FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
December 12, 2008

OFFICE OF ENERGY PROJECTS

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

Subject: Scoping of environmental issues for relicensing 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.

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

PAD or staff's scoping document, or wishing to request studies, do so on or before February 10, 2009.[1]

As part of our scoping process and in an effort to identify issues, concerns, and opportunities associated with the proposed action, we will hold two scoping meetings on Monday and Tuesday, January 12 and 13, 2009, to receive input on the scope of the EA. A daytime meeting on Tuesday focused on resource agencies, Indian tribes, and non-governmental organizations (NGO's), will begin at 9:00 a.m. An evening meeting on Monday, primarily for the public, will start at 7:00 p.m. Both meetings will be held at the Holiday Inn Express, 524 E. 23rd Street, Columbus, Nebraska. The public, agencies, Indian tribes, and NGOs may attend either or both meetings. Further, the Loup Power District and Commission staff will conduct a site visit of the project on Monday, January 12, 2009, starting at 9:00 a.m. Those wishing to participate should meet at 8:45 a.m. at the Loup Power District Main Office, 2404 15th Street, Columbus, Nebraska. To appropriately accommodate persons interested in attending the site visit, participants should contact Ron Ziola at (402) 564-3171 or e-mail rziola@loup.com by January 5, 2009. More information about the scoping meetings and site visit is available in the scoping document.

The SD1 is being distributed to the Commission's official mailing list (see section 9.0). If you wish to be added to or removed from the Commission's official mailing list, please send your request by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written, electronic filings, or e-mailed requests must specify your wish to be removed or added to the mailing list and must clearly identify the following on the first page: Loup River Project No. 1256-029. For assistance with electronic filing or e-mail notification registration, please refer to the instructions in section 5.0 of the scoping document.

Please review this SD1 and, if you wish to provide comments, follow the instructions in section 5.0. For questions about the SD1, the scoping process, or how Commission staff will develop the EA for this project, please contact Kim Nguyen at (202) 502-6105 or e-mail 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 or Loup Power District's relicensing website, http://www.loup.com/relicense.

Enclosure: Scoping Document 1

cc: Mailing List
Public Files

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

SCOPING DOCUMENT

LOUP RIVER HYDROELECTRIC PROJECT

NEBRASKA

PROJECT NO. 1256-029

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

December 2008

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1. INTRODUCTION

The Federal Energy Regulatory Commission (Commission), under the authority of the Federal Power Act (FPA),[2] 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 (Loup Power District), the current licensee, filed a Notice of Intent (NOI) to seek a new license[3] 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,[4] 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 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.

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[2] 16 U.S.C. §§ 791(a)-825(r) (2000).

[3] The current license for the Loup River Project was issued on December 29, 1982 (21 FERC 62,535), for a term of 30 years with an effective date of December 1, 1982; the license expires on April 15, 2012.

[4] 42 U.S.C. §§ 4321-70(f) (2000).

