



NWE-THF-4420

Debbie-Anne A. Reese
Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

May 23, 2024

Re: Thompson Falls Hydroelectric Project, FERC Project No. 1869-066; Submission of Response to Additional Information Request and Request for Extension of Time Due to Ongoing Settlement Negotiations

Dear Acting Secretary Reese,

On December 29, 2023, NorthWestern Energy (NorthWestern) filed its Final License Application (Application) with the Federal Energy Regulatory Commission (Commission or FERC) to relicense the existing Thompson Falls Hydroelectric Project, FERC Project No. 1869 (Project), located on the Clark Fork River, in Sanders County, Montana. On February 26, 2024, Commission staff, in accordance with section 5.21 of the Commission's regulations, requested NorthWestern to file additional information to assist in the evaluation of NorthWestern's relicensing proposal. With this letter, NorthWestern responds to Commission staff's additional information request (AIR).

NorthWestern's response to Commission staff's AIR appears in Attachments A through K of this letter. In particular, NorthWestern's response to the February 26 AIR includes updated and final versions of the following management plans:

- Total Dissolved Gas Control Plan. As described in NorthWestern's response to Question 7 of the February 26 AIR, NorthWestern has consulted with Montana Department of Environmental Quality and has updated the Total Dissolved Gas Control Plan in accordance with that consultation. The updated and final Total Dissolved Gas Control Plan appears in Attachment G.
- Recreation Management Plan. As described in NorthWestern's response to Question 8 of the February 26 AIR, NorthWestern, based on further consultation with Sanders County, Montana, has updated the Recreation Management Plan to include the Cherry Creek Boat Launch site as a Project-sponsored public recreational facility. The updated and final Recreation Management Plan appears in Attachment H.

- Historic Properties Management Plan. As described in NorthWestern’s response to Questions 9 and 10 of the February 26 AIR, NorthWestern has conducted further consultation with the Montana State Historic Preservation Officer, resulting in further refinements to the Historic Properties Management Plan (HPMP). The updated and final HPMP appears in Attachment I. The HPMP includes sensitive, non-public information related to the location and character of cultural resources. Therefore, consistent with the Commission’s regulations and labelling guidance for filings, the HPMP has been labelled as “CUI//PRIV,” and NorthWestern requests that it be maintained in the Commission’s non-public file. 18 CFR § 388.112(b).

Now that all of these plans are updated and final after further consultation, NorthWestern respectfully requests that the Commission approve these plans as part of its relicensing order for the Project. NorthWestern’s responses to Questions 7, 8, and 9 contain proposed license article language for the Commission’s consideration for adopting these plans in the new license.

While NorthWestern has provided a response to the majority of questions presented in the February 26 AIR, in some instances (i.e., Questions 4 and 5) staff has solicited information that is the subject of ongoing and active settlement negotiations between NorthWestern, U.S. Fish and Wildlife Service, U.S. Forest Service, Montana Fish, Wildlife and Parks, and the Confederated Salish and Kootenai Tribes regarding fish and aquatic resources at the Project. For that reason, NorthWestern is not in a position to provide an accurate response to Questions 4 and 5 of the February 26 AIR at this time, as these matters are still under negotiation as part of the settlement process.

Accordingly, pursuant to Rule 2008(a) of the Commission’s Rules of Practice and Procedure (18 CFR § 385.2008), NorthWestern respectfully requests a 180-day extension (i.e., until November 19, 2024) to submit its response to AIR Questions 4 and 5 of the February 26 AIR.

NorthWestern believes that “good cause” supports this requested extension, as it would allow NorthWestern sufficient time to reach settlement on the issues presented in Questions 4 and 5 of staff’s AIR, and to provide an accurate response to the issues addressed in these AIR questions.

NorthWestern appreciates Commission staff’s consideration of this request for extension of time, and for the opportunity to provide additional information on its relicensing proposal. Should you have any questions or require further information, please contact me at 406-444-8115, or by email at Andrew.Welch@NorthWestern.com.

Sincerely,



Andy Welch

Manager, Hydropower License Compliance

Andrew.Welch@NorthWestern.com

○ 406-444-8115

● 406-565-7549

CC: Sady Babcock, NorthWestern Energy
John Tabaracci, NorthWestern Energy
Jeremy Clotfelter, NorthWestern Energy
Carrie Harris, NorthWestern Energy

Attachments:

Attachment A: Responses to Questions in February 26, 2024 AIR
Attachment B: Revised Exhibit A (filed in both redline and clean versions)
Attachment C: Revised Exhibit E (filed in both redline and clean versions)
Attachment D: Revised Exhibit G (filed in both redline and clean versions) (Shapefiles to be filed under separate cover)
Attachment E: Consultation with the Northwest Power Planning Council
Attachment F: Consultation with Montana State Historic Preservation Office
Attachment G: Final Total Dissolved Gas Control Plan and Related Consultation
Attachment H: Final Recreation Management Plan
Attachment I: Final Historic Properties Management Plan and Related Consultation – filed as Privileged
Attachment J: Technical Memorandum Conceptual Modifications, Upstream Fish Passage Facility
Attachment K: Figure illustrating the proposed Project boundary and the Historic District