



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Project No. 1256-089]

Loup River Public Power District; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Non-Capacity Amendment of License
- b. Project No: 1256-089
- c. Date Filed: October 9, 2024
- d. Applicant: Loup River Public Power District
- e. Name of Project: Loup River Hydroelectric Project
- f. Location: The project is located on the Loup and Platte Rivers in Nance and Platte counties, Nebraska. The project does not occupy federal land.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Neal Suess, President, Loup River Public Power District, P.O. Box 988, Columbus, NE 68602-0988
- i. FERC Contact: Diana Shannon, (202) 502-6136, diana.shannon@ferc.gov
- j. Cooperating agencies: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).
- k. Deadline for filing comments, motions to intervene, and protests: **May 2, 2025.**

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202)

502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P-1256-089. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. Description of Request: Article 404 of the license requires the applicant to release a minimum flow of 275 cubic feet per second (cfs) or inflow, whichever is less in the Loup River bypassed reach from April-September; and 100 cfs or inflow, whichever is less from October-March. Article 405 of the license requires the applicant to operate the Loup power canal in a run-of-canal mode each year from May 1 through June 7, to facilitate pallid sturgeon migrations in the lower Platte River. In the amendment application, the applicant proposes to amend license articles 404 and 405 to address when flows are less than 575 cfs at the project headworks. If flows are less than 575 cfs at the project headworks, the applicant proposes to maintain 300 cfs in the power canal and reduce flows to below 275 cfs in the bypassed reach. If flows are less than 400 cfs at the project headworks, flows in the Loup Power Canal would be reduced to maintain a flow of at least 100 cfs in the bypassed reach below the Beaver Creek confluence and a minimum flow of at least 50 cfs in the bypassed reach between the headworks and the Beaver Creek confluence. Under these conditions, the applicant proposes to monitor fisheries in the bypassed reach and to report fish kills to the Nebraska Department of Environment and Energy (Nebraska DEE). For Article 405, the applicant proposes to operate in a limited run-of-canal mode when Loup River flows above the headworks are below 1,275 cfs, in order to store water, as necessary, to safely operate the project at 1,000 cfs. Similar monitoring of fisheries and reporting to the Nebraska DEE is proposed.

m. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, Tribal members, and others access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: April 2, 2025

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-06018 Filed: 4/7/2025 8:45 am; Publication Date: 4/8/2025]