary.

1.2.2 Whooping Crane Occurrences in the Project Boundary

There are no documented whooping crane sightings in the Project Boundary (NGPC, October 2, 2008).

The nearest point of the Project Boundary lays approximately 35 miles east of the USGS-delineated whooping crane primary migration corridor, an area in which 82 percent of all confirmed post-1949 sightings in Nebraska occur (USGS, August 3,

2006)³. USGS determined the primary migration corridor through Nebraska to be between 100 and 120 miles wide by plotting all of the confirmed sightings in the state during the last 30 years and drawing straight lines to enclose 70 to 100 percent of the sightings at each latitude (USGS, August 3, 2006). USGS goes on to state that “the remaining sightings [outside of the primary migration corridor] are primarily to the west [of the primary migration corridor].” As stated previously, the Project Boundary is 35 miles east of the primary migration corridor.

In its February 9, 2009, comment letter, USFWS states that the Project Diversion Weir lies within the migration corridor of the whooping crane. USFWS then provides the three whooping crane sightings nearest, but not within, the Project Boundary. The District provides the following clarifications to these statements:

- Concerning the USFWS definition of whooping crane migration corridor, USFWS is consistent with USGS and NGPC in assigning a 100-mile-wide migration corridor in which USFWS states that 82 percent of all known sightings have occurred (Stehn, June 1, 2007). The Project Boundary is approximately 35 miles east of this 100-mile-wide migration corridor, as defined by USFWS. Beyond the 100-mile-wide migration corridor agreed upon by multiple agencies, USFWS also defines a more liberal 200-mile-wide corridor in which an additional 12 percent of all known sightings have occurred (total of 94 percent of all known sightings) (Stehn, June 1, 2007). The Project is located within this expanded, 200-mile-wide corridor.
- The three documented sightings noted by USFWS represent isolated occurrences that span a 12-year time frame. The closest sighting was 3 miles west of the Project Boundary.

1.2.3 Whooping Crane Power Line Collisions

In a draft document by Mr. Tom Stehn, USFWS Whooping Crane Coordinator, titled “Whooping Cranes and Wind Farms – Guidance for Assessment of Impacts,” dated June 1, 2007, Mr. Stehn not only discusses the potential for whooping crane collisions with wind turbines, but also the potential for collisions with associated power lines (Stehn, June 1, 2007). Mr. Stehn states that along the entire 200-mile-wide migration corridor (Alberta to Texas), there are nine documented whooping crane collisions with power lines. Based on the location of the documented collisions in relation to the 100- and 200-mile-wide corridors, Mr. Stehn states that “The chance for a whooping crane colliding with a [wind] turbine or associated power line is much greater within the main 100-mile whooping crane migration corridor, less in the

³ NGPC has delineated a primary migration corridor which is very consistent with that delineated by USGS. NGPC also states that 80 percent of confirmed sightings occur within this corridor (NGPC, February 2002).

100 to 200 mile-wide corridor, and negligible outside the 200-mile corridor” (Stehn, June 1, 2007). More specifically, the document provides the following collision data:

- Seven of the nine collisions (77 percent) occurred within the 100-mile-wide corridor.
- One of the nine collisions (11 percent) occurred within the 200-mile-wide corridor, west of the 100-mile-wide corridor.
- One of the nine collisions (11 percent) occurred west of the 200-mile-wide corridor.

