

VIA ELECTRONIC FILING

August 24, 2015

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**SUBJECT: Hawks Nest Hydroelectric Project (FERC No. 2512-069)
Glen Ferris Hydroelectric Project (FERC No. 14439-000)
Response to Comments Filed on the Updated Study Report**

Dear Secretary Bose:

Hawks Nest Hydro, LLC (Hawks Nest Hydro or Licensee), a subsidiary of Brookfield Renewable Energy Group, owns and operates the Hawks Nest Hydroelectric Project (Hawks Nest) (FERC No. 2512) and the Glen Ferris Hydroelectric Project (Glen Ferris) (FERC No. 14439) (collectively, “the Projects”) in Fayette County, West Virginia. Hawks Nest Hydro is pursuing new licenses from the Federal Energy Regulatory Commission (FERC or Commission) for the continued operation and maintenance of the Projects in accordance with the Integrated Licensing Process (ILP) defined at 18 CFR Part 5.

In accordance with 18 CFR § 5.15, Hawks Nest Hydro filed the Updated Study Report (USR) with the Commission on May 29, 2015, conducted the USR Meeting on June 11, 2015, and filed the USR Meeting Summary on June 26, 2015. The timely filing of the USR Meeting Summary was consistent with the requirements of the ILP and with the pre-filing process plan and schedule presented in Hawks Nest Hydro’s July 24, 2012 Pre-Application Document and in the Commission’s Scoping Documents 1 and 2, dated September 20, 2012 and January 2, 2013, respectively. Section 5.15(c)(4) of the Commission’s regulations allow that any participant or Commission staff may file a disagreement concerning the Licensee’s meeting summary within 30 days, setting forth the basis for the disagreement and including any modifications to ongoing studies or new studies proposed, and that the Licensee may in turn file a response to any such filings made within an additional 30 days.

By letters to the Commission dated July 27, 2015 and July 24, 2015, respectively, American Whitewater (AW) and WVA Manufacturing, LLC (WVAM) filed timely comments on the USR and the USR Meeting Summary. No comments or disagreements were filed by Commission staff or any other relicensing participants.

Hawks Nest Hydro recognizes that the purpose of the USR, together with the accompanying meeting and comments, is to inform the Commission's determination of whether studies and information required in the Commission-approved study plan have been completed, and the goals and objectives achieved, or whether studies should be modified, or new information gathering required. Accordingly, this letter constitutes Hawks Nest Hydro's response to the above-referenced comment letters.

Hawks Nest Hydro's response to comments contained herein is not intended to address every comment provided by AW or WVAM on the USR or the Projects, but instead focuses on requests for new studies or information or study modifications. Pursuant to Section 5.15(d) of FERC's regulations, any proposal to modify an ongoing study must be accompanied by a showing of good cause why the proposal should be approved and must include a demonstration that: (1) the approved studies were not conducted as provided for in the approved study plan; or (2) the study was conducted under anomalous environmental conditions or that environmental conditions have changed in a material way. Additionally, as further specified in Sections 5.15(e), any new study requests must also show good cause and a statement explaining: (1) any material changes in the law or regulations applicable to the information request, (2) why the goals and objectives of any approved study could not be met with the approved study methodology; (3) why the request was not made earlier; (4) significant changes in the project proposal or that significant new information material to the study objectives has become available; and (5) why the new study request satisfies the study criteria in Section 5.9(b). Further, under Section 5.15(e), any proponent of a proposal for new information gathering or studies must demonstrate extraordinary circumstances warranting approval.

Background Information

On May 31, 2013, FERC issued a Study Plan Determination (SPD) for the Projects approving the ten studies outlined in Hawks Nest Hydro's May 6, 2013 Revised Study Plan (RSP). As described in the Initial Study Report (ISR) and USR and discussed at the ISR and USR Meetings, all studies are complete and were conducted in accordance with the schedule and methods described in the RSP and SPD, except for the minor variances from the RSP noted in the ISR and USR and of which Commission staff and relicensing participants were made previously aware through Hawks Nest Hydro's quarterly ILP study progress reports.

