

FERC Project Boundary Review

Lake McConaughy & Lake Ogallala
Lake McConaughy Leasees

APRIL 29, 2019

OGALLALA, NE

Meeting Agenda

- Explain FERC Project Boundary and Boundary Review
- Considerations for Setting the Proposed Project Boundary
- Review Proposed Boundary Changes
- Comment Process
- Questions

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FERC Project Boundary and Boundary Review

- FERC Project Boundary
- FERC Project Boundary Review
- Relationship to Property Rights

FERC Project Boundary

“The project boundary is an administrative marker to clearly delineate those lands necessary for operation and maintenance of the project and for other project purposes, such as recreation, shoreline control, or protection of environmental resources. The boundary does not affect existing property rights.”

Guidance for Shoreline Management Planning at Hydropower Projects
(FERC, 2012)

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“The inclusion of lands within a project boundary serves the function of indicating that the lands are used in some manner for project purposes. However, the mere inclusion of lands within a project boundary will not restrict landowner uses, since such inclusion does not itself create or alter property rights. A licensee is required to acquire and retain all interests in non-federal lands necessary or appropriate to carry out project purposes.”

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Project Boundary Review

“Occasionally, lands outside a project boundary must be used to serve a particular project need or to satisfy a particular license requirement. In most of these cases, the licensee must apply for a change to the project boundary to add those lands to the project and bring the lands into the project boundary. For example, if certain non-project lands were determined to be necessary to accommodate the recreation facilities and activities included in a project's approved recreation plan, proposed changes to the project boundary would be approved to include those lands in the project. Likewise, if it were determined that a project licensee had ongoing license responsibilities in connection with lands not currently within the project (e.g., facility operation and maintenance or resource management requirements), those lands would be brought into the project through approved changes to the project boundary.”

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Project Boundary Review

- FERC has required Central to review the project boundary and recommend changes as appropriate.
- Preliminary Recommendations in 3 reports:
 - Johnson Lake (2013)
 - Lake McConaughy and Lake Ogallala (2014)
 - Remainder of Project (2017)
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Primary Considerations for Setting the Proposed Project Boundary (McConaughy and Ogallala)

- Shoreline Erosion
- Environmental Resources
 - Tern and Plover Nesting
- Public Recreation
 - NGPC Areas, Water and Beach Use, Routes of Public Access
- Shoreline Management and Control
- Manageable/Identifiable Boundaries
 - Roads, Property and Survey Lines, Section Lines, Etc.

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LEGEND

- CNPPID_Ownership
- CNPPID_PERC_Revised
- CNPPID_PERC



0 155 310 520 Feet





LEGEND

- CNPPD_Ownership
- CNPPD_FERC_Revised
- CNPPD_FERC





LEGEND

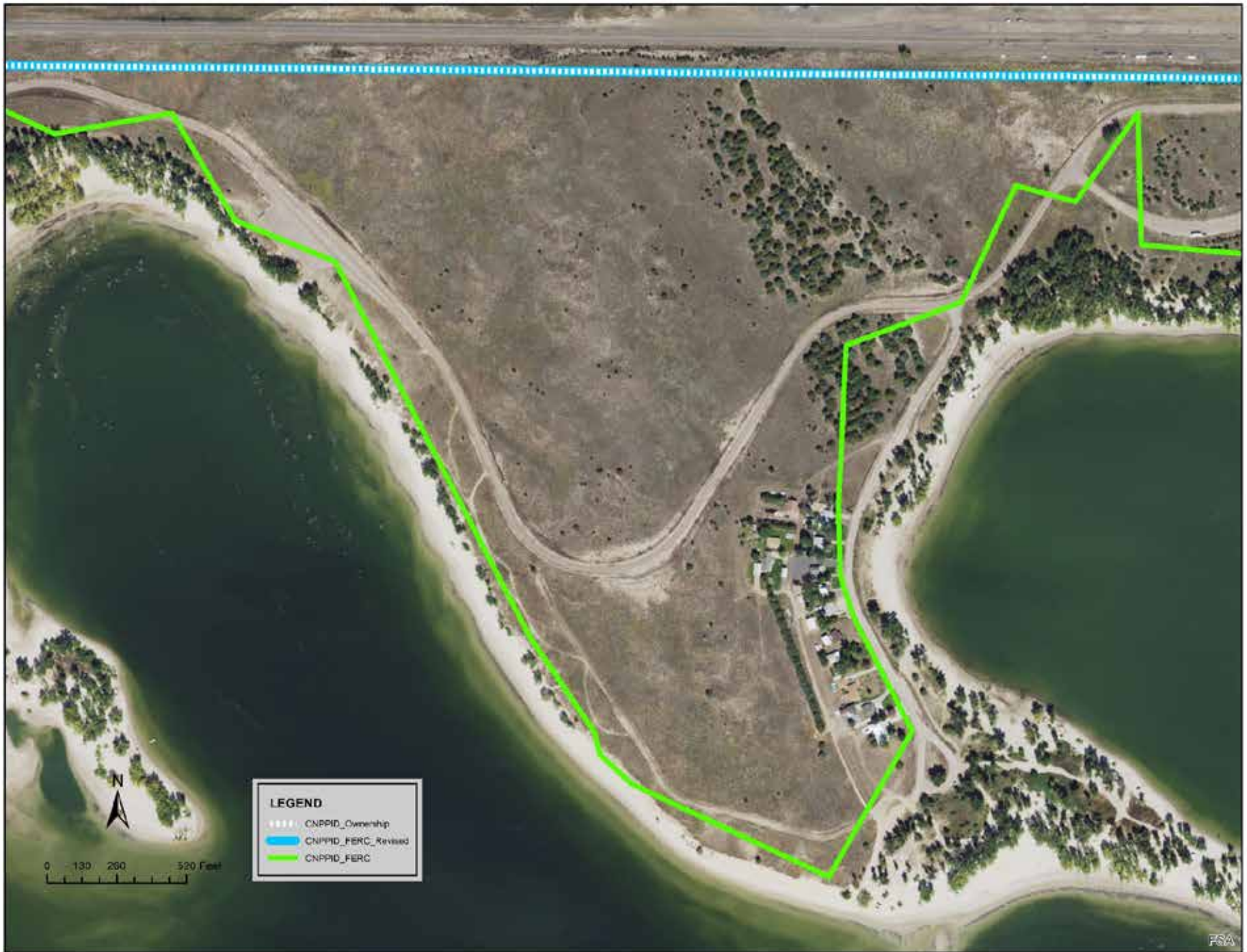
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- CNPPID_FERC_Revised
- CNPPID_FERC

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LEGEND

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Comments to Central (Prior to Central's Filing)

- Deadline for LMLI Comments: May 10, 2019
(Deadline for Others is April 30, 2019)
- <http://www.cnppid.com/boundary-review/>

Comments to FERC (Following Central's Filing)

"We understand that Central plans to submit an application to change the project boundary in specific areas. However, that application has not yet been filed with the Commission. When such an application is filed with the Commission, we will issue a public notice to provide an opportunity for the public and any other interested parties to comment on the specific proposal at that time."

(FERC, March 2019)

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