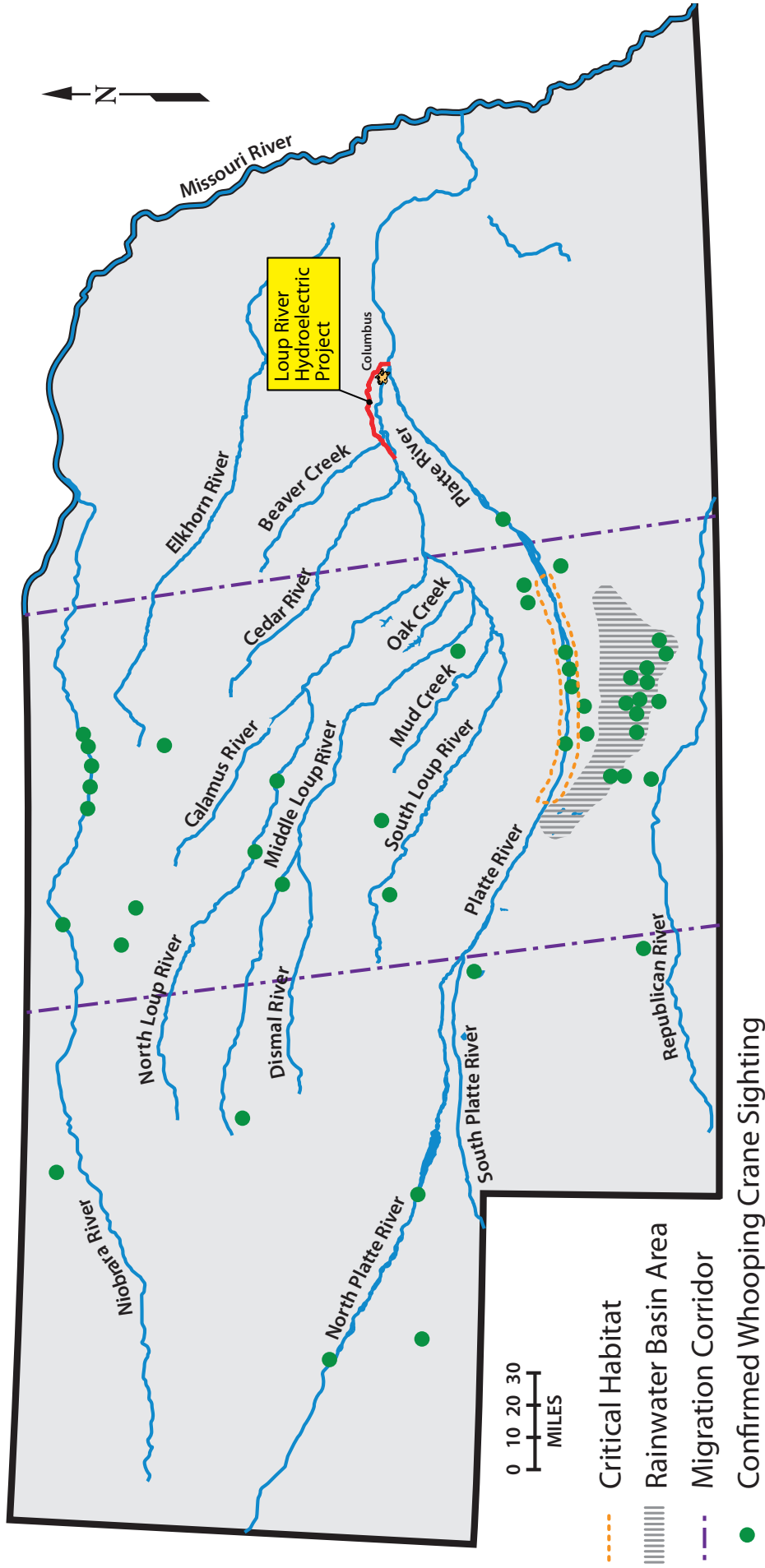
In summary, over the entire length of the primary migration corridor, there are no documented whooping crane collisions with power lines east of that corridor. The Project is located 35 miles east of the primary migration corridor.

1.3 REFERENCES

- Canadian Wildlife Service and USFWS. March 2007. International Recovery Plan for the Whooping Crane (*Grus americana*). Ottawa: Recovery of Nationally Endangered Wildlife (RENEW) and U.S. Fish and Wildlife Service, Albuquerque, New Mexico. Available online at http://ecos.fws.gov/docs/recovery_plan/070604_v4.pdf.
- FERC. December 12, 2008. Scoping of Environmental Issues for Relicensing the Loup River Hydroelectric Project. Office of Energy Projects. Washington D.C.
- Loup Power District. October 16, 2008. Pre-Application Document. Volume 1. Loup River Hydroelectric Project. FERC Project No. 1256.
- NGPC. November 2002. Whooping crane (*Grus americana*): Migration Distribution in Nebraska – February 2002. NE T.G. Notice 522, Section II, NRCS.
- NGPC. October 2, 2008. Personal communication (email) from Krystal Stoner, Environmental Analyst Supervisor, Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, to Melissa Marinovich, Environmental Scientist, HDR.
- Stehn, Tom. June 1, 2007. “Whooping Cranes and Wind Farms – Guidance for Assessment of Impacts.” U.S. Fish and Wildlife Service, Whooping Crane Coordinator. Available online at <http://www.neo.ne.gov/renew/wind-working-group/wind-whoopingcranes.pdf>.
- USFWS. February 9, 2009. Letter from June M. DeWeese, Nebraska Field Supervisor, to Ms. Kimberly Bose, Federal Energy Regulatory Commission, regarding comments on the Pre-Application and Scoping Documents for the Loup River Hydroelectric Project.

