

FEDERAL ENERGY REGULATORY COMMISSION

Washington, D.C. 20426

May 27, 2014

OFFICE OF ENERGY PROJECTS

Project No. 13842-001– Oklahoma  
Wild Flower Water Pumped Storage Project  
Wild Flower Water, LLC

Mr. Fred Brown  
Tomlin Infrastructure Group, LLC  
4265 Kellway Circle  
Addison, TX 75001

**Reference: Application for Pilot Project to test Two-Year Licensing Process**

Dear Mr. Brown:

On May 1, 2014 you filed a Notice of Intent (NOI) to file a license application for the Wild Flower Water Pumped Storage Project and a request that the closed-loop pumped storage project be selected as a pilot project to test a two-year licensing process. You also filed a Pre-Application Document (PAD) to support your request. Based on staff's review of the NOI and PAD, the proposed project does not meet the criteria set forth in our January 6, 2014 notice soliciting pilot projects. A detailed description of the deficiencies is provided in the enclosed Attachment A and summarized below.

As explained in the January 6, 2014 notice and during our January 30, 2014 teleconference, a pilot project must be a well-developed proposal as to project facilities and operation. However, your project proposal is not sufficiently developed because it only generally describes the project facilities and operations, and would not be a complete unit of development as defined by section 3(11) of the Federal Power Act. To be a complete unit of development, the project must include the project's primary transmission line. Your proposed project does not include a primary transmission line, nor does it adequately describe how the project would connect to the distribution system. Instead, you propose that the project connect to the distribution system via a new 120-mile-long, 340-kilovolt transmission line that would be constructed and operated by another entity, Oncor Electric Delivery Company (Oncor).

In addition, to qualify as a two-year pilot, the proposal must show that the project would cause little to no change to environmental resources, would not be likely to adversely affect federally listed species, and would be located in areas where there is substantial existing information on environmental resources and effects. To support its

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request, the project proponent must also show that it has met with federal and state resource agencies, Indian tribes, non-governmental agencies, and the public regarding the project and the availability of existing information and the need for studies to supplement existing information. The information in the PAD is insufficient for staff to evaluate potential project effects on the environment or federally listed species. There is no documentation of consultation to gather existing information or discuss the project with interested parties, nor does the PAD propose studies to fill information gaps. Finally, to the very limited extent that the PAD shows Oncor's proposed transmission line, there is no information describing environmental resources within the transmission line corridor, the effects of constructing and operating the transmission line, or whether interested agencies and the public are aware of this project feature.

Your filing indicates that if your project is rejected as a pilot project for the two-year process, you intend to develop a license application using the integrated licensing process (ILP). If you choose to do so, you should be aware that the PAD is patently deficient and must be more fully developed to initiate the ILP. The PAD should enable entities to identify issues, develop study requests, and prepare documents analyzing any license application that may be filed. A specific list of deficiencies is enclosed as Attachment B. If you intend to file a license application for the project, you should refile your NOI and PAD only after resolving the deficiencies in the PAD described in the enclosed Attachment B.

Additional information that could assist you in preparing an acceptable PAD and conducting pre-filing consultation is available on the Commission's website at <http://www.ferc.gov/industries/hydropower/gen-info/licensing.asp>. If you have any questions, please contact Monte TerHaar at (202) 502-6035 or [monte.terhaar@ferc.gov](mailto:monte.terhaar@ferc.gov).

