

152 FERC ¶ 62,169
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Peabody Trout Creek Reservoir, LLC

Project No. 14446-002

ORDER GRANTING EXTENSION OF TERM FOR
PRELIMINARY PERMIT

(Issued September 11, 2015)

On August 7, 2015 Peabody Trout Creek Reservoir, LLC (Peabody) filed an application for a two-year extension of its existing preliminary permit for the proposed Peabody Trout Creek Reservoir Hydroelectric Project, issued on March 5, 2013, and expiring on February 28, 2016.¹ The proposed project would be located on Trout Creek, near the city of Steamboat Springs, Routt County, Colorado. The proposed reservoir would occupy 4.3 acres of land administered by the Bureau of Land Management.

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

Throughout the permit term, Peabody has complied with the Integrated Licensing Process by timely and thoroughly submitting required project filings, interim progress reports, and study reports, and has consistently engaged stakeholders in the licensing process.

Upon review of the application for extension, as well as five progress reports submitted under the preliminary permit,³ Peabody 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

¹ See 142 FERC ¶ 62,181 (2013).

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)).

³ Pursuant to Article 4 of the extended preliminary permit, Peabody 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 August 31, 2016; February 28, 2017; and August 31, 2017.

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 Peabody Trout Creek Reservoir Hydroelectric Project No. 14446 is amended to read as follows:

(A) A preliminary permit is issued for the Peabody Trout Creek Reservoir Hydroelectric Project No. 14446 to Peabody Trout Creek Reservoir, 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 (2015). The filing of a request for rehearing does not operate as a stay of any date specified in this order.

Timothy Konnert, Chief
West Branch
Division of Hydropower Licensing

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