USGS. August 3, 2006. “Platte River Ecology Study: Whooping Cranes.” *Northern Prairie Wildlife Research Center*.
<http://www.npwrc.usgs.gov/resource/habitat/plriveco/wcranes.htm>.

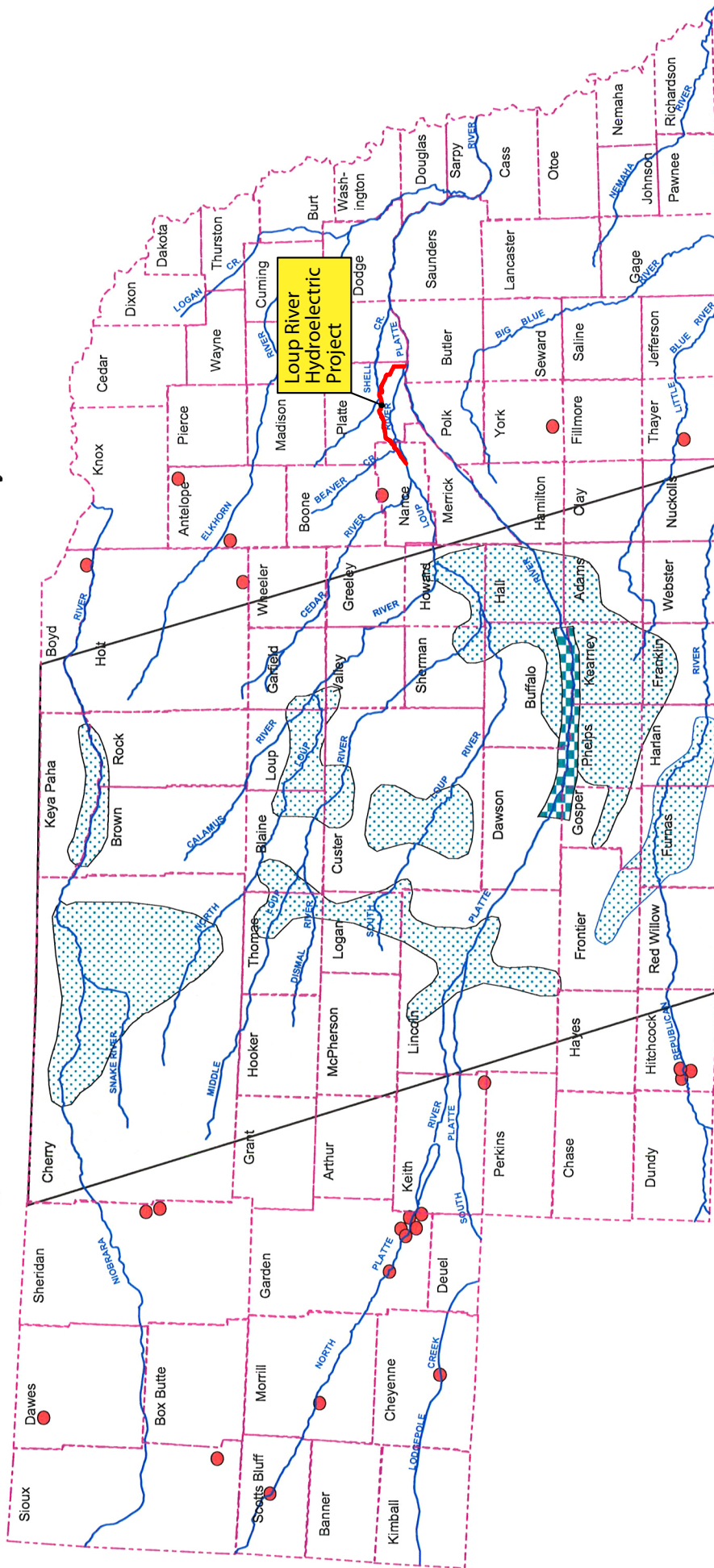
Loup River Hydroelectric Project location relative to whooping crane migration corridor and confirmed sightings (1950-spring 1980) in Nebraska.