Sincerely,

Jeff C. Wright  
Director  
Office of Energy Projects

Enclosures: Attachment A, Attachment B

cc: Public Files,  
Mailing List,

## ATTACHMENT A

### TWO-YEAR LICENSING PROCESS CRITERIA CHECK LIST

*Wild Flower Pumped Storage Project*

| Criterion  | Adequate  | Comments  |
|--|-----------|---|
| (1) Demonstration that it meets the following criteria:  |           |   |
| <ul style="list-style-type: none"> <li>The project must cause little to no change to existing surface and groundwater flows and uses.</li> </ul>       | Deficient | By purchasing existing water withdrawal rights, and staging fill during high flow periods, the project is not likely to change existing surface water flows in the Kiamichi River. However, the proposed upper reservoir would be located on Long Creek, an intermittent stream. Because the Pre-Application Document (PAD) contains no information on the hydrology of Long Creek, we are unable to determine whether or not project operations would affect Long Creek flows. Ground water is not proposed to be used for initial fill or make-up water; however, indirect effects on groundwater may occur and are unknown at this time. |
| <ul style="list-style-type: none"> <li>The project must be unlikely to adversely affect federally listed threatened and endangered species.</li> </ul> | Deficient | The assertion that the project is unlikely to adversely affect federally listed species is unsubstantiated. Nine federally listed species occur in Pushmataha County where the project reservoir and powerhouse would be located and 10 occur in the Oklahoma and Texas counties crossed by the transmission line. Studies would be needed to determine the potential effect of the project on these species. Because the transmission line is 120 miles long, it is unlikely the necessary studies along the transmission line could be completed in time to file a license application within 1 year.                                     |

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|---|-----------|---|
| <ul style="list-style-type: none"> <li>If the project is to be located at or use a federal dam, the request must include a letter from the dam owner that the applicant's plan of development is conceptually feasible.</li> </ul>  | N/A       |   |
| <ul style="list-style-type: none"> <li>If the project would use any public park, recreation area, or wildlife refuge established under state or local law, the request must include a letter from the managing entity indicating its approval of the site's use for hydropower development</li> </ul> | Deficient | Because the project would be located on private land, no public parks, recreation areas, or wildlife refuges would be affected. Inadequate information was provided to determine if public parks or recreation areas occur within the 120-mile-long transmission line corridor. |
| <ul style="list-style-type: none"> <li>For a closed loop pumped storage project, the project must not be continuously connected to a naturally-flowing water feature</li> </ul>   | Adequate  | The project would not be continuously connected to the Kiamichi River. A pipeline between the Kiamichi River and the lower reservoir would supply the initial fill and periodic make-up water (needed due to evaporation and losses).   |
| (2) Documentation of Consultation, including summary of verbal comments and copy of written comments  | Deficient | The distribution list is incomplete and inconsistent; no documentation of consultation provided.  |
| (3) Copies of written comments from the affected federal and state agencies and Indian tribes regarding the availability of existing information and the need for studies to supplement the existing information, including the anticipated scope and duration of the studies                         | Deficient | No copies of written comments from the agencies (or a statement that none were received) were provided. No specific studies were identified or proposed.  |
| (4) A PAD and Proposed Study Plan that meet the content requirements of 18 CFR § 5.6 and 5.11, respectively. <b>The PAD must include a defined and well-developed</b>   | Deficient | The PAD does not meet the requirements of 18 CFR § 5.6 because: (1) it is unclear whether the PAD was distributed to appropriate agencies, tribes, and members of the public likely to be interested in the proceeding, particularly as it relates to                           |

|   |                  |  |
|---|------------------|--|
| <p><b>project proposal.</b> If a prospective applicant determines that a Proposed Study Plan is not needed, then the prospective applicant must demonstrate that the PAD contains sufficient information to address its list of potential environmental effects for environmental analysis.</p> |                  | <p>the transmission line; (2) the description of existing information is sparse and does not demonstrate due diligence in obtaining available information; and (3) elements of the project and project operation are not adequately described.</p> <p>The PAD does not meet the requirements of 18 CFR § 5.11 because there are no proposed studies. The applicant instead proposes to consult with the agencies to define information needs or mitigation measures to address effects.</p> <p>The PAD does not include a well-developed proposal because (1) the project as proposed would not be a complete unit of development, as it would rely on another party (Oncor Electric Delivery Company) to construct and operate the 120-mile-long transmission line that would connect the project to the grid; (2) there is no description of the transmission line; and (3) there is no description of the intake weir or conduit that would be used divert water from the Kiamichi River to the lower reservoir for initial fill and make-up water.</p> |
| <p>(5) List of potential environmental effects, including effects on geologic, aquatic, terrestrial, recreational, and cultural resources, as applicable</p>  | <p>Deficient</p> | <p>The PAD does not discuss potential environmental effects. Rather, it provides an incomplete list of questions which warrant further consideration.</p>  |
| <p>(6) A process plan and schedule.</p>   | <p>Deficient</p> | <p>The applicant states it will follow the process plan and schedule described in the January 6, 2014 Notice. However, the specific timeframe and dates are not described. We are unable to determine if the interested parties are fully aware of the timeframe under the proposal.</p>   |