Response to Comments from AW

Discussion of Comments on the Draft Bypass Reach Aquatic Habitat Use / Instream Flow Study

AW provided general comments on the Bypass Reach Aquatic Habitat Use / Instream Flow Study (Instream Flow Study) methodology as well as specific comments on the study report. AW's comments are summarized or repeated below for reference, followed by Hawks Nest Hydro's response.

Study Methodology Comments

AW criticized the two-dimensional (2D) model selected by the Licensee and approved in the SPD as insufficient to describe actual aquatic habitat and project impacts. AW reiterated their previous request submitted during the study scoping stage of the ILP that the Instream Flow Study include an Indicators of Hydrologic Alteration (IHA) or Ecological Limits of Hydrological Alteration (ELOHA) analysis. Finally, AW requested that the model developed for the Instream Flow Study be used “to simulate the full flow regime (base + spills/pulses) across the range of studied base flows, and predict environmental effects.”

The Instream Flow Study was conducted in full accordance with the consultation and methods described in the RSP and SPD. As discussed at the USR Meeting and documented in the USR Meeting Summary, the 2D model was developed using a widely and commonly used and publically available program (River2D) and represents the current industry standard/state of practice. The model developed for the Instream Flow Study exceeded industry standards for calibration and is more than sufficiently robust to support the objective of the Instream Flow Study, which, as stated in the RSP, was to provide information for an analysis of Project effects on aquatic habitat in the bypass reach to determine whether additional flows are needed.

Hawks Nest Hydro’s RSP clearly stated that IHA and/or ELOHA analyses would not be performed, as (1) these are unnecessary to inform the development of license requirements, and (2) FERC licensees are routinely not obligated to study pre-Project (i.e., “natural flow”) conditions, as the environmental baseline for FERC’s environmental analysis is the environment as it exists at the time of relicensing. Similarly, FERC’s SPD did not find it necessary to include or require such an IHA or ELOHA study, which Commission staff stated would be unnecessary because the proposed Instream Flow Study would provide the information necessary to inform a determination of appropriate flow for the Hawks Nest bypass reach.

With respect to AW’s final general study comment/request (“to simulate the full flow regime [base + spills/pulses] across the range of studied base flows, and predict environmental effects”), Hawks Nest Hydro notes that the completed Instream Flow Study fully meets its intended objective to provide information that supports the analyses of flow proposals which may be included in the license application materials and as part of the Commission’s environmental analysis.

For the reasons stated above, Hawks Nest Hydro does not propose any modifications to the completed Instream Flow Study to address AW’s general comments on the study methodology, as these comments/requests do not meet any of the criteria of Sections 5.15(d) and (e) of the Commission’s ILP regulations.

Specific Study Report Comments

AW provided six specific comments/requests on the Instream Flow Study report. Hawks Nest Hydro considers the study report to be complete (with the final version to be filed with the final license applications), and that it fulfills the study objectives and requirements of the RSP and SPD. Hawks Nest Hydro does not propose further revision to the study report at this time. Therefore, Hawks Nest Hydro considers AW's comments (repeated below in italics) on the study report to be requests for supplemental or additional information, and to the extent practicable, Hawks Nest Hydro will seek to accommodate the requests as described below.

Hawks Nest Hydro further notes that AW refers to 500, 1,000, 1,500, 2,000, 2,500, and 3,000 cfs as "study flows" throughout their comments. To clarify, these were "study flows" for the controlled whitewater release component of the Recreation Flow Assessment. While there is some overlap between the Recreation Flow Assessment and the Instream Flow Study, inasmuch as some Instream Flow Study field data collection occurred at some of the controlled whitewater release flows, the objectives of these studies differ. For the reasons described in Exhibit E of the draft license application (DLA), flows ranging from 500 cfs to 3,000 cfs do not represent an actual or reasonable minimum flow recommendation or proposal for the Hawks Nest Project.

