

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Ashton Hydro, LLC

Project No. 14634-001

REQUEST TO USE THE TRADITIONAL LICENSING PROCESS

January 13, 2023

Ashton Hydro, LLC requests authorization from the Federal Energy Regulatory Commission (Commission) to use the Traditional Licensing Process (TLP) for the licensing of the Ashton Dam Hydroelectric Project (Project). The following sections describe how use of the TLP will:

- A. Comply with the criteria prescribed by 18 C.F.R. § 5.3,
- B. Benefit all participants in the process, and
- C. Provide the Commission with the necessary information to complete its licensing obligations.

Comments on this request to use the TLP must be filed with the Commission within thirty (30) days of the filing of this request with the Commission.

18 C.F.R § 5.3(c)(1)(ii)(A): Likelihood of Timely License Issuance

The use of the TLP will facilitate the timely issuance of an original license for the Project. The Project has already undergone significant consultation and review by the Commission and the cooperating agencies.¹ The TLP offers reasonable schedules and timeframes to the agencies and stakeholders along with flexibility in schedules and a generally collaborative process. The Preliminary Application Document (PAD) describes a Process Plan and Schedule following the TLP. If approved, the TLP will, in the final analysis, assist the Commission to achieve the goal of issuing a timely license for the Project.

¹ As a result of a necessary change to the Project's proposed equipment and physical reconfiguration in 2020, the Applicant distributed a draft version of the proposed license to the Commission and the cooperating agencies.

18 C.F.R. § 5.3(c)(1)(ii)(B): Complexity of the Resource Issues

The Applicant, following careful studies performed over the past four years, does not anticipate complex resource issues that would require the use of the Integrated Licensing Process (ILP). The Applicant has developed a preliminary assessment of resource issues, set forth in Appendix A of the PAD. The Applicant has also engaged in consultations with the cooperating agencies and stakeholders during the development of the PAD. The Applicant is confident that any remaining resource issues will be identified through subsequent consultation activities.

The Proposed Project is located in Providence County, Rhode Island, on Rhode Island State Land over which the Applicant has secured easement rights. The Project is located within the Blackstone Valley National Historic Park adjacent to the Ashton Dam (circa 1885). This area was previously disturbed to construct the Blackstone Canal and has been studied extensively. The Project, which will be a small, low impact, run-of-river facility, will reinforce the cultural history of the Lower Blackstone Valley, which began the Industrial Revolution in New England through the use of hydropower.

The historic aspects and physical stability of the Dam, the Canal, and the supporting structures, have been extensively studied by the Applicant to ensure that Project engineering and design will maintain and enhance public safety and recreational opportunities while facilitating the Rhode Island goal of achieving net zero emissions by 2030. There are no resource or design issues that would involve complex coordination of resource agencies or stakeholders that would require the use of the Integrated Licensing Process (ILP).

18 C.F.R. § 5.3 (c)(1)(ii)(C): Level of Anticipated Controversy

The Applicant does not expect significant controversy over Project licensing. The Applicant initiated consultations with the U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), the State and Tribal Historic Preservation Officers (SHPO, THPO), the National Marine Fisheries Service (NMFS), the Rhode Island Department of Environmental Management (RIDEM), the Rhode Island Office of Energy Resources (RIOER), the Rhode Island Department of Transportation (RIDOT), the Rhode Island State Properties Committee, the Blackstone River Council, the Blackstone River

Watershed Association (BRWA), and the Town of Cumberland. The Applicant has also reached an interconnection agreement with the local distribution Company, Rhode Island Energy. The Applicant has also engaged in extensive flow modeling, geotechnical investigation, stability analysis, sampling of sediments and soil, and wetland analysis. Based on the substantial level of consultations and physical analysis performed to date, it is not anticipated that the Project will result in controversy that cannot be resolved through the TLP.

18 C.F.R. § 5.3(c)(1)(ii)(D): Relative Cost of the Traditional Licensing Process Compared to the Integrated Licensing Process

The Applicant anticipates the TLP would be more efficient and economical than the ILP for all participants in the licensing process of this run-of-river, <10MW Project. The TLP provides potentially shorter pre-application time periods and minimizes the need to prepare formal documents, which would reduce preparation and review times for the resource agencies as well as for stakeholders.

The flexibility offered by the TLP makes the process more efficient for scheduling consultations and developing pre-filing materials, reducing the overall time and cost of the licensing process.

18 C.F.R. § 5.3(c)(1)(ii)(E): The Amount of Available Information and Potential for Significant Disputes Over Studies

As presented in the PAD, the Applicant has compiled significant information concerning natural resources at the Project. The Applicant will work collaboratively with the cooperating agencies and stakeholders at address any additional data needs associated with impacts analysis of the Project.

The Applicant has initiated consultations with the agencies and stakeholders and has met with the U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), the Rhode Island Department of Environmental Management (RIDEM), the Rhode Island Office of Energy Resources (RIOER), the Rhode Island Department of Transportation (RIDOT), the Rhode Island Historic Preservation Commission (RIHPC, SHPO and THPO), the Blackstone River Watershed Association (BRWA), and the Towns of Cumberland and Lincoln to develop appropriate study scopes concerning flows, aquatic

habitat and fish passage, water quality, historic preservation, and property rights. The Applicant has also performed geotechnical and sediment sampling and characterization, physical stability analyses of the Dam and supporting structures, flooding and HEC RAS analyses, fish passage analysis, erosion and sediment control analysis, and has responded to the NPS Study Request proffered in December 2021. There have been no disputes concerning necessary studies and the Applicant has identified areas where additional resource information is needed; e.g., freshwater mussel survey. Through ongoing consultations, the Applicant believes that remaining information or resource issues will be identified. The consultations engaged in over the past 4 years diminishes the potential for disputes over data gaps or necessary studies.

18 C.F.R. § 5.3(c)(1)(ii)(F): Other Pertinent Factors

The Applicant has engaged in a series of consultations with the natural resource agencies and stakeholders to identify and analyze potential issues. The Applicant will conduct any additional studies or assessments necessary to effectively evaluate any additional identified issues and does not anticipate disputes over studies.

Given the consultations and assessments that have been performed, the Applicant believes the TLP to be the most effective, least burdensome, and most appropriate licensing process for obtaining an original license for the Project. For the reasons set forth herein, the Applicant respectfully requests that the Commission grant this request and authorize the use of the TLP for Project licensing.

As prescribed by 18 C.F.R. § 5.3(d)(1), the Applicant is providing copies of this request to all appropriate agencies and stakeholders.

As prescribed by 18 C.F.R. § 5.3(d)(2), the Applicant is publishing notice of this request simultaneously with the publication of notice of availability of the NOI and PAD in *The Valley Breeze*, a newspaper serving Providence County, Rhode Island.

To All Agencies, Stakeholders, and Interested Parties: The Applicant is providing notice that comments on this application must be provided to the Commission and the Applicant no later than thirty (30) days following the filing date of this document. All comments should. Reference Project No. 14634 - Ashton Dam Hydroelectric Project.