**Attachment B**  
**Pre Application Document (PAD) Adequacy Review Checklist**  
**PURSUANT TO 18 CFR § 5.6**

Wild Flower Pumped Storage Project (P-13842)

| SUBJECT   | ADEQUATE                         | COMMENTS  |
|---|----------------------------------|---|
| <p>§ 5.6 (d)(1) - Process plan and schedule<br/> Time frames for pre-application consultation, information gathering, and studies</p> <p>Proposed location and date for scoping meeting and for the site visit § 5.8 (b)(3)(viii)</p>   | <p>Deficient</p> <p>N/A</p>      | <p>The applicant states it will follow the process plan and schedule described in the January 6, 2014 Notice. However, the specific timeframe and dates are not described. We are unable to determine if the interested parties are fully aware of the timeframe under the proposal. If an ILP is pursued, the timeline would need to be revised to reflect the requirements of § 5.6 (d)(1).</p> <p>Not required in an application for the two-year licensing process. If an ILP is pursued, a proposed location(s) and date for a scoping meeting and site visit would need to be identified.</p> |
| <p>§ 5.6 (d)(2) - Project location, facilities, and operations</p> <p>(i) Contact information for applicant's agents (name, address and phone numbers)</p> <p>(ii) Maps of land use within project boundaries (township, range and section, state, county, river, river mile, and closest town) and, if applicable, Federal and Tribal lands, and location of proposed facilities</p> | <p>Adequate</p> <p>Deficient</p> | <p>The PAD does not provide a detailed map(s) showing: (a) the location of Long Creek with respect to proposed project facilities; and (b) the location of the pipeline that is being proposed to provide make-up water to the reservoirs, and the location of other associated</p>   |

| SUBJECT  | ADEQUATE   | COMMENTS   |
|--|--|--|
| <p>(iii) Detailed description of proposed facilities</p> <p>(A) Composition, dimensions, and configuration of dams, spillways, penstocks, powerhouses, tailraces, etc.</p> <p>(B) Reservoir area, gross and usable capacity, and elevation.</p> <p>(C) Number, type and capacities of turbines and generators, and installed (rated) capacity of proposed turbines or generators</p> <p>(D) Transmission line numbers, lengths, voltage, and interconnections (including diagrams)</p> <p>(E) Energy production (estimate of dependable capacity, average annual, and average monthly energy production)</p> | <p></p> <p>Deficient</p> <p>Adequate</p> <p>Adequate</p> <p>Deficient</p> <p>Deficient</p> | <p>structures for filling and refilling the reservoirs (e.g., any in-channel weir, or off-channel wet well that might be proposed). The project boundary drawing and description does not include the proposed 120-mile-long transmission line. All primary transmission lines should be included in the project boundary.</p> <p>The upper and lower reservoirs are generally described. There is no description of the proposed conduit which would transport fill water and make-up water from the river to the lower reservoir.</p> <p>There is no description of the transmission line. It's not clear what portion of the transmission line would be part of the FERC project. It is not clear where it would interconnect with the grid.</p> <p>Only average annual generation is provided.</p> |

| SUBJECT  | ADEQUATE                          | COMMENTS   |
|--|-----------------------------------|--|
| (iv) Current and proposed project operation  | Deficient                         | The PAD does not provide a detailed description of proposed project operation. This description should include the estimated extent, frequency, and duration of fluctuations in reservoir elevations so that staff can analyze potential environmental effects.  |
| Information provided by applicants when there is an existing license   |                                   |  |
| (v) Existing license and project operations (if applicable)<br>(1) Description of current license requirements<br>(2) Generation and outflow records (5 years)<br>(3) Current net investment<br>(4) Project compliance history                   | N/A                               |  |
| Information provided by all applicants   |                                   |  |
| (vi) Description of proposed physical and operational changes to project   | N/A                               |  |
| <p>§ 5.6 (d)(3) - Existing environment and resource impacts (based on existing, relevant and reasonably available information)</p> <p>(A) Description of existing environment (See ii-xiii)</p> <p>(B) Summaries of existing data or studies</p> | <p>Deficient</p> <p>Deficient</p> | <p>The PAD does not provide much detail on the existing environment, or evidence of due diligence to acquire existing information, such as a detailed consultation record.</p> <p>The PAD does not reflect some reasonably available sources of this information (e.g., national wetland inventory maps, Oklahoma and Texas SHPO web-based data, and FWS endangered species recovery plans).</p> |