- 1. We request a new appendix containing all cross sections using the ADCP, similar to figure 3-11. These cross sections are useful in understanding velocity dynamics at the specific measured sites. We also ask that these each have a summary table featuring at least cross sectional area, discharge, and average depth.*

Hawks Nest Hydro's Response: Hawks Nest Hydro will provide the requested cross sections and summary tables as a supplement to this filing, to be filed with the Commission and made available to relicensing participants. Hawks Nest Hydro will strive to submit this supplemental information in advance of the final license applications (FLAs) and prior to the end of the comment period for the DLAs.

- 2. We request a new component of the Habitat Time Series Analysis, in which the sampled instream flow values are each added to the hydrological dataset to simulate and compare the habitat available if base flows had been 500, 1000, 1500, 2500, and 3000 cfs, as well as the 100 cfs that was the actual historical case. These comparisons may be made at the guild rather than a species level. These flow simulations should be compared to others in the same water year. As an example: a figure similar to Figure 4-22 would compare the Habitat Time Series Results for each of the flow values mentioned above in a normal year for shallow guild representatives. Another would do the same for wet years, and so on. This will, within the limits of the Habitat Time Series analysis, allow stakeholders to compare the habitat made available by various base flow alternatives.*

Hawks Nest Hydro's Response: To the extent practicable, Hawks Nest Hydro will conduct additional Habitat Time Series analysis model runs for additional flows of

interest to a range of relicensing participants and provide the requested comparative bar charts in the supplement to this filing described above in item #1.

Hawks Nest Hydro notes that, as described in the RSP, the target flows for field data collection were selected in consultation with the Instream Flow Study working group so as to allow for 2D habitat model simulation of flows up to approximately 2,000 cfs. Simulation of base flows of 2,500 cfs and 3,000 cfs, as requested by AW, is, therefore, outside of the range of the RSP and SPD. However, given the quality of the model and its calibration at the highest target data collection flow, Hawks Nest Hydro's initial belief is that it would be credible for Instream Flow Study information to be used in relation to flows outside of the approved study plan (up to 3,000 cfs).

3.

- a) *We request a table comparing the simple area of inundation associated with each study flow.*
- b) *Weighted usable area has questionable value in describing the incremental differences between aquatic habitat, especially at higher flows, because average velocity is not indicative of actual velocities available at the relevant scale of a fish or mussel. If there is a way to calculate the aquatic habitat volume, it would be even more valuable since aquatic species live in a 3 dimensional world, and we request a table comparing aquatic volume of the study reach to the extent that data exists or can be calculated.*

Hawks Nest Hydro's Response:

- a) Hawks Nest Hydro expects to provide the requested table(s) comparing area of inundation associated with each study flow in the supplement to this filing described in item #1.
- b) Hawks Nest Hydro does not intend to develop a table comparing aquatic habitat volume, as requested by AW. Despite AW's claim, there is no fundamental weakness with the methodology of the Instream Flow Study, and this methodology has successfully supported numerous FERC relicensings. Weighted usable area is an appropriate surrogate for volume and is a common metric for instream flow studies. The 2D model developed for the Instream Flow Study better addresses habitat quality than would a calculation of aquatic habitat volume, and it provides sufficient information to meet the study's objective. The Instream Flow Study, of which the 2D model is an integral component, was conducted in full accordance with the RSP and SPD. As such, Hawks Nest Hydro does not believe that this request for additional information/study modification meets any of the criteria of Sections 5.15(d) and (e) of the Commission's ILP regulations.

4. *We request a table comparing the WUA for each species and guilds across the study flows (100, 500, 1000, 2000, 2500, and 3000). The few WUA graphs in the report are not adequate for numerically comparing flow alternatives.*

Hawks Nest Hydro's Response: For the requested flows, and with respect to flows inside/outside of the range of the approved study plan as noted in the response to item #2 above, Hawks Nest Hydro will provide the requested tables in the supplement to this filing described above in item #1, to the extent practicable.

5. *We request a table and discussion comparing the WUA and other habitat and life history analyses for each species and guilds across the study flows (100, 500, 1000, 2000, 2500, and 3000) including spills throughout representative years, as well as run-of-river conditions in the bypassed reach.*

Hawks Nest Hydro's Response: As stated above in response to item #4, Hawks Nest Hydro expects to provide a table of WUA for the species and guilds for the expanded set of simulation discharges.