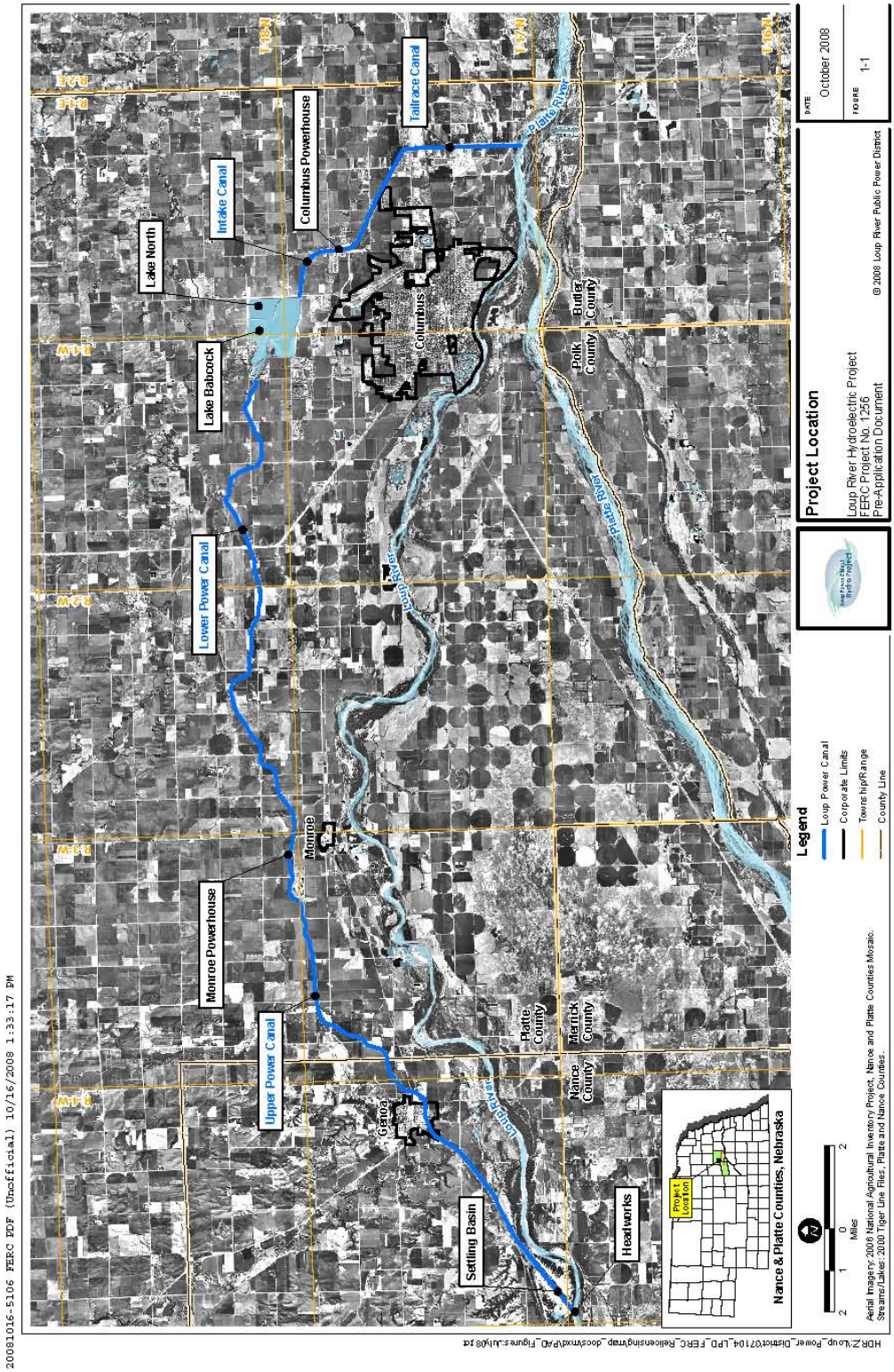

Figure 1. Location of the Loup River Project No. 1256-029 (Source: Loup Power District, 2008, PAD).

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 no require detailed analysis during review of the project

2.2 Comments and Scoping Meetings and Site Visit

Between now and the Commission's licensing decision, there will be three opportunities for the public and resource agencies to comment on the scope and contents of the EA:

- During the public scoping process and study plan meetings, prior to preparation of the EA, so Commission staff can receive written comments regarding scope and content
- In response to the Commission's ready for environmental analysis notice
- After issuance of the EA, so that staff can receive written comments on the EA

<u>Scoping Meetings</u>

In addition to written comments solicited by this scoping document, Commission staff will hold two public scoping meetings in the vicinity of the project. A daytime meeting will focus on resource agency concerns and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the meetings to assist staff in identifying

environmental issues that should be analyzed in the EA. The times and locations of the meetings are listed below.

Daytime Scoping Meeting
Date: Tuesday, January 13, 2009
Time: 9:00 a.m.
Location: Holiday Inn Express
524 E. 23rd Street
Columbus, Nebraska 68601
(402) 564-2566

Evening Scoping Meeting
Date: Monday, January 12, 2009
Time: 7:00 p.m.
Location: same as daytime meeting

The scoping meetings will be recorded by a court reporter, and both written and verbal statements will become part of the Commission's public record for the project. Individuals presenting statements at the meetings will be asked to clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend any of the scoping meetings may provide written comments and information to the Commission as described in section 5.0 of this scoping document. These meetings will be posted on the Commission's calendar, located on the internet at http://www.ferc.gov/EventCalendar/EventsList.aspx, along with other related information.