Source: Basemap - USGS Platte River Ecology Study, Figure 13, accessed from <http://www.npwrc.usgs.gov/resource/habitat/plriveco/figures/fig13.htm>

Whooping Crane (*Grus americana*)

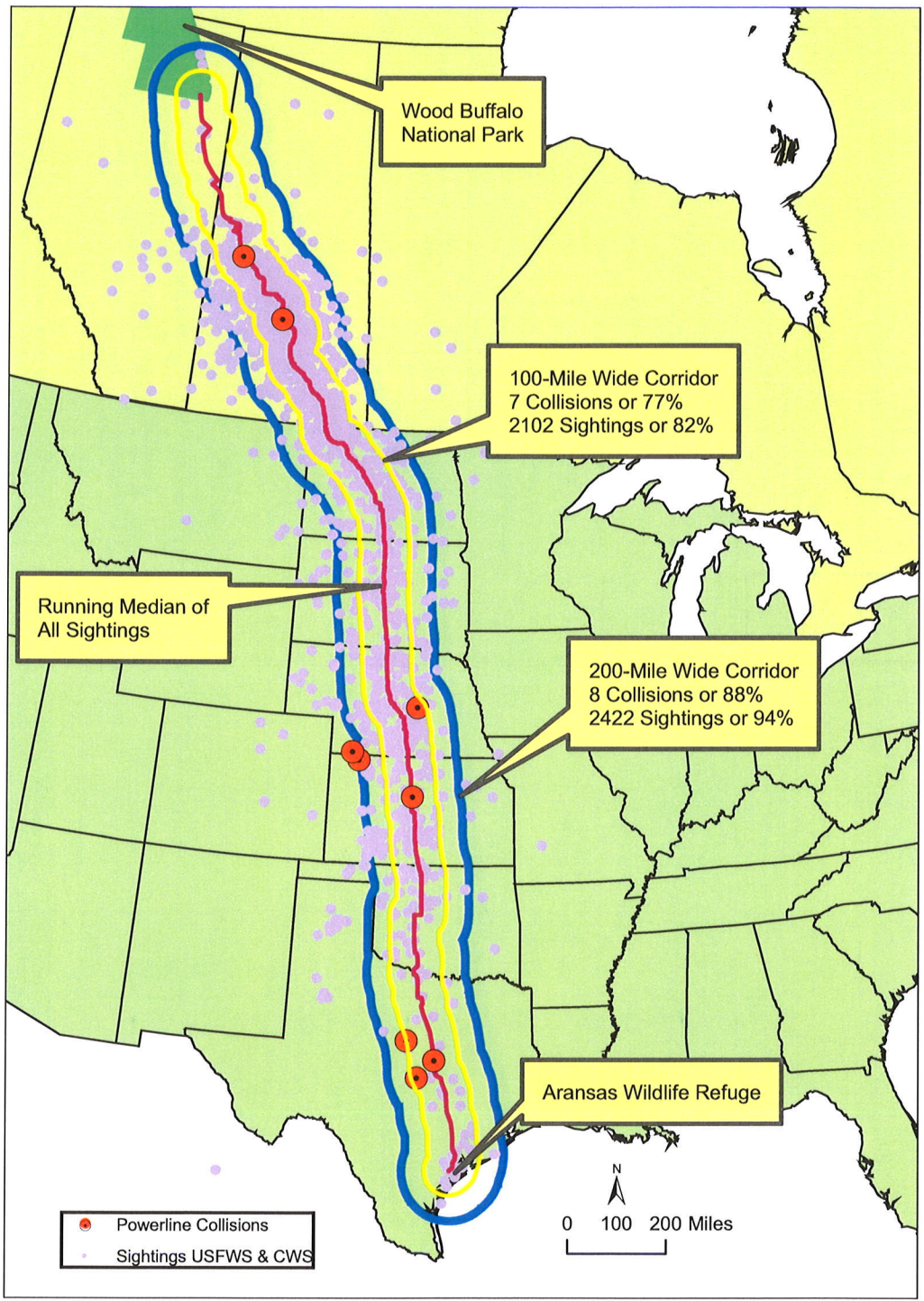
Migration Distribution in Nebraska - February 2002



-  CRITICAL HABITAT
-  ISOLATED SIGHTINGS
-  PRIMARY USE AREAS DURING MIGRATION
-  80% OF CONFIRMED SIGHTINGS AND PRIMARY MIGRATION CORRIDOR

NE T.G. Notice 522
Section II
NRCS-NOVEMBER 2002

NOTE: Loup River Hydroelectric Project has been superimposed on whooping crane migration corridor base map from Nebraska Game and Parks Commission.