| SUBJECT   | ADEQUATE   | COMMENTS   |
|---|--|--|
| <p>(C) Potential adverse impacts and issues related to project construction, operation, or maintenance</p> <p>(D) Existing or proposed resource protection and mitigation measures (facilities, operations, and management activities)</p>  | <p>Deficient</p> <p>Adequate</p>                 | <p>The PAD does not discuss in adequate detail potential adverse environmental impacts and issues related to project construction, operation, or maintenance. Rather, the PAD provides a list of issues for further consideration. The applicant proposes to conduct studies as necessary to quantify potential effects (e.g. to water resources, fish and aquatic resources, wildlife and botanical resources, wetlands, and riparian and littoral habitat), but does not define those studies.</p> |
| <p>§ 5.6 (d)(3)(ii) - Geology, topography, and soils (descriptions and maps)</p> <p>(A) Description of geological features, including bedrock lithology, stratigraphy, structural features, glacial features, unconsolidated deposits, and mineral resources</p> <p>(B) Description of soil types, occurrence, physical and chemical characteristics, erodability and potential for mass soil movement, and soil characteristics</p> <p>(C) Description of reservoir shorelines and stream banks, including</p> <p>(1) Steepness, composition, and vegetative cover</p> | <p>Adequate</p> <p>Adequate</p> <p>Deficient</p> | <p>The PAD does not provide a description of the proposed reservoirs' shorelines and stream banks, including the</p>   |

| SUBJECT   | ADEQUATE  | COMMENTS   |
|---|-----------|--|
| (2) Existing soil instability   |           | steepness, composition, vegetative cover, and existing soil instability.   |
| <p data-bbox="170 397 873 472">§ 5.6 (d)(3)(iii) - Water resources (quality and quantity)</p> <p data-bbox="170 1230 873 1336">(A) Drainage area<br/>(B) Adjusted minimum, mean, and maximum recorded flows at powerplant intake or diversion</p> | Deficient | <p data-bbox="1108 397 1915 1182">The PAD does not fully describe the water resources of the proposed project and surrounding area. Components of the description not included in the PAD, include: (a) the quantity and quality of water in Long Creek; (b) the drainage area of the project at the location where water will be withdrawn and/or diverted from the Kiamichi River to fill and refill the reservoirs; (c) the monthly minimum, mean, and maximum recorded flows (in cubic feet per second) of the Kiamichi River at the location where water will be withdrawn and/or diverted from the Kiamichi River to fill and refill the reservoirs; (d) monthly flow duration curves for the Kiamichi River, indicating the period of record and the location and identification number(s) of gauging station(s), used in deriving the curves; and (e) any federally-approved water quality standards applicable to project waters. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the agencies and other sources.</p> |

| SUBJECT   | ADEQUATE | COMMENTS   |
|---|----------|--|
| <p>(C) Monthly flow duration curves and critical stream flow used to determine the project's dependable capacity</p> <p>(D) Existing and proposed water uses and upstream or downstream requirements</p> <p>(E) Existing instream flow uses and water rights</p> <p>(F) Relevant federally-approved water quality standards</p> <p>(G) Project effects on seasonal variation of water quality data, including</p> |          | <p>The PAD indicates that there are no readily available surface water quality data for streams "running off" the proposed Wild Flower Project. Although the Kiamichi River does not "run off" of the proposed project area, the proposal to withdraw and/or divert water from the Kiamichi River could affect this body of water. Therefore, the PAD is deficient because it does not describe the seasonal variation of existing water quality data for the Kiamichi River, including, as appropriate, information on water temperature and dissolved oxygen, and other physical and chemical parameters such as total dissolved oxygen, pH, total hardness, specific conductance, chlorophyll a, suspended sediment concentrations, total nitrogen, total phosphorus, and fecal coliform (<i>E. coli</i>) concentrations. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the</p> |

