

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON D.C. 20426
September 5, 2012

OFFICE OF ENERGY PROJECTS

Project No. 14446-000 – Colorado
Trout Creek Hydroelectric Project
Peabody Trout Creek Reservoir LLC

Jimmy R. Newton, Jr., Chairman
Southern Ute Indian Tribe
356 Ouray Drive
Ignacio, CO 81137

Reference: Project Consultation with Southern Ute Indian Tribe

Dear Chairman Newton:

The Federal Energy Regulatory Commission (Commission) invites your participation in the licensing process for the Trout Creek Hydroelectric Project (project) located on Trout Creek, a tributary to the Yampa River, approximately 15 miles southwest of the city of Steamboat Springs, in Routt County, Colorado. Peabody Trout Creek Reservoir LLC (Peabody) has decided to use the Commission's Integrated Licensing Process to license the project.

Proposed Project Facilities

The proposed project would be located on Trout Creek, 15 miles southwest of Steamboat Springs, Colorado. There are no existing facilities. The proposed project would include: (1) a 1,900-foot-long, 75-foot-high, compacted earth-fill dam with a normal high water elevation of 6,669 feet above mean sea level forming a 392-acre reservoir and impounding 11,720 acre-feet of water; (2) a primary spillway consisting of a 54-inch diameter ductile iron reinforced concrete conduit; (3) an emergency 200-foot-long, earthen, side-channel spillway with an armored crest, sides, and outlet works and a width that varies between 350 feet at the crest and 500 feet at the exit spillway; (4) water supply and hydropower intakes consisting of three separate intakes discharging from three levels inside the reservoir pool; (5) a 40-foot by 30-foot, two-story combined water treatment plant, pump station and powerhouse containing a 125-kilowatt turbine-generator; (6) a 200-foot-long primary transmission line connecting to an existing 7.2 kilovolt transmission line owned by Yampa Valley Electric Association; and (7) appurtenant facilities. The project would generate an estimated average of 756 megawatt-hours annually.

The project would be located on mostly private land but would encroach upon 4.3 acres of land administered by the U.S. Department of the Interior, Bureau of Land Management. The proposed project site requires realigning County Road 179 adjacent to the emergency spillway and elevating the same road adjacent to the upper end of the reservoir.

The Commission staff is interested in meeting with you to discuss the Commission's relicensing process, how the tribe can participate to the fullest extent possible, your interests and concerns in the affected area, and how to establish procedures to ensure appropriate communication between Commission and tribal staffs. The meeting can be limited to Commission and your tribal staff or can be open to other tribes,¹ Peabody, or any other licensing participants you wish.

If at all possible, we would appreciate your response by October 4, 2012. Our regulations require that we hold a meeting with your tribe within thirty days from the filing of Peabody's Notice of Intent² if a meeting is desired;³ however, we are waiving that timeframe to ensure that, if your tribe desires a meeting, we will be able to conduct it at a mutually agreeable time. Please file your response electronically via the Internet. See 18 C.F.R. § 385.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov/docs-filing/efiling.asp>). For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, your response may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, P-14446-000 on the first page of your response. Also you may also register online at: <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online.

¹ Commission staff is inviting the following other tribes to participate in the relicensing process: Ute Mountain Ute Tribe and Ute Indian Tribe of the Uintah and Ouray Reservation.

² Peabody filed its Notice of Intent with the Commission on August 9, 2012.

³ 18 C.F.R. § 5.7.

Please contact the Commission's licensing coordinator for the Trout Creek Project: Shana Murray at (202) 502-8333 or shana.murray@ferc.gov with any comments or questions. Commission staff will contact your office shortly to follow-up on this letter.

Sincerely,

Timothy J. Welch, Chief
West Branch
Division of Hydropower Licensing

cc: Mailing List
Public Files