Created by Tom Wassenich – Revised 2005

FLOW DEPLETIONS IN THE LOUP RIVER EVALUATION

RESPONSE 2.0 FLOW DEPLETIONS IN THE LOUP RIVER EVALUATION

Based on the discussion to follow, the District proposes that no study or further issue discussion is warranted during Project relicensing related to flow depletions in the Loup River upstream of the Project.

2.1 USFWS STUDY REQUEST

In response to the District's Pre-Application Document (PAD) (Loup Power District, October 16, 2008) and FERC's Scoping Document 1 (FERC, December 12, 2008), USFWS issued comments on these documents on February 9, 2009. On pages 10 and 11 of its comment letter, USFWS recommended that the District study the possible cumulative impacts of future water depletions on the Loup River above the Diversion Weir at Genoa on Federally listed species.

2.2 DISTRICT RESPONSE TO STUDY REQUEST

With regard to the study requested by USFWS and how this issue relates to Federal project review under the Endangered Species Act of 1973 (16 USC 1531 et seq.) and the National Environmental Policy Act (42 USC 4321-4347), the District provides the following information.

As noted in the PAD, Nebraska water law uses a priority and preference system to determine order of use for water. Priority is typically based on date of application, and preference is based on type of use. Under Nebraska's water preference system, domestic and agricultural water use outranks water used for industrial and power generation purposes. Therefore, although the District has the senior water right in most cases, it cannot prevent consumptive uses upstream of the point of diversion for water uses with a higher preference, nor can it speculate as to the amount and location of future uses.

Furthermore, in December 2008, the Nebraska Department of Natural Resources (NDNR) preliminarily declared the Lower Platte River Basin, which includes the Loup River, fully appropriated (NDNR, December 16, 2008). This preliminary determination imposed an immediate stay on construction of new water wells within the hydrologically connected areas within the Lower Platte River Basin, including the Loup River Basin. Existing wells and surface water appropriations will continue to operate and function as administered in the past; however, expansion of new water uses will require offsets¹ of equal amounts of water use, or in limited cases, exceptions and variances may apply. Additionally, municipalities and industries must track and establish baseline water uses for their existing levels of water development, and offsets will be required if water use increases above the baseline amounts.

¹ Offsets refers to retirement or reduction of existing water uses.

In accordance with NDNR’s preliminary determination described above, new or additional water uses within the Lower Platte River Basin, including the Loup River, will require providing offsets of equal amounts of existing water use. Therefore, future water use on the Loup River above the point of diversion at Genoa should not impact flow depletions on the Loup River or Project operations.

As a result of NDNR’s preliminary determination, and the discussion provided above, the District proposes that no study or further issue discussion is warranted during Project relicensing related to flow depletion in the Loup River upstream of the Project.

2.3 REFERENCES

FERC. December 12, 2008. Scoping of Environmental Issues for Relicensing the Loup River Hydroelectric Project. Office of Energy Projects. Washington D.C.

Loup Power District. October 16, 2008. Pre-Application Document. Volume 1. Loup River Hydroelectric Project. FERC Project No. 1256.

NDNR. December 16, 2008. 2009 Annual Evaluation of Availability of Hydrologically Connected Water Supplies: Determination of Fully Appropriated. Nebraska Department of Natural Resources. Lincoln, NE. Available online at <http://www.nlc.state.ne.us/epubs/N1500/A005-2009.pdf>.

USFWS. February 9, 2009. Letter from June M. DeWeese, Nebraska Field Supervisor, to Ms. Kimberly Bose, Federal Energy Regulatory Commission, regarding comments on the Pre-Application and Scoping Documents for the Loup River Hydroelectric Project.