| SUBJECT  | ADEQUATE         | COMMENTS  |
|--|------------------|---|
| <p>(1) Water temperature and dissolved oxygen<br/>                     (2) Other physical and chemical parameters<br/>                     (H) Existing or proposed lake and reservoir information (surface area, volume, maximum depth, mean depth, flushing rate, shoreline length, substrate composition)<br/>                     (I) Gradient for affected downstream reaches</p> |                  | <p>agencies and other sources.</p>  |
| <p>§ 5.6 (d)(3)(iv) - Fish and aquatic resources: description and impacts</p> <p>(A) Identification of existing fish and aquatic communities</p>   | <p>Deficient</p> | <p>The PAD describes the biology, habitat, and distribution of three federally endangered mussels. However, the PAD is deficient because it does not describe the fish and other aquatic resources, including invasive species, in the project vicinity. Components of the description must include: (a) identification of existing fish and aquatic communities; (b) temporal and spatial distribution of fish and aquatic communities; and (c) any known or potential upstream or downstream impacts of the project on the aquatic community. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the agencies and other sources.</p> |

| SUBJECT   | ADEQUATE         | COMMENTS  |
|---|------------------|---|
| <p>(B) Identification of essential fish habitat<br/>           (C) Temporal and spatial distribution of fish and aquatic communities and trends with respect to:<br/>           (1) Species life stage composition<br/>           (2) Standing crop<br/>           (3) Age and growth data<br/>           (4) Spawning run timing<br/>           (5) Extent and location of spawning, rearing, feeding, and wintering habitat</p> |                  |   |
| <p>§ 5.6 (d)(3)(v) - Wildlife and botanical resources including invasive species</p> <p>(A) Description of upland habitat(s) and plant and animal species that use the habitat(s).<br/>           (B) Temporal or special distribution of commercially, recreationally, or culturally important species</p>   | <p>Deficient</p> | <p>The PAD provides broad descriptions of ecological systems/habitat types in the project vicinity, but it is unclear what wildlife and botanical resources, including invasive species occur within the proposed project boundary. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the agencies and other sources.</p> <p>Other than mentioning a few common fish species in the project vicinity, the PAD does not provide the temporal or special distribution of commercially, recreationally, or culturally important species. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the</p> |

| SUBJECT   | ADEQUATE         | COMMENTS  |
|---|------------------|---|
| <p>§ 5.6(d)(3)(vi) Description of floodplains, wetlands, riparian, and littoral habitat</p> <p>(1) List of plant and animal species using the habitat</p> <p>(2) Map of wetlands, riparian and littoral habitat</p> <p>(3) Acreage estimate for each type of wetland riparian and littoral habitat, including variability in availability as a function of storage at a project not operated in run-of-river mode</p> | <p>Deficient</p> | <p>agencies and other sources.</p> <p>The PAD states that there is no riparian, wetland, or littoral habitat identified within the proposed project boundary. However it is not clear how this conclusion was reached. On the U.S. Fish and Wildlife Service’s (FWS’) National Wetland Inventory (NWI), it appears that forested and scrub-shrub wetlands do occur within the proposed project boundary.</p> <p>The PAD does not provide a list of plant and animal species using the habitat (presumably because no wetland habitat within the project boundary exists).</p> <p>The PAD includes a table of wetlands instead of a map; therefore we cannot determine where the wetlands are located in relation to the project or potential project effects on these habitats. The maps of the proposed 120-mile-long transmission line do not show wetlands. Wetland data and maps are readily available on FWS’ NWI website.</p> <p>The PAD does not provide acreage estimates for each type of wetland.</p> |
| <p>§ 5.6 (d)(3)(vii) - Rare, threatened, and endangered species</p> <p>(A) Description of listed rare, threatened and endangered, candidate, or special status species</p>  | <p>Adequate</p>  |   |