As previously stated, the objective of the Instream Flow Study is to support analyses of flow proposals to support the Commission's environmental analysis. The Instream Flow Study fulfills this objective by providing the information necessary to allow for the discussion and comparison of flows in the range of 100 cfs - 2,000 cfs (as stated in the approved RSP). Further, and consistent with the responses above, Hawks Nest Hydro also expects to also provide credible information on flows outside of the approved study plan (up to 3,000 cfs).

Hawks Nest Hydro contends that discussion and comparison of flows is appropriate within the license application materials – an exercise Hawks Nest Hydro initiated in the Hawks Nest DLA, and which will continue within the FLA. (Refer to Exhibit E of the DLAs, which were filed by Hawks Nest Hydro on August 3, 2015.) However, for the reasons described in Exhibit E of the DLA, flows ranging from 500 cfs to 3,000 cfs do not represent an actual or reasonable minimum flow recommendation or proposal for the Hawks Nest Project. Further, no analyses of run-of-river conditions in the bypass reach are reasonable or required, as the Licensee is not obligated to evaluate pre-Project conditions. Hawks Nest Hydro reiterates that the Instream Flow Study was conducted in full accordance with the RSP and SPD, and the study report supports the stated study objective.

For the reasons stated above, Hawks Nest Hydro does not believe that this request for additional written/descriptive information/study modification meets any of the criteria of Sections 5.15(d) and (e) of the Commission's ILP regulations. To the extent that additional habitat and life history analyses for species and guilds are necessary to evaluate actual minimum flow recommendations or proposals for the Hawks Nest

Project, Hawks Nest Hydro will use the model developed for the Instream Flow Study to support further analyses in the FLA or post-FLA filings, as appropriate.

- 6. In the event the current methodology is incapable of addressing the full variability of flow regime alternatives, and the effects of that variability on stream functions, we reiterate our request for an Indicators of Hydrologic Alteration or ELOHA analysis. This request meets the standard for a new analysis 18 CFR § 5.15(d)(1) because the approved study was not conducted, and specifically the analysis did not meet its goals and objectives, as provided for in the approved study plan and in the response to our study request.*

Hawks Nest Hydro's Response: Hawks Nest Hydro reiterates that the Instream Flow Study, which was conducted in full accordance with the RSP and SPD, and the methodology for the study, are fully capable of supporting the objectives of the approved study plan, as well as the Commission's future environmental analysis of reasonable relicensing proposals or recommendations. As such, Hawks Nest Hydro does not believe that this request for additional information/study modification meets any of the criteria of Sections 5.15(d) and (e) of the Commission's ILP regulations.

Discussion of Comments on the Draft Recreation Flow Assessment Study Report

AW provided comments on the Recreation Flow Assessment study, additional information requests on the study report, as well as their interpretation of the study results. While Hawks Nest Hydro believes that AW's interpretation of the study results includes several "unsubstantiated claims", the Licensee's response below is focused on the study report comments and information requests, which are the subject of this filing and the forthcoming resolution of the Director of the Commission's Office of Energy Projects of any disagreements and subsequent decision regarding whether it is appropriate to amend the approved study plan.

AW's comments and information requests are summarized or repeated below for reference, followed by Hawks Nest Hydro's response.

- 1. American Whitewater feels that the study design was implemented well. We continue to assert that the selected range of flows was inadequately low, which is supported by the data that shows favorability increasing with flows and estimated optimal flows often in excess of those tested.*

Hawks Nest Hydro's Response: The Recreation Flow Assessment was conducted in full accordance with the RSP and SPD. As stated in the RSP, the intent of the controlled whitewater releases was to provide information on the suitability of low to moderate flows for commercial and private whitewater use, recognizing that information on "family friendly" attributes of such flows were also of interest. As described in Exhibit E of the DLAs, this flow range was developed in part from the study request submitted by the West Virginia Professional River Outfitters Association (WVPRO) in comments filed

on the PAD and FERC's Scoping Document 1, for which WVPRO requested evaluation of flows from 700 cfs to 3,000 cfs.

