

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

NOV - 6 2000

Project No. 1417-080-Nebraska
Kingsley Dam Project
Central Nebraska Public Power and
Irrigation District

Mr. Jay Maher
Central Nebraska Public Power and
Irrigation District
415 Lincoln Street, P.O. Box 740
Holdrege, NE 68949

Dear Mr. Maher:

On July 28, 2000, you filed a Land and Shoreline Management Plan to satisfy the requirements of article 421 of your license for the Kingsley Dam Project. You supplemented the plan on August 14, 2000. Commission staff need some additional information to complete the processing of your application. Please file the additional information listed in Appendix A (attached) within 30 days from the date of this letter, with:

Mr. David Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Thank you for your time and attention to this request. If you have any questions, please call Steve Hocking at (202) 219-2656.

Sincerely,



Ann Miles
Hydro West Group 1

cc. Public Files

APPENDIX A

1. The executive summary on page iii says, "The Appendix to the Plan is intended to be a supporting document, not subject to the Amendment process. The reference information in the Appendix will be updated appropriately as changes occur over time." Please clarify whether you have submitted the Land and Shoreline Management Plan's (LSMP) appendix for Commission approval. From our review, it appears the Least Tern and Piping Plover Management Plan contained in the appendix needs specific Commission approval. Commission approval does not preclude Central Nebraska Public Power and Irrigation District (Central) from making changes to those portions of the appendix that are within Central's delegated authority under the license's standard land-use article (article 422).

2. Given that most future development zones are located outside the project boundary, are these zones for informational purposes only (i.e. where future development adjacent to project shorelines is likely) or do these zones, if extended into the project boundary, show the only areas where Central intends to allow new piers or other shoreline facilities?

3. Explain why there is no conflict in designating areas on the land use maps as both (1) future development zone and (2) species protection zone. Also, would Central seek Commission approval before making changes to any of the four overlay zones?

4. There appears to be a discrepancy on page 52. One of the evaluation criteria for a proposed structure or facility is "the structure or facility is compatible with the designated area Land Use classification assigned under the Plan." However, the LSMP does not list which structures or facilities would be compatible/incompatible with each land use classification. Please provide a list or tell us if you intend to make the compatible/incompatible decision for each structure/facility on a case by case basis.

5. Policy number 5 on page 46 says: "Central will require suitable setbacks from the shoreline for all future residential or commercial development on Project lands to promote reasonable public use and access to Project lands and waters." How will Central determine what is "suitable"? Why not define a uniform setback for all new shoreline development, for example 100 feet? Without a uniform setback, how will Central address consistency issues? Also, will the setbacks be applied to private land (in exchange for Central's permission to construct a private pier or other facility) or only to that land within (1) the project boundary or (2) Central's right-of-way?

6. On page 52, one of the evaluation criteria for a proposed structure or facilities is "a significant strip of public shoreline will be maintained or provided for public access and to meet operational needs." A significant strip of public shoreline will

also be required for commercial facilities (page 55), special water access permits (page 58), and conveyances of project lands (page 61). How will Central determine what is a "significant" strip of shoreline? Give your reasons for not defining a uniform strip of shoreline for all new facilities and structures? Also, explain the difference between this strip of shoreline and the suitable setback mentioned in question 5 above.

7. Pages 19 - 24 list lands Central has leased for various purposes. For example, one lease was executed in 1999 and another is expected to be executed in late 2000. Please tell us which of these leases are for new land-uses and which are for land-uses already approved by the Commission.

8. On page 30, the LSMP says new developments requesting lake access may be required to implement specific mitigation requirements before access is granted. Please give more details on how Central will decide when mitigation is needed and what mitigation is appropriate?

9. On page 30, the LSMP says any developer requesting access for new residential developments adjacent to the lake must submit proposals for joint-use facilities, such as boat docking facilities or commercial-residential access to the lake. Please clarify the term, joint-use facilities. Does Central intend to prohibit individual docks for adjacent private property owners in new subdivisions? If not, how will Central decide if new individual docks should be permitted in lieu of or together with joint-use facilities?

10. For new subdivisions, will Central aggregate all requests for individual and joint-use facilities to determine if Commission approval is needed (i.e. more than ten boat slips are proposed)?

11. On page 35, with respect to two areas of Jeffrey Reservoir designated for future development, the LSMP says . . . "Only one or two docks, or a community dock, may be permitted if, and when, development occurs in the area. That determination will be made based on the regulations effective at the time." What regulations does Central refer to? Also, on the same page, under "Process for Review and Approval of Proposals for Development or Change in Use" the LSMP says: "Any proposed development requesting lake access will be subject to an application process to be developed in consultation with the agencies and local governments upon FERC approval of the Plan." Please describe this application process.

12. On page 53, under additional standards and procedures for erosion control structures, the LSMP says "Central will provide a list of restrictions to the applicant, which may vary from reservoir to reservoir, and which Central may revise from time to time based on experience, revised regulations or regulatory guidance, and changing uses of its reservoirs." Other lists of restrictions would apply for non-commercial and commercial facilities. The LSMP also says "Central will provide the applicant a list of equipment, installations and facilities that are typically authorized in a Single Residence Permit for Special Water Access . . ." (page 58). Please explain what the above two lists are and how they relate to the LSMP.

13. Article 421 requires, and the LSMP states, that Central will reevaluate the tern, plover, and bald eagle protection components of the LSMP and file a report every three years. However, it appears these provisions could be reevaluated every five years concurrently with the five-year reevaluation of the entire LSMP. Please discuss whether Central would consider reevaluating the tern, plover, and bald eagle protection components of the LSMP every five years instead of every three years. Agency concurrence would be needed for such a change in time frame.

14. The LSMP shows that there are many areas of private residential development, with long-term leases from Central, in the project boundary. In general, the Commission asks licensees to remove such development when not needed for project purposes. Redrawing the boundary need not exclude all of this development if, for example, some areas should be retained to ensure adequate shoreline control or for other reasons like public access and/or a buffer zone. Further, some areas may be retained if, redrawing the boundary to exclude them, would pose administrative problems. Please provide a schedule for removing private residential development, to the extent possible, and making any other needed changes to the project boundary.

15. On page 35, Central says it has discussed dredging the north end of Jeffery Lake to improve boat access with local residents. No dredging has been performed to date because Central believes the environmental impacts and costs of dredging outweigh the benefits at this time. Please describe the extent to which recreational boating is limited by sedimentation in the north end of Jeffery Lake. Give your reasons why the environmental impacts and costs of dredging outweigh the benefits; include the estimated cost (in dollars) of dredging needed to satisfy local residents. Also, is there a public boat ramp operated by Nebraska Game and Parks Commission at the north end of Jeffery Lake and is access from this ramp adversely affected by sedimentation?