| SUBJECT  | ADEQUATE  | COMMENTS   |
|--|---|--|
| <p>in the project vicinity.<br/>                     (B) Identification of habitat requirements<br/>                     (C) References to known biological opinion, status reports, or recovery plans pertaining to a listed species</p> <p>(D) Extent and location of federally-designated critical habitat or other habitat for listed species<br/>                     (E) Temporal and spatial distribution of the listed species</p> | <p>Adequate<br/>                     Deficient</p> <p>Adequate<br/>                     Deficient</p> | <p>The PAD does not provide references to known biological opinions, status reports, or recovery plans pertaining to any of the listed species potentially occurring in the project area. For example, there are recovery plans for all three mussels that may occur in the vicinity of the project weir, the whooping crane, interior least tern, red-cockaded woodpecker, and the American burying beetle.</p> <p>The PAD describes the large-scale spatial distribution of the Ouachita rock pocketbook mussel, scaleshell mussel, and winged mapleleaf mussel in the United States and Oklahoma; however, the PAD is deficient because it does not describe the temporal and spatial distribution of these species within the project vicinity, specifically the Kiamichi River. A google search found a survey report published in 2008 documenting two listed mussels 22 to 30 miles downstream of the project</p> |
| <p>§ 5.6 (d)(3)(viii) - Recreation and land use<br/>                     (A) Description and illustration of existing recreational facilities, uses, location, ownership, capacity and management<br/>                     (B) Recreational use of lands and waters</p>  | <p>Deficient</p> <p>N/A</p>   | <p>The PAD states there are no existing recreation facilities in the project area, but it is not clear if the applies to the 120-mile-long transmission corridor.</p>  |

| SUBJECT  | ADEQUATE  | COMMENTS  |
|--|---|---|
| <p>compared to facility or resource capacity<br/>                     (C) Existing shoreline buffer zones<br/>                     (D) Current and future recreation needs from existing state or regional plans</p>   | <p>N/A<br/>                     Deficient</p>     | <p>The PAD references the Oklahoma State Outdoor Recreation Plan but does not discuss future recreation needs based on the information in the plan. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the agencies and other sources.</p> |
| <p>(E) Existing shoreline management policies<br/>                     (F) Project's location within or adjacent to a river segment that is:<br/>                     (1) Designated or under study for inclusion in the National Wild and Scenic River system<br/>                     (2) A state-protected river segment</p>  | <p>N/A<br/>                     Deficient</p>     |   |
| <p>(G) Description of project lands under study for inclusion in the National Trails System or as a Wilderness Area<br/>                     (H) Regionally or nationally important recreation areas<br/>                     (I) Non-recreational land use and management within the project boundary<br/>                     (J) Recreational and non-recreational land use and management adjacent to the project boundary</p> | <p>Adequate<br/>                     Adequate</p> | <p>The PAD states that there are no specially-designated lands within the project boundary, but it is uncertain if the applicant considered the 120-mile-long transmission corridor.</p>  |



| SUBJECT   | ADEQUATE   | COMMENTS  |
|---|--|---|
| § 5.6 (d)(3)(ix) – Aesthetic Resources  | Adequate   |   |
| Description of the visual characteristics of facilities, affected lands, and affected waters  |  |   |
| <p>§ 5.6 (d)(3)(x) - Cultural Resources</p> <p>(A) Identification of any historic or archaeological site in the proposed project vicinity especially those listed in or recommended for the National Register of Historic Places</p> <p>(B) Description of existing discovery measures for locating, identifying, and assessing the significance of resources</p> <p>(C) Identification of Indian tribes that may attach religious and cultural significance to</p> | <p>Deficient</p> <p>Deficient</p> <p>Deficient</p> | <p>The PAD does not provide any information regarding historical or archeological resources nor does it provide evidence of consultation with the Oklahoma Historical Society, the Oklahoma Archeological Survey, or the Texas Historical Commission regarding cultural resources within the project’s area of potential effects (including the proposed transmission line corridor).</p> <p>The PAD provides no information about efforts to locate, identify, or assess cultural resources at the site. Preliminary information can easily be located by searching the public databases managed by the Oklahoma SHPO (<a href="http://www.seic.okstate.edu/shpo/">http://www.seic.okstate.edu/shpo/</a>) or the Texas SHPO (<a href="http://www.thc.state.tx.us/preserve/texas-historic-sites-atlas">http://www.thc.state.tx.us/preserve/texas-historic-sites-atlas</a>).</p> <p>The PAD identifies the Choctaw Nation of Oklahoma and the Chickasaw Nation as having interest in</p> |