As explained in the RSP and Exhibit E of the DLAs, the characteristics of and opportunities for whitewater at high flows (i.e., above those of the controlled releases and even greater than 10,000 cfs) in the Hawks Nest bypass reach are well known by the whitewater community (e.g., AW's website <https://www.americanwhitewater.org/content/River/detail/id/2419/>). As described in the RSP, out of recognition that other stakeholders (e.g., AW) were interested in evaluating flows much higher than the highest controlled whitewater release of 3,000 cfs, the Recreation Flow Assessment also included provisions for an Extended Whitewater Evaluation. This component of the study provided a period of over 1 year (a period that was extended—per the request of AW—by months, to follow the close of AW's annual Gauley Fest) for whitewater users to provide input on whitewater in the bypass reach at any flow. Information about the Extended Whitewater Evaluation was provided on the Licensee's public relicensing website as well as AW's website (<https://www.americanwhitewater.org/content/Article/view/articleid/31820/>), but Hawks Nest Hydro received only a single completed Extended Whitewater Evaluation survey.

Because the Recreation Flow Assessment was conducted in accordance with the RSP and SPD and ample opportunities to provide input on higher flows were afforded to all relicensing participants and their members, Hawks Nest Hydro does not believe that any study modification or additional study is necessary to address AW's comment, which does not meet any of the criteria of Sections 5.15(d) and (e) of the Commission's ILP regulations. This is reinforced when considering that ample opportunity was afforded, via the Extended Whitewater Evaluation, to allow interested parties to provide input on flows outside of the controlled releases provided.

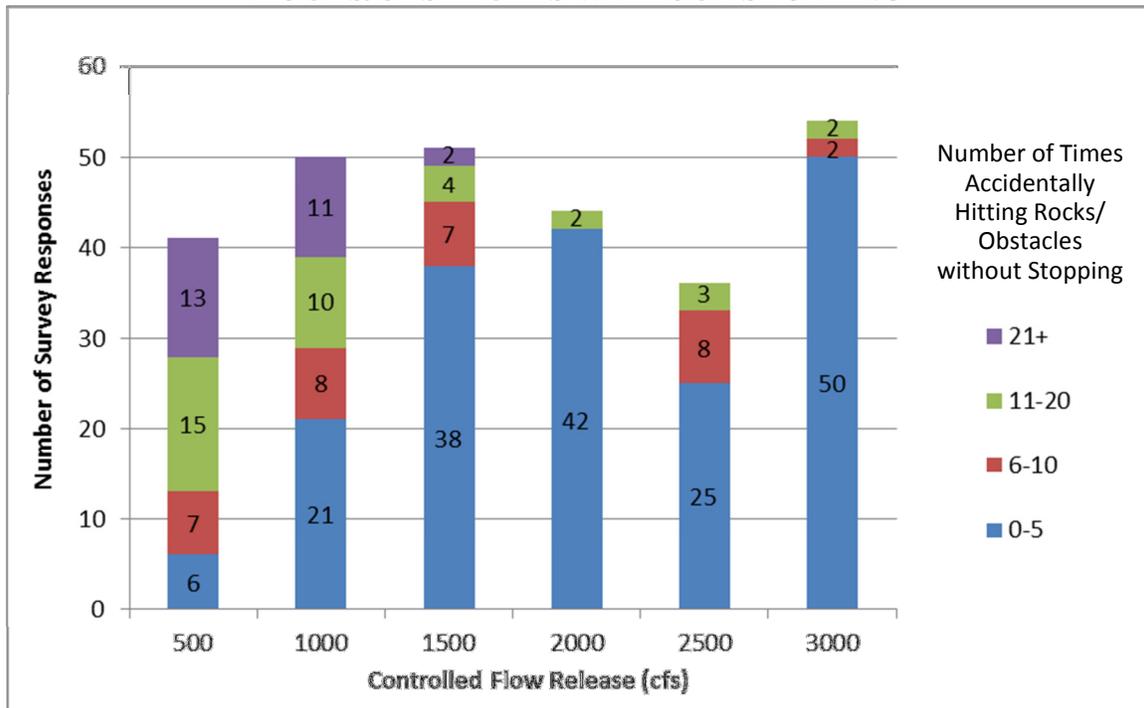
- 2. Figures 4-11 through 4-14 [of the Recreation Flow Assessment study report] should be presented as percentage of respondents rather than number of responses, similar to Figures 4-14 through 4-25. In their current state they fail to clearly convey the results.*