Meeting participants are encouraged to come to the scoping meetings prepared to discuss their issues and/or concerns as they pertain to relicensing the Loup River Project. To prepare for the scoping meetings, we ask that participants review the PAD. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (http://www.ferc.gov), using the "eLibrary" link. Enter the docket number, P-1256, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@FERC.gov or call toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

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

If we receive no substantive comments on this scoping document, then we will not prepare a Scoping Document 2 (SD2). If we issue an SD2, it will be for informational

use only and will not require a response from any participant in the process. The EA will address the major issues identified during the scoping process.

Site Visit

The Loup Power District and Commission staff will conduct a site visit of the key project facilities on Monday, January 12, 2009, starting at 9:00 a.m. Those wishing to participate should meet at 8:45 a.m. at:

Loup Power District Main Office
2404 15th Street
Columbus, Nebraska 68602

To appropriately accommodate persons interested in attending the site visit, participants should contact Ron Ziola at (402) 564-3171 or e-mail rziola@loup.com by January 5, 2009. The Loup Power District will provide transportation from their Main Office to the project site and lunch for the site visit. Participants should dress appropriately for outdoor, winter elements. In the event of inclement weather, participants can check the Loup Power District's Relicensing Hotline at (866) 869-2087 for updates on the site visit.

3.0 PROPOSED ACTION AND ALTERNATIVES

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

3.1 Loup Power District's Proposed Action

The Loup Power 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 Platt 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 lakes, 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 Loup River 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-wide steel intake gates located on the north bank of the river at elevation 1,569.5 feet; (3) three 20-foot-long and 6-foot-wide steel sluice gates at elevation 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 wide, 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-wide, 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 2.621 MW; (7) a 13-mile-long, 39-foot-wide, 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 11,000 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-wide, 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-wide, 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 bypass reach when conditions warrant.

The project generates about 134,192 megawatt-hours (MWh) of energy per year. The Loup Power 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 Loup Power 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 (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.4 Alternatives Considered but Eliminated from Detailed Study

At present, we propose to eliminate the following alternatives from detailed and comprehensive analyses in the EIS.

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.[5] 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

[5] 16 U.S.C. §§ 791(a)-825(r).

showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate and no federal agency has expressed interest in operating the project.

3.4.2 Nonpower License

A 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 projects could be accomplished with or without dam removal. Either alternative would require denying the relicense applications and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the projects and/or removing any project facilities. The projects provide a viable, safe, and clean renewable source of power (about 134,192 MWh annually) to the region. With decommissioning, the projects 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 projects 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 have led to degradation of habitat and reduced populations of the above federally listed species in the lower Platte River. 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 to its confluence with the Missouri River 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 Platter 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 bypass reach below Genoa, Nebraska.
- Effects of the project diversions on bacteria levels in public water wells adjacent to the bypass reach.
- Effects of project operations on water quality (dissolved oxygen [DO], E. coli, pH, and temperature) in the 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 below tailrace and in the lower Platte River.*
- 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 have on wintering and nesting bald eagles, and migratory birds (bank and cliff swallows), and small white lady's slipper.

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 peaking (hydrocycling) operations) on the federally listed pallid sturgeon in the Loup River and lower Platte River.*
- Effects of continued project operations (timing and amount of flow diversion for generation, sediment management, and flow fluctuations from peaking (hydrocycling) operations) and project-related recreation (use of off-road vehicles) on the federally listed interior least tern and piping plover in the bypass 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 peaking (hydrocycling) operations 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.

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 bypass 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 Loup Power District and the recommendations of the consulted entities, Loup Power 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 Loup Power 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. Loup Power District proposes the following studies:

- Sedimentation - Determine if project operations materially affect sediment transport within the Loup River bypass 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 bypass reach - Determine if Project operations materially affect water temperature in the Loup River bypass reach.
- Flow Depletion in the Loup River bypass reach - Determine the effect on riverine habitat of reduced flows in the Loup River bypass 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

Additional studies may be needed based on comments provided by the Commission, federal and state resource agencies, Indian tribes, and interested participants.