RESPONSE 3.0

WATER QUALITY EVALUATION

RESPONSE 3.0 WATER QUALITY EVALUATION

Based on the following factors, the District proposes that the detailed water quality study of District waters, as proposed by the U.S. Fish and Wildlife Service (USFWS), is neither related to Project operations/relicensing, nor is it in the best interest of downstream water users:

1. PCB contamination is prevalent statewide and not analogous to the Project or associated with its operations. Although the Nebraska Department of Environmental Quality (NDEQ) has historically detected PCBs in fish tissue samples collected from the Loup Power Canal, NDEQ has identified neither a source, nor a responsible party for these detections.
2. Existing NDEQ sampling data shows a generally decreasing trend in PCB concentrations in fish tissue samples collected in the Loup Power Canal. The Loup Power Canal is scheduled for NDEQ fish tissue sampling during the summer of 2009, and it is very possible that this sampling effort could result in the removal of the fish consumption advisory currently associated with the Loup Power Canal.
3. The professional opinion of the NDEQ representative tasked to coordinate water quality standards in the State of Nebraska, Mr. John Bender, is that PCB sampling as proposed by USFWS could result in the resuspension of sediment-bonded PCBs (if PCBs are indeed present in benthic sediment) to the water column and ultimately result in conditions more environmentally damaging than those that currently exist.

In addition, because the Project is not a source of water quality pollutants and because the District has no authority to regulate off-site pollutant sources that drain to Project waters, the District maintains that it is not responsible for studying pollutant exposure pathways to the Platte River or developing non-point source pollutant prevention strategies for areas outside of the Project Boundary.

In summary, the District proposes that no water quality studies be required of the District during Project relicensing. The following details are provided to support this position.

3.1 USFWS STUDY REQUESTS

In response to the District's Pre-Application Document (PAD) (Loup Power District, October 16, 2008) and FERC's Scoping Document 1 (FERC, December 12, 2008), USFWS issued comments on these documents on February 9, 2009. On pages 14 through 16 of its comment letter, USFWS requests that the District perform the following studies in association with the relicensing process:

1. A “robust sampling survey” to evaluate total PCBs within the Project area and immediately downstream. The survey should be designed to evaluate PCB exposure and effects on fish and aquatic or aquatic-dependent wildlife by sampling to evaluate exposure pathways including water, sediment, and food items.
2. A study on non-source pollutant exposure pathways into the Project area. The study should be aimed at identifying strategies to reduce non-point source pollution (nutrients, pH, *Escherichia coli* bacteria, and atrazine) before it enters the Project area or is discharged from the Project area into the Platte River.

In addition to these two specific study requests (noted above), USFWS also provides in its February 9, 2009, comment letter four comments on the water quality sections of the PAD and associated Appendix E. As these comments all consist of minor issues that USFWS has identified with the content of the PAD and are not related to any formal study requests, comment responses are not provided in this study request response document.

3.2 DISTRICT RESPONSE TO STUDY REQUESTS

3.2.1 PCB Survey

Based on the following discussion, the District proposes that no PCB survey, beyond the standard fish tissue sampling already being performed by NDEQ, be required during Project relicensing.

Shared Position of NDEQ and the District

NDEQ is tasked with administering the water quality program in the State of Nebraska. As stated below, NDEQ is opposed to PCB sampling as proposed by USFWS and beyond what is already being performed in accordance with standard state water quality assessment methodologies. The District supports NDEQ’s position.

During the agency scoping meeting for the Project on January 12, 2009, and in the context of PCB-related issues and status at a state level, Mr. John Bender, NDEQ Water Quality Standards Coordinator, stated:

PCBs, mercury, and dieldrin are the three contaminants that we find statewide as giving us a problem with fish tissue. Not necessarily in this locale [Loup Power Canal], but throughout the state. PCBs are in any part of the state. It’s not just restricted to the Columbus area. We’ve got it in the lower Platte region. We’ve got it in the Elkhorn. We’ve got it in the Missouri River. We’ve even got it out near North Platte.

NDEQ has not identified a source or a responsible party for the PCBs detected in the Loup Power Canal.

During the same agency scoping meeting and in the context of concentration trends of PCB sampling performed in the Loup Power Canal to date, Mr. Bender stated:

In my mind the [PCB] levels that we're finding [in the Loup Power Canal] are decreasing. If we had a null hypothesis, it would be that we wouldn't find PCBs this summer,¹ and then we could remove that impairment from our 303(d) list.