Hawks Nest Hydro's Response: Hawks Nest Hydro considers the study report to be complete (with the final version to be filed with the FLAs), in that it fulfills the study objectives and requirements of the RSP and SPD, and the Licensee does not propose further revision to the study report at this time. Therefore, Hawks Nest Hydro considers this comment and the comments below on the study report to be requests for additional information.

Hawks Nest Hydro does not propose to provide this additional requested information. The Recreation Flow Assessment study report provides significant detail and description of survey responses. Hawks Nest Hydro has taken great care to present information in an efficient and clear manner. Presenting these graphics in terms of number of participants is indeed clearer than a percentage basis in that it reflects actual participants' experience

and avoids any confusion or misinterpretation as “percent of the time.” For the above-referenced figures, a percentage is readily derived by dividing the number in any given bar segment by the sum of numbers in that bar. For example, in the graph below, 92.5% (50 divided by 54) of participants reported the number of times they accidentally hit rocks/obstacles without stopping to be in the 0-5 range at the 3,000 cfs controlled whitewater release.

**FIGURE 4-11
 NUMBER OF TIMES ACCIDENTALLY HITTING
 ROCKS/OBSTACLES WITHOUT STOPPING**



3. While the text of the results section often splits out rafting from non-rafting respondents, we ask that at least Figure 4-20 be modified to graphically and separately convey the views expressed by each group.

Hawks Nest Hydro’s Response: While Hawks Nest Hydro believes that the study report provides sufficient information by describing any differences in these two user groups where they were obvious, Hawks Nest Hydro appreciates that some report readers may seek this supplemental detail. Hawks Nest Hydro will provide the supplemental information requested by AW (i.e., a revised Figure 4-20) as a supplement to this filing, to be filed with the Commission and made available to relicensing participants. Hawks Nest Hydro intends to submit this supplemental information in advance of the FLAs and prior to the end of the comment period for the DLAs.

4. *The Report makes the unsubstantiated claim that the Gauley and New rivers offer "ample rafting opportunities for all experience levels." See Study at 13. A similar claim is made later in the Report that "the New and Gauley offers ample whitewater and paddling opportunities for all experience levels over the course of the entire year." See Study at 67. We presume the value judgment that paddling opportunities are "ample" is meant to infer that there is not justified demand for paddling the New River Dries, and that the Project's impacts are mitigated off-site. This is not the case. The Dries offers a unique reach with unique appeal. The Study infers that the Middle New is a reasonable surrogate, however that reach as far fewer rapids over a far longer reach. It is a wide open river bed, which is starkly different from the intimate boulder-strewn Dries with overhanging cliffs and dense barrage of high quality technical rapids. In addition, paddlers ranked crowding as an important consideration as seen in Figure 4-27, which indicates other reaches may be at or above their social carrying capacity and that additional reaches would spread use out.*

Hawks Nest Hydro's Response: The comment above does not represent a request for a study modification, additional information, or further study, but rather the opinion of AW, and as such no response is required. Hawks Nest Hydro does, however, offer two points at this time in response.

First, as a point of clarification, the Comparative Survey question that corresponds to the above-referenced figure (Figure 4-27) asked participants to rate 15 different factors that could potentially affect their satisfaction with a whitewater trip. While crowding was the fifth most highly rated factor, this question was not directed at the New and Gauley rivers specifically, but rather any (hypothetical) whitewater experience. In any case, Hawks Nest Hydro would note that under West Virginia Code §20-2-23a, the powers and duties of West Virginia's Whitewater Commission include oversight of licenses and use allocations which includes special moratorium provisions associated with the New River as part of its duties to examine and manage (avoid) overcrowding (<http://www.wvdnr.gov/LEnforce/White/RiverMgt/chaptr20.shtm>).

