

Via eFiling

November 28, 2023

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

Re: Lawrence Hydroelectric Project (FERC No. 2800-054) Filing of Proposed Study Plan

Dear Secretary Bose:

Essex Company, LLC (Essex) is the Licensee, owner, and operator of the Lawrence Hydroelectric Project (FERC No. 2800) (Project or Lawrence Project). The Lawrence Project is located on the Merrimack River in the City of Lawrence in Essex County, Massachusetts. The Project was licensed by the Federal Energy Regulatory Commission (FERC or Commission) on December 4, 1978 (with an effective date of December 1, 1978), and the license expires on November 30, 2028. Accordingly, Essex is pursuing a new license for the Project pursuant to the Commission's Integrated Licensing Process (ILP), as described at 18 CFR Part 5 of the Commission's regulations. In accordance with 18 CFR §5.11 of the Commission's regulations, Essex is filing this Proposed Study Plan (PSP) with the Commission in support of relicensing the Project.

On June 26, 2023, Essex filed a Notice of Intent (NOI) to file an application for a new license and on June 16, 2023 Essex filed a Pre-Application Document (PAD) for the relicensing of the Project. Essex also distributed the documents in accordance with 18 CFR §5.5(c). The Commission issued Scoping Document 1 (SD1) for the Project on August 15, 2023. SD1 was intended to advise resource agencies, Indian tribes, and other stakeholders as to the proposed scope of the Environmental Analysis (EA) and to seek additional information pertinent to the Commission's analysis. As provided in 18 CFR §5.8(a) and §5.18(b), the Commission issued a notice of commencement of the relicensing proceeding concomitant with SD1.

On September 13 and 14, 2023, the Commission held public scoping meetings in Lawrence, Massachusetts. During these meetings, FERC staff presented information regarding the ILP and details regarding the study scoping process and how to request a relicensing study, including the Commission's study criteria. In addition, FERC staff solicited comments regarding the scope of issues and analyses for the EA. Pursuant to 18 CFR §5.8(d), a public site visit of the Project was conducted on September 13, 2023.

Resource agencies, Indian tribes, and other interested parties were afforded a 60-day period to request studies and provide comments on the PAD and SD1. The comment period was initiated with the Commission's August 15, 2023 notice and concluded on October 14, 2023.

Proposed Study Plan

Essex has evaluated all the study requests submitted by the stakeholders, with a focus on the requests that specifically addressed the seven criteria set forth in §5.9(b) of the Commission's ILP regulations, as discussed above. For the study requests that did not attempt to address the seven study criteria, where appropriate, Essex considered the study in the context of providing the requested information in conjunction with one of Essex's proposed studies.

Based on Essex's review of the requested studies, FERC criteria for study requests under the ILP, and available information (e.g., associated with the previous licensing effort or resulting from ongoing monitoring activities), Essex is proposing the following 10 studies to be performed in support of issuing a new license for the Project:

- 1. Upstream Anadromous Fish Passage Assessment
- 2. Upstream American Eel Passage Assessment
- 3. American Eel Upstream Passage Siting Study
- 4. Project Operations and Fish Stranding Study
- 5. Freshwater Mussel Habitat Assessment and Survey
- 6. Water Quality Study
- 7. Three-Dimensional Computational Fluid Dynamics (CFD) Modeling
- 8. Recreation Facilities, Use, and Aesthetics Study
- 9. Historically Significant Waterpower Equipment Study
- 10. Condition Assessment of Historic Properties and Associated Canal System

Additionally, as described in the PSP, in lieu of performing downstream fish passage studies, Essex proposes to provide protection, mitigation, and enhancement measures (PM&Es) to limit or prevent fish entrainment through the Project's turbines. Essex understands that while fish entrainment during downstream passage may be mitigated by this PM&E, the existing downstream fish bypass survival for emigrating diadromous species (i.e., adult and juvenile alosines and adult American eel) will need evaluation at a later date. Relatedly, at this time, Essex is not proposing the Diadromous Fish Behavior, Movement, and Project Interaction Study as requested by certain resource agencies. Essex recognizes the importance of the goals of the study to assess migratory fish behavior in and around the Lawrence Project tailrace. However, the design of this study would be greatly informed by, and is also largely contingent on, the results of the Three-Dimensional CFD Modeling Study. Essex believes that planning and designing the Diadromous Fish Behavior, Movement, and Project Interaction Study is more efficient informed by the results of the CFD Modeling Study in hand. Essex anticipates developing the details of this study in consultation with the resource agencies at a more appropriate time.

Essex is filing the PSP with the Commission electronically and is distributing this letter to the parties listed on the distribution list attached to this cover letter. For parties listed on the distribution list, Essex is distributing this letter via email; otherwise, Essex is distributing this letter via U.S. mail. All parties interested in the relicensing process may obtain a copy of the PSP electronically through FERC's eLibrary system at

https://elibrary.ferc.gov/idmws/search/fercgensearch.asp under docket number P-2800. If any party would like to request a CD containing an electronic copy of the PSP, please contact Kevin Webb, Hydro Licensing Manager for Essex, at the information listed below.

Comments on this PSP, including any additional or revised study requests, must be filed by March 11, 2024. Comments must include an explanation of any study plan concerns, and any accommodations reached with Essex regarding those concerns (18 CFR §5.12). Any proposed modifications to this PSP must address the Commission's criteria as presented in 18 CFR §5.9(b). As necessary, after the comment period closes, Essex will prepare a Revised Study Plan (RSP) that will address interested parties' comments to the extent practicable. Pursuant to the ILP, Essex will file the RSP with the Commission on or before April 10, 2024, and the Commission will issue a final Study Plan Determination by May 10, 2024.

Initial Proposed Study Plan Meeting

Pursuant to 18 CFR §5.11(e) of the Commission's ILP regulations, Essex is providing information regarding the PSP Meeting that will be held for the purposes of clarifying the PSP, explaining information gathering needs, and resolving outstanding issues associated with the proposed studies. As noted by the Process Plan and Schedule, Essex must hold the meeting by January 11, 2024. Accordingly, Essex will hold the PSP Meeting on January 4 and 5 at the Elks Lodge at 652 Andover St, Lawrence, Massachusetts. Additional details regarding the meeting are presented below.

- Date: January 4 and 5, 2024
- Time: 9:00 AM to 4:00 PM
- Location: Elks Lodge at 652 Andover St, Lawrence, Massachusetts 01843

To assist with meeting planning and logistics, Essex respectfully requests that individuals or organizations who plan to attend the meeting please RSVP by sending an email to Kelsey Iffert at Kelsey.Iffert@hdrinc.com on or before December 22, 2023.

If there are any questions regarding the PSP or PSP Meeting, please do not hesitate to contact Kevin Webb at (978) 935-6039 or at <u>kwebb@patriothydro.com</u>.

Sincerely,

Essex Company, LLC

Kevin Webb Hydro Licensing Manager

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