| SUBJECT   | ADEQUATE  | COMMENTS   |
|---|-----------|--|
| historic properties, and available information on Indian traditional cultural and religious properties.   |           | Pushmataha County. However, the Quapaw Tribe of Oklahoma is also listed in the National Park Service's <i>Indian Land Cessions 1784-1894</i> as having historic interest in Pushmataha, Choctaw, and Bryan counties in Oklahoma and should be consulted.   |
| <p>§ 5.6 (d)(3)(xi) - Socio-economic resources</p> <p>Description of socio-economic conditions in the project vicinity including patterns of land use and population and sources of employment</p>  | Deficient | The PAD does not describe existing socioeconomic conditions in the project vicinity. There is minimal information on the effect of the project on local socioeconomic resources.   |
| <p>§ 5.6 (d)(3)(xii) - Tribal Resources</p> <p>(A) Identification of how existing project construction and operations, and their affects (on water resources, fish and aquatic resources, wildlife and botanical resources, wetland, rare species, recreation and land use, aesthetic</p> | Adequate  | The PAD identifies the Choctaw Nation of Oklahoma and the Chickasaw Nation as having interest in Pushmataha County. The Quapaw Tribe of Oklahoma is also listed in the National Park Service's <i>Indian Land Cessions 1784-1894</i> as having historic interest in Pushmataha, Choctaw, and Bryan counties in Oklahoma. |

| SUBJECT  | ADEQUATE  | COMMENTS   |
|--|---|--|
| <p>resources, cultural resources and socio-economic resources) may impact tribal cultural or economic interests<br/>                     (B) Identify other impacts of existing projects on Indian tribes</p>  |   |  |
| <p>§ 5.6 (d)(3)(xiii) - Description of river basin and sub-basin including information on:<br/>                     (A) Area of river basin and sub-basin and length of stream reaches<br/>                     (B) Major land and water use in project area<br/>                     (C) All dams and diversion structures<br/>                     (D) Potentially affected tributary rivers and streams</p> | <p>Adequate<br/><br/>                     Adequate<br/>                     Adequate<br/>                     Deficient</p> | <p>The transmission line would cross over 62 rivers/streams which were not identified in the PAD.</p>  |
| <p>§ 5.6 (d)(4) - Preliminary issues and studies list for each resource area<br/>                     (i) Issues pertaining to the identified resources</p>  | <p>Deficient</p>  | <p>The PAD includes a general list of preliminary issues, but no studies or list of studies that would be conducted. Page 10 of the PAD states that the proposed project is unlikely to adversely affect federally or state listed species. This conclusion is premature because the PAD does not provide any support for this statement. On page 67 of the PAD the applicant quotes a local FWS representative who states that “evidence of federally listed species (especially the Ouachita rock pocketbook) may be encountered in the project area, and ‘a determination of the effects of the proposed project on state and federally listed threatened and endangered species’ would be required”.</p> |

| SUBJECT   | ADEQUATE  | COMMENTS  |
|---|-----------|---|
| (ii) Potential studies and information gathering requirements<br>(iii) Relevant Federal, state or tribal waterway plans<br>(iv) Relevant resource management plans  |           | The PAD did not provide information about relevant resource management plans. The PAD did not provide evidence of due diligence in acquiring this information, or a statement indicating that were not able to find such information after soliciting it from the agencies and other sources. |
| § 5.6 (d)(5) - Summary of contacts used to prepare the PAD including:<br><br>Federal, state and interstate resource agencies<br>Indian tribes<br>Non-governmental organizations and members of the public | Deficient | The PAD mentions agency consultation in various places but did not provide copies of letters documenting this consultation.   |
| § 5.6 (e) PURPA Benefit – List if the PURPA benefits are sought   | Adequate  | No benefits sought.   |

ADDITIONAL COMMENTS:

Document Content(s)

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