The Commission recommends the following measures at this time:

Aquatic and Fishery Resources

- Continue to defer non-emergency maintenance procedures that require substantial curtailment of power canal flows to prevent low DO levels in the power canal.

Terrestrial Resources

- Continue to implement the protocols for cessation of dredging activities in the north sand management area during the least tern and piping plover nesting season.

Recreation and Land Use

- Recreational User Survey to determine public awareness, usage, and demand of existing project recreational facilities, to determine if improvements are needed.
- Land use Inventory to determine specific land use of properties that are within the project area, to identify potential conflicts and/or opportunities.

5.0 REQUEST FOR INFORMATION AND STUDIES

We are asking federal, state, and local resource agencies, Indian tribes, NGOs, and other entities and individuals to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the site-specific and cumulative effects of relicensing the Loup River Project. The types of requested

information that we seek include, but are not limited to:

- Information, quantified data, or professional opinion that may contribute to defining the geographic scope of the analysis, including the analysis of cumulative effects, and identifying significant environmental issues
- Identification of, and information from, any other environmental document or similar study (previous, ongoing, or planned) relevant to the proposed licensing of the project
- Existing information and any data that would help to describe the past, present, and future actions and the effects of the project and other developmental activities on environmental and socioeconomic resources
- Information that would help characterize the existing environmental conditions and habitats
- Identification of any federal, state, or local agency or Indian tribe resource plans and future project proposals in the affected resource area, such as proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs
- Documentation of any cumulative effects associated with basin-wide activities, including any such effects to resources that may be attributed to relicensing the Loup River Project
- Documentation showing why any resources should be excluded from further consideration

The requested information and study requests should be submitted in writing to the Commission no later than February 20, 2009. All filings must clearly identify the following on the first page: Loup River Project (P-1256-029). Address all communications to:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

All filings sent to the Secretary of the Commission should contain an original and eight copies. Failure to file an original and eight copies may result in appropriate staff not receiving the benefit of your comments in a timely manner. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (http://www.ferc.gov) under the "efiling" link.

Register online at http://www.ferc.gov/docs-filing/esubscription.asp to be notified via e-mail of new filings and issuances related to this or other pending projects.

In addition, there is a "Quick Comment" option available, which is an easy method for interested persons to submit text only comments on a project. The Quick-Comment User Guide can be viewed at http://www.ferc.gov/docs-filing/efiling/quick-comment-guide.pdf. Quick Comment does not require a FERC eRegistration account; however, you will be asked to provide a valid email address. All comments submitted under either eFiling or the Quick Comment option are placed in the public record for the specified docket.

For assistance with electronic filing, quick comment, or e-mail notification registration, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-(866) 208-3676, or for TTY, (202) 502-8659. Any questions concerning scoping or preparation of the EA for this proposed action should be directed to Kim Nguyen at (202) 502-6105 or e-mail kim.nguyen@ferc.gov.

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.[6]

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

[6] 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

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.

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

Nebraska Game and Parks Commission. 1980. State Comprehensive Outdoor Recreation Plan (SCORP). Lincoln, Nebraska. June 1980.

Platte River Report Management Joint Study. 1990. Biology workgroup final report. Denver, Colorado. July 20, 1990. 131 pp. 4 6

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, NEBRAKSA 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	4/27/09	5.11(e)
All stakeholders	Study Plan Comments Due	6/26/09	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)

Responsible Party	Pre-Filing Milestone	Date	FERC Regulation
Loup Power District	Second Study Season	Spr/Sum 10	5.15(a)
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	8/15/11	5.16(a)
All stakeholders	Comments on Preliminary Licensing Proposal	11/14/11	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.

APPENDIX B- STUDY PLAN CRITERIA [18 CFR Section 5.9(b)]

Any information or study request must contain the following:

1. Describe of the goals and objectives of each study proposal and the information to be obtained;

2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;

3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;

4. Describe existing information concerning the subject of the study proposal, and the need for additional information;

5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;

6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate field season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and

7. Describe considerations of level of effort and cost, as applicable, and why any proposed alternative studies would not be sufficient to meet the stated information needs.