

157 FERC ¶ 62,126
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Houtama Hydropower, LLC

Project No. 14546-002

ORDER GRANTING EXTENSION OF TERM FOR
PRELIMINARY PERMIT

(Issued November 17, 2016)

On November 9, 2016, Houtama Hydropower, LLC (Houtama) filed an application for a two-year extension of its existing preliminary permit for the proposed McKay Dam Hydroelectric Project, issued on February 6, 2014, and expiring on January 31, 2017.¹ The proposed project would be located at the U.S. Bureau of Reclamation's (Reclamation) existing McKay Dam on McKay Creek near Pendleton in Umatilla County, Oregon. The project would occupy approximately 5.6 acres of federal land managed by the U.S. Fish and Wildlife Service.

Section 5(b) of the Federal Power Act states that a preliminary permit term can be extended once for not more than two additional years if the Commission finds that the permittee has carried out activities under the permit in good faith and with reasonable diligence.²

In its six progress reports, Houtama indicated that it had: (1) assessed the feasibility of the project; (2) conducted preliminary energy calculations using flow and head data; (3) conducted site surveys; (4) completed an interconnection feasibility study; (5) conducted dissolved oxygen monitoring upstream and downstream of the dam; and (6) consulted with appropriate local, state, and federal agencies and Indian tribes.

On May 31, 2016, Houtama filed a preliminary application document (PAD). On June 9, 2016, Houtama filed a notice of intent to prepare a license application and requested authorization to use the traditional licensing process. On July 22, 2016, Commission staff approved the use of the traditional licensing process and on September 8, 2016, Houtama held the required site visit and a joint agency and public meeting to discuss the project.

¹ See 146 FERC ¶ 62,101 (2014).

² See Hydropower Regulatory Efficiency Act of 2013, Pub. L. No. 113-23, § 5, 127 Stat. 495 (codified as amended at 16 U.S.C. 798(b)).

Upon review of the application for extension, six progress reports submitted under the preliminary permit,³ as well as the PAD, Houtama has demonstrated that it has carried out activities under the permit in good faith and with reasonable diligence. Therefore, the request for extension of the preliminary permit term is granted. It is expected that during the remaining term of the permit, as extended, agency consultation will continue, studies will be completed, and a development application will be prepared.

The Director orders:

(A) Ordering paragraph (A) of the preliminary permit for the McKay Dam Hydroelectric Project No. 14546 is amended to read as follows:

(A) A preliminary permit is issued for the McKay Dam Hydroelectric Project No. 14546 to Houtama Hydropower, LLC for a period effective the first day of the month in which this permit is issued, and ending either 60 months from the effective date or on the date that a development application submitted by the permittee has been accepted for filing, whichever occurs first.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days of the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2012), and section 385.713 of the Commission's regulations, 18 C.F.R. § 385.713 (2016). The filing of a request for rehearing does not operate as a stay of any date specified in this order.

David Turner, Chief
Northwest Branch
Division of Hydropower Licensing

³ Pursuant to Article 4 of the extended preliminary permit, Houtama is required to file the three additional progress reports that are due no later than the last day of each six-month period from the effective date of the permit, i.e., by July 31, 2017; January 31, 2018; and July 31, 2018.