Also during the agency scoping meeting and concerning the risks associated with performing extensive PCB sampling beyond the fish tissue sampling already being performed, Mr. Bender went on to state:

I guess even if we did find low levels of PCBs that triggered continued listing [on the state's 303(d) list], what we know about this compound is that it's probably better leave it in place rather than digging up the countryside and remobilizing it. So the end result in my mind, at least from the environmental agency, would be to leave it in place and accept the low level of leaching because we are not using it. It's been banned [the manufacture of PCBs was stopped in the U.S. in 1977]. We don't have it in use anymore, and the only projection is that in the future, it will degrade. It's better to accept the low level of it rather than mobilize it and get an extreme amount over a short period of time.

Analysis of Existing NDEQ Fish Tissue Sampling Data

USFWS, on page 15 of its February 9, 2009, comment letter, makes several references to NDEQ's existing PCB fish tissue sampling data, provided in Table 1.

¹ NDEQ is scheduled to perform its standard fish tissue sampling of the Loup Power Canal during the summer of 2009. Data collected during this sampling event will determine if a fish consumption advisory will remain in effect for the Loup Power Canal.

Table 1. NDEQ Fish Tissue PCB Sample Results

Waterbody	Date	PCB-1248 ^a (mg/kg)	PCB-1254 ^a (mg/kg)	PCB-1260 ^a (mg/kg)	Total PCBs (mg/kg)
Loup Power Canal	10-18-93	0.087	0.059	0.027	0.173
	08-07-94	0.084	U	U	0.084
	08-07-94	0.240	U	U	0.240
	08-07-94	0.260	0.035	U	0.295
	09-16-98	U	U	U	0.000
	08-04-99	0.058	U	0.031	0.089
	08-04-99	0.059	U	0.029	0.088
	08-04-99	0.053	U	U	0.053
	09-29-04	U	U	U	0.000
	08-12-05	U	0.061	U	0.061
	08-12-05	U	U	U	0.000
	08-12-05	U	0.042	U	0.042

Source: NDEQ, November 24, 2008, Sample Data, PCB Concentrations of Fish Tissue in the Loup Power Canal, provided via email from John Bender, NDEQ, to Matt Pillard, HDR.

Notes:

^a U = non-detect = 0.00 for mean calculations as defined in the section titled Analysis of Existing NDEQ Fish Tissue Sampling Data, below.

The District provides the following clarifications with regards to the analysis of this data, as provided by USFWS:

1. USFWS mistakenly states that the highest PCB concentrations collected in the Loup Power Canal (295 µg/kg) were sampled in 1998. This concentration was actually sampled in 1994. This clarification that the highest PCB concentration was sampled 4 years earlier than the date cited by USFWS, and during only the second year of PCB sampling in the Loup Power Canal (11 years prior to the most recent sampling event of 2005), provides further support to the statement made by Mr. Bender during the agency scoping meeting on January 12, 2009, that PCB concentrations in fish tissue samples collected in the Loup Power Canal are decreasing (as quoted in the section titled Shared Position of NDEQ and the District and shown in Table 1, above).

2. USFWS provides mean total PCB concentrations for samples collected between 1993 to 1999 and 2004 to 2005 without including non-detect samples in their mean calculations. As stated in the following excerpt from “Methodologies for Waterbody Assessments and Development of the 2008 Integrated Report for Nebraska” (NDEQ, November 2007), non-detect samples should be included in data analysis:

Section 2.5.7 Values Below Detection Limits:

“...measurements below detection limits may provide valuable information on situations where pollutants and pollutant loads are not a concern. Finally, elimination of the low-end values may skew a data set.”

To accurately depict the mean value of PCB concentrations in the collected fish tissue samples, a value of 0.00 should be used for any sample listed as non-detect. The assignment of this value is based on NDEQ’s “Findings of the 2005 Regional Ambient Fish Tissue and Follow-Up Programs in Nebraska” (NDEQ, December 2006), which states that “the concentration of a contaminant in the fish tissue was used as the exposure concentration. Contaminants present below the target reporting limit were considered not to occur in the sample.”

