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December 30, 2022

VIA ELECTRONIC FILING

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

**Re: Pensacola Hydroelectric Project, FERC Project No. 1494-438
Draft License Application and Request for Privileged Treatment of
Non-Public Information**

Dear Secretary Bose,

In accordance with Section 15(c)(1) of the Federal Power Act (FPA), 16 U.S.C. § 808(c)(1), and Section 5.17(a) of the regulations of the Federal Energy Regulatory Commission (FERC or Commission), 18 C.F.R. § 5.17(a), the Grand River Dam Authority (GRDA) is pleased to submit the enclosed *Draft Application for License for Major Project – Existing Dam for the Pensacola Hydroelectric Project (FERC Project No. 1494)* (Draft License Application or DLA).

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The Pensacola Hydroelectric Project (Project) is a 105.176-megawatt (MW) conventional hydroelectric project located in northeast Oklahoma, on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties. The current license for the Project was issued in 1992¹ and expires on May 31, 2025.² GRDA is pursuing a new license for the Project pursuant to the Commission's Integrated Licensing Process (ILP) as described in Part 5 of the Commission's regulations. Pursuant to sections 5.5 and 5.6 of the Commission's regulations, 18 C.F.R. §§ 5.5 & 5.6, GRDA filed a Notice of Intent (NOI) and Pre-Application Document (PAD) for the Project on February 1, 2017.³

Since that filing nearly 6 years ago, GRDA has been working diligently with federal and state resource agencies, Indian Tribes, local governmental entities, and interested members of the public, and other stakeholders to study environmental and other public resources associated with the Project in an effort to inform GRDA's relicensing proposal as set forth in the enclosed DLA and the Commission's environmental review under the National Environmental Policy Act

¹ *Grand River Dam Auth.*, 59 FERC ¶ 62,073 (1992).

² *Grand River Dam Auth.*, 168 FERC ¶ 62,145 (2019), *on reh'g*, 170 FERC ¶ 61,027 (2020).

³ Notice of Intent to File License Application and Pre-Application Document, Project No. 1494-438, Accession No. 20170201-5083 (filed Feb. 1, 2017).

and decision making under the FPA and other applicable programs. Major milestones in the ILP that inform the enclosed DLA include:

- The Commission's Scoping Document 1;⁴
- The Commission's Scoping Document 2;⁵
- Commission Staff's Study Plan Determination for the ILP;⁶
- The Commission's *Order Extending License Term, Modifying Relicensing Process Plan and Schedule, Granting Extensions of Time, and Amending Storm Adaptive Management Plan*;⁷
- Model Input Status Reports and technical conference held on April 21, 2021;⁸
- Initial Study Report and corresponding meetings held October 12-14, 2021;⁹
- Commission Staff's Determinations on Requests for Study Modifications;¹⁰
- Technical meetings on January 14, 2022, and April 20, 2022, together with accompanying information related to the Sedimentation Study;¹¹
- Quarterly meetings of the Cultural Resources Working Group since 2019; and
- Updated Study Report and corresponding meetings held October 12-13, 2022.¹²

The enclosed DLA was prepared in conformance with the Commission's ILP regulations, specifically the application content requirements set forth in sections 4.51 and 5.18 of the

⁴ Scoping Document 1 for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. 20180112-3008 (issued Jan. 12, 2018).

⁵ Scoping Document 2 for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. 20180427-3008 (issued Apr. 27, 2018).

⁶ Study Plan Determination for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. 20181108-3052 (issued Nov. 8, 2018).

⁷ *Grand River Dam Auth.*, 168 FERC ¶ 62,145 (2019), *on reh'g*, 170 FERC ¶ 61,027 (2020).

⁸ Technical Conference Details for the Six-Month Model Input Status Report for the Hydrologic and Hydraulic (H&H) Modeling Study Associated with the Pensacola Project, Project No. 1494-438, Accession Nos. 20210330-5334 & 20210330-5339 (filed Mar. 30, 2021).

⁹ Initial Study Report, Project No. 1494-438, Accession Nos. 20210930-5214 & 20210930-5215 (filed Sep. 30, 2021); Summary of Initial Study Report Meeting, Project No. 1494-438, Accession Nos. 20211029-5103 & 20211029-5104 (filed Oct. 29, 2021).