Second, Hawks Nest Hydro would note that Exhibit E of the DLAs includes additional information and description of whitewater opportunities in the region which substantiate the abundance of whitewater opportunities throughout West Virginia; many of which are readily described at the West Virginia Division of Tourism website at <http://www.wvriversports.com/default.aspx>.

5. *Section 4.5 of the Report wrongly notes that paddlers identified "continued availability of put-in location at Hawks Nest Dam." This site currently required a significant hike with a boat to reach, and paddlers actually highlighted the need for enhanced vehicular access, not merely continued foot access... 73.3% of participants want to put on the river near the dam, where the Licensee has a good road and significant parking yet no public*

vehicular access currently exists. Several great rapids are located between the dam and the Cotton Hill Bridge. (Source Figure 4-31).

Hawks Nest Hydro's Response: As with item #4, the comments do not represent requests for study modification, additional information, or further study, but rather the opinion of AW, and as such no response is required. Hawks Nest Hydro does, however, offer two points at this time in response.

First, it is important to clarify and reaffirm that a pedestrian access and put-in location at Hawks Nest Dam has, and continues to exist today. Through the conduct of the relicensing studies, Hawks Nest Hydro administered numerous surveys to gather information about recreation opportunities and needs at the Hawks Nest and Glen Ferris Projects. The Licensee has made a good faith effort to process and synthesize survey results, and present results in the study reports in a manner that is both fair and transparent. Hawks Nest Hydro understands from comments raised at the USR Meeting and the comments in AW's July 27, 2015 letter that AW desires vehicular access to the Hawks Nest Dam access road. However, Hawks Nest Hydro notes that for the Comparative Survey question that corresponds to the above-referenced figure (Figure 4-31), the availability of a bathroom/changing room, parking, and a clear path/public access to the river were the most desirable access facilities for the put-in, and respondents did not directly raise the issue of expanded vehicular access in their survey responses.

Second, Exhibit E of the DLAs includes additional information and evaluation of the feasibility of providing public vehicular access to the Hawks Nest Dam access road. As described in Section E.7.6.1.2 of Exhibit E, from the Cotton Hill Area parking lot to Hawks Nest Dam, this access road is an unpaved, single-lane road cut into the hillside and bordered by a nearly vertical, rocky hillside on the right (looking downstream) and steep drop to the bypass reach on the left. The single-lane road is necessary and intended to provide emergency vehicle, operator, and equipment access to Hawks Nest Dam. Allowing public vehicular access to the road could create an unsafe condition and adversely affect security. Further, Hawks Nest Hydro notes that the road does not include safety features that would be required to facilitate public access. A preliminary examination by the Licensee indicates that upwards of \$2 million would be needed for improvements or upgrades (e.g., two-way access, parking, and guardrails) to facilitate public access. For these reasons, Hawks Nest Hydro does not believe that providing public vehicular access to Hawks Nest Dam is a practical, safe, or secure option. However, today's pedestrian access and put-in will continue.

Discussion of Comments on the Draft Recreation Use and Needs Assessment Study Report

AW provided comments on the Recreation Use and Needs Assessment study and comments on the study report, as well as their interpretation of the study results. AW's comments are summarized or repeated below for reference.

- 1. The methodology used to describe the potential impacts of flow restoration on bouldering in the bypassed river reach is indefensible. The impacts of various flows on access to bouldering sites are knowable data. Specific bouldering sites can be visited at various flows and access availability can be directly documented. Instead, the Recreation Use and Needs Study asked climbers at a remote location to imagine the river rising and to predict an effect on which they make a value judgment. Left undocumented is any evidence that the effects predicted by climbers actually occur in the bypassed reach, and the extent of those effects. Without such evidence this issue is not sufficiently documented to influence decision-making.*

Hawks Nest Hydro's Response: The Recreation Use and Needs Assessment was conducted in accordance with the RSP and SPD. This study was designed to gather information about recreation in the vicinity of the Projects for the full spectrum of existing and potential recreational users. Based on surveys conducted for this study, sightseeing and bank fishing were the dominant primary recreational activities at the Projects. Like kayakers/rafters/canoists, climbers/boulderers also represented a significant user group. The bouldering survey was developed in consultation with the Recreation Use and Needs Assessment study working group (email from HDR dated May 9, 2013), of which AW was a member. Although the bouldering survey may only offer qualitative feedback regarding effects of flow releases on bouldering access or opportunities, Hawks Nest Hydro believes it would be entirely inappropriate to discount the opinions of this user group in decision-making as is suggested by AW.

