

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
November 21, 2024

OFFICE OF ENERGY PROJECTS

Project No. 1869-066 – Montana
Thompson Falls Hydroelectric Project
NorthWestern Energy

VIA FERC Service

Andrew Welch
Manager, Hydro License Compliance
NorthWestern Energy
208 N Montana Ave, STE 200
Helena, Montana 59601

Subject: Extension of Time to File Additional Information

Dear Mr. Welch:

On February 26 and March 22, 2024, Commission staff requested additional information on NorthWestern Energy's (NorthWestern) relicense application for the Thompson Falls Hydroelectric Project. The additional information included a total of 16 items, 14 of which were to be addressed by May 26, 2024, and 2 of which were to be addressed by June 20, 2024. On May 23, 2024, NorthWestern filed responses to 13 of the 16 items and requested an extension of time to November 19, 2024, to respond to the following items: Item 4 of the February 26 letter requesting additional details on NorthWestern's proposed attraction flows when operating the upstream fish passage facility; Item 5 of the February 26 letter requesting that NorthWestern elaborate on the conceptual measures being considered to improve upstream and downstream fish passage at the project; and Item 2 of the March 22 letter requesting an engineering analysis of NorthWestern's proposed operational change in reservoir levels on upstream and downstream flooding of non-project properties and structures. NorthWestern also stated that the details of its proposed fish passage measures were part of active settlement negotiations between NorthWestern; U.S. Fish and Wildlife Service (FWS); U.S. Forest Service; Montana Department of Fish, Wildlife and Parks; and the Confederated Salish and Kootenai Tribes. For that reason, NorthWestern stated it was not in a position to provide an accurate response to Items 4 and 5 of the February 26 letter but stated that the additional six months would provide sufficient time to reach settlement on fish passage measures and allow NorthWestern Energy to provide an accurate response to staff's information requests. Commission staff approved the requested extensions on May 31,

2024.

On November 15, 2024, NorthWestern requested a 60-day extension of time to January 18, 2025, to file the engineering analysis of proposed operation changes on flooding. NorthWestern states that its contractor identified an error in the modelling input that “significantly impacts the final estimates”; therefore, it needs more time to review the corrected input and output model results before filing the report.

Additionally on November 19, 2024, NorthWestern filed a letter stating it was still in active settlement negotiations with the agencies and Tribes. NorthWestern further stated that while it has made significant progress in reaching agreement with FWS, it needs additional time to continue negotiations with all settlement participants. NorthWestern states that it plans to meet on a regularly scheduled basis with all the settlement participants and given its history on reaching mutual agreements with these parties it is optimistic that the ongoing settlement negotiations will be productive and successful. Because the results of the settlement discussions could result in a change or further clarify its proposed fish passage measures, NorthWestern requests a 180-day extension of time to file its responses to Items 4 and 5 of Commission staff’s February 26, 2024 letter.

Regarding the requested extension of time to complete and file the engineering analysis, the engineering information is necessary for staff to complete its environmental analysis and it appears that NorthWestern’s engineering analysis is nearly completed; therefore, the request is granted. The engineering analysis requested in Item 2 of Commission staff’s March 22, 2024 letter is now due by January 18, 2025.

Regarding the requested extension of time to file the additional details on NorthWestern’s fish passage measures requested in Items 4 and 5 of Commission staff’s February 26, 2024 letter to allow the settlement discussions with the noted agencies and Tribes to continue, it appears NorthWestern has made progress with the Settlement talks. Therefore, it is reasonable to allow additional time for the talks to continue prior to filing the requested information. Therefore, the additional details requested in Items 4 and 5 of Commission staff’s February 26, 2024 letter are now due by May 18, 2025. However, to ensure that substantial progress continues toward resolving outstanding issues without significantly delaying the relicensing process, NorthWestern must file monthly updates on the settlement negotiations. The first progress report is due by December 18, 2024. Given the substantial amount of time that the licensing stakeholders have been afforded to consult on fish passage issues during both the pre-filing and now the post-filing periods, we expect that no further extensions of time to file the requested information or for Commission staff to proceed with further processing of the license application will be necessary.

P-1869-066

If you have questions, please contact Mike Tust at (202) 502-6522 or via e-mail at michael.tust@ferc.gov.

Sincerely,

Nicholas Jayjack
Director
Division of Hydropower Licensing

cc: VIA FERC Service

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