¹⁰ Determination on Requests for Study Modifications for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. 20220527-3022 (filed May 27, 2022); Determination on Requests for Study Modifications and New Studies for the Pensacola Hydroelectric Project, Project No. 1494-438, Accession No. 20220224-3074 (issued Feb. 24, 2022).

¹¹ Sedimentation Study Technical Meeting, Project No. 1494-438, Accession No. 20220120-5123 (filed Jan. 20, 2022); Transmittal of Operations Model Files and Notice of Virtual Technical Meeting, Project No. 1494-438, Accession No. 20220406-5124 (filed Apr. 6, 2022).

¹² Updated Study Report, Project No. 1494-438, Accession Nos. 20220930-5106 & 20220930-5107 (filed Sep. 30, 2022); Summary of Updated Study Report Meeting, Project No. 1494-438, Accession Nos. 2022-1028-5112 & 2022-1028-5112 (filed Oct. 28, 2022).

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Commission's regulations, 18 C.F.R. §§ 5.18 & 4.51, as applicable, and includes the following draft exhibits:

Initial Statement

Exhibit A – Project Description

Exhibit B – Project Operation and Resource Utilization

Exhibit C – Construction History / Proposed Construction

Exhibit D – Statement of Costs and Financing

Exhibit E – Environmental Report

Exhibit G – Project Boundary Maps

Exhibit H – Information Required Under 18 C.F.R. § 5.18(c)

GRDA will submit Exhibit F, the design drawings of the principal Project works, as Critical Energy Infrastructure Information (CEII) with the Final License Application (FLA). Pursuant to section 4.51(h) of the Commission's regulations, 18 C.F.R. § 4.51(h), GRDA will submit the Exhibit G Project maps in a shapefile or similar format with the FLA. In accordance with the FPA, Commission regulations, and the Commission's Process Plan and Schedule for this ILP, GRDA will be submitting the FLA no later than May 31, 2023.¹³

In accordance with section 5.16(e) of the Commission's regulations, 18 C.F.R. § 5.16(e), GRDA seeks comments on the enclosed DLA from Commission staff, federal and state resource agencies, Indian Tribes, and other relicensing participants. All comments on the DLA must be filed with the Commission by April 1, 2023.¹⁴ To ensure a broad distribution of the DLA, GRDA is distributing an electronic copy of this DLA to the relicensing participants identified in the attached distribution list. In addition, the DLA may be accessed on the Commission's eLibrary system, <https://elibrary.ferc.gov/eLibrary>, under FERC Docket No. P-1494-438, or at GRDA's Project relicensing website at <https://grda.com/pensacola-hydroelectric-project-relicensing/>.

Finally, GRDA notes that portions of the enclosed DLA contains sensitive information related to the location and character of cultural resources, as well as Critical Energy Infrastructure Information (CEII). Pursuant to Commission regulations,¹⁵ GRDA requests confidential treatment of these documents and that the Commission maintain these documents in its non-public file. As required by Commission regulation and guidance, these confidential materials have been placed in a separate attachment, designated as CUI//PRIV or CUI//CEII, as appropriate, and marked "DO NOT RELEASE."

GRDA appreciates the continuing participation in this relicensing process by Commission staff, resource agencies, Indian Tribes, and all relicensing participants and looks forward to receiving comments on the enclosed DLA as the relicensing effort moves towards the post-filing phase before the Commission. If you have any questions regarding the enclosed DLA, please contact Jacklyn Smittle, GRDA's Director of Hydropower Projects, at (918) 981-8473, or by email at jacklyn.smittle@grda.com.

¹³ 16 U.S.C. § 808(c)(1); 18 C.F.R. § 5.17(a); *Grand River Dam Auth.*, 168 FERC ¶ 62,145 (2019) (Appendix A, Revised Process Plan and Schedule).

¹⁴ 18 C.F.R. § 5.16(e); *Grand River Dam Auth.*, 168 FERC ¶ 62,145 (2019) (Appendix A, Revised Process Plan and Schedule).

¹⁵ 18 C.F.R. §§ 388.112, 388.113.

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Sincerely,



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Executive Vice President/Chief of Law Enforcement & Lake Operations

Grand River Dam Authority

Enclosure:

Pensacola Hydroelectric Project Draft License Application

cc. Distribution List (attached)

Stakeholder Distribution List

December 2022

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