Further Hawks Nest Hydro notes that the Recreation Flow Comparison Survey administered as a component of the Recreation Flow Assessment incorporated a similar question (question 8) at the specific request of AW:

- 8) Based on the boating trips that you participated in for this study, please specify the flow(s) that, in your opinion, provide the following for your desired experience(s) (*note you can specify flows that you have not seen, but which you think would provide the following for your desired experience[s]*).

AW apparently finds the speculative opinions provided by whitewater boaters regarding flows that they have not actually seen and/or paddled as sufficient grounds to "influence decision-making," but does not apply the same standard to other recreational users. Hawks Nest Hydro believes it is inappropriate to privilege the opinions of the whitewater community over those of other recreationalists.

In any case, because the Recreation Flow Assessment was conducted in accordance with the RSP and SPD, Hawks Nest Hydro does not believe that any study modification or additional study is necessary to address AW's comment, which does not meet any of the criteria of Sections 5.15(d) and (e) of the Commission's ILP regulations.

- 2. Second, like the Recreation Flow Assessment, the Recreation Use and Needs Assessment fails in Table 4-3 and elsewhere to accurately describe the obvious demand for a put-in at the Hawks Nest Dam that includes vehicular access. The Licensee maintains a good road and significant parking opportunities that are currently gated. Use of this road and parking area will allow paddlers to reasonably access the entire bypassed river reach, making the trip an excellent length and adding several outstanding rapids.*

Hawks Nest Hydro's Response: The comments above do not represent requests for study modification, additional information, or further study, but rather the opinion of AW, and as such no response is required. Hawks Nest Hydro has already provided an acknowledgement and response to AW's request for public vehicular access to the Hawks Nest Dam access road in item #5 above for the Recreation Flow Assessment and would only note that the additional data collected under the Recreation Use and Needs Assessment did not indicate any "obvious demand" for vehicular access to Hawks Nest Dam.

Additional Comments

AW's letter closed with a "Collaboration" section including a list of general considerations in lieu of a specific proposal. Hawks Nest Hydro notes that the DLA presents a significant array of specific protection, mitigation, or enhancement measures which may be subject to further refinement and finalization within the FLA, and that opportunities for dialogue can potentially exist even after the FLA is filed. However, AW's general considerations and opinions on a path forward are not necessarily shared by all participants, and Hawks Nest Hydro would envision that any dialogue that would be collaborative in-nature would include all interests at the table.

Response to the Comments Filed by WVAM

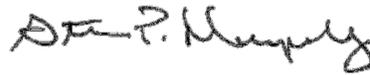
Hawks Nest Hydro acknowledges the comments of WVAM and will take these comments into consideration as applicable in the FLA. Hawks Nest Hydro does not believe that any study modifications, additional information, or new studies are needed based upon these comments.

Closing

For the reasons described above, Hawks Nest Hydro does not believe that the comments provided by AW or WVAM merit any modifications to the approved study plans and respectfully requests that the Director would take Hawks Nest Hydro's responses to these comments into consideration in her resolution of any disagreements and subsequent decision regarding whether it is appropriate to amend the approved study plan.

Hawks Nest Hydro appreciates this opportunity to respond to comments and provide additional information to the Commission, and looks forward to continuing to work with agencies, Tribes, other relicensing participants, and FERC staff during the remainder of the ILP. Should you have any additional questions or concerns, please do not hesitate to contact me at (315) 598-6130.

Very truly yours,

A handwritten signature in black ink that reads "Steven P. Murphy". The signature is written in a cursive, slightly slanted style.

Steven P. Murphy
Manager, Licensing