When non-detect readings are included as 0.00 values in NDEQ fish tissue sample mean total-PCB calculations, the 1993 to 1999 value is 128 (± 99 – standard deviation), instead of the 146 (± 91) as calculated by USFWS. Furthermore, when non-detects are accounted for, the mean value of the 2004 to 2005 samples is 26 (± 30), instead of the 52 (± 13) as calculated by USFWS. USFWS states that due to small sample size and high variability between samples, the difference in the USFWS-calculated mean values was not significant. By the definition of statistical significance for comparing two means, this is true. The difference between the mean values calculated using the non-detect samples is also not significant; however, the following discussion describes how a sample of this (small) size cannot be significantly different, regardless of mean values:

Comparing the mean values at a 95 percent confidence interval yields results indicating that mean concentrations of PCBs in the two sample groups are not significantly different. However, comparison of the standard deviations using a power test indicates that due to the small sample size $n=12$ (eight samples from 1993 to 1999 and four samples from 2004 to 2005), there is insufficient data to avoid Type II errors in a test comparing the two sample means. Under the null hypothesis, the mean concentrations of PCBs are equal; however, the sample lacks the power in this statistical test to reject the false null hypothesis (that is, even if all of the 2004 to 2005 samples were non-detect, the mean would not be significantly different

from the mean of the 1993 to 1999 samples). Furthermore, the power test indicates that an approximate total sample size of $n=26$ would be required to compare the difference between the two sample means (0.128 mg/kg and 0.026 mg/kg) and minimize the probability of type II errors.

Summary

The mean values of total-PCB concentrations of fish tissue samples in both the 1993 to 1999 and 2004 to 2005 sample groups are smaller than those depicted by USFWS. Furthermore, the sample size (as administered by NDEQ in association with standard water quality sampling protocols in the State of Nebraska) is not adequate to establish a statistically significant difference between the two sample groups, regardless of calculated mean values. The small sample size also nullifies attempts to apply a statistical trend analysis to samples collected in both the Loup Power Canal and the Platte River (segment LP1-20000).

As existing data is not sufficient to apply statistical calculations, the data must be looked at in a more basic manner. When both the individual sample concentrations and the group sample mean concentrations are compared (without statistical analysis), the concentrations of total-PCBs are decreasing in fish tissue samples collected in the Loup Power Canal. This is consistent with and supports Mr. Bender's statements during the agency scoping meeting on January 12, 2009.

With regards to the potential argument that the lack of statistically sufficient sample data only lends itself to additional, more extensive sampling, the District supports Mr. Bender's statement made during the agency scoping meeting on January 12, 2009, concerning his preference not to pursue sediment samples that could result in PCB resuspension and more detrimental water quality effects.

3.2.2 Non-Source Pollutants

The USFWS recommendation for a study on non-source pollutant exposure pathways into the Project area is not related to the Project or the relicensing process; therefore, the District opposes a study related to this issue.

USFWS states that "the Loup Power Canal Project Area is not likely a source for atrazine, nutrients, and/or *E. coli*" (USFWS, February 9, 2009). The District concurs with this statement and notes that it effectively discounts the Project as a pollutant source; therefore, the District should not be responsible for funding a study of pollutants that do not originate in the Project Boundary and none of which would be influenced by the relicensing decision. Furthermore, it is the U.S. Environmental Protection Agency that is tasked with enforcing the Clean Water Act and its associated nonpoint source pollution regulations, not the District. As the District has no regulatory jurisdiction regarding pollutant minimization strategy enforcement on properties not owned by the District that drain to Project waters, the District cannot be held accountable for, or expected to study, pollutants that originate off-site.

3.3 REFERENCES

FERC. December 12, 2008. Scoping of Environmental Issues for Relicensing the Loup River Hydroelectric Project. Office of Energy Projects. Washington D.C.

Loup Power District. October 16, 2008. Pre-Application Document. Volume 1. Loup River Hydroelectric Project. FERC Project No. 1256.

NDEQ. December 2006. “Finding of the 2005 Regional Ambient Fish Tissue and Follow-Up Programs in Nebraska.” Nebraska Department of Environmental Quality, Water Quality Assessment Section.

NDEQ. November 2007. “Methodologies for Waterbody Assessments and Development of the 2008 Integrated Report for Nebraska.” Nebraska Department of Environmental Quality, Water Quality Division.

NDEQ. November 24, 2008. Sample Data, PCB Concentrations of Fish Tissue in the Loup Power Canal. Provided via email from John Bender, NDEQ, to Matt Pillard, HDR.

USFWS. February 9, 2009. Letter from June M. DeWeese, Nebraska Field Supervisor, to Ms. Kimberly Bose, Federal Energy Regulatory Commission, regarding comments on the Pre-Application and Scoping Documents for the Loup River Hydroelectric Project.