

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
March 4, 2020

OFFICE FO ENERGY PROJECTS

Project No. 14869-001 – Arizona
Sacaton Pumped Hydro Storage Project
RAMM Power Group LLC

VIA FERC Service

Dr. Michael A. Werner
RAMM Power Group LLC
7425 East Columbia Drive
Spokane, Washington 99212

Reference: Rejection of Notice of Intent and Pre-Application Document

Dear Dr. Werner,

On January 15, 2020, RAMM Power Group LLC (RAMM), filed a notice of intent (NOI), pre- application document (PAD), and request to use the Traditional Licensing Process (TLP) to prepare an application for a license for the proposed Sacaton Pumped Hydro Storage Project No. 14869. The project would be constructed at a former open pit copper mine located near the town of Casa Grande in Pinal County, Arizona. Staff has reviewed the PAD and find it to be patently deficient; therefore, the NOI and PAD are rejected and the request to use the TLP is considered moot.

Under section 5.6(b)(1) of the Commission's regulations, a PAD should reflect that the applicant has used due diligence in obtaining the information it provided to the Commission. Section 5.61(b)(1) also states that the PAD should enable entities to identify issues, develop study requests, and prepare documents analyzing any license application that may be filed. The information provided by RAMM in the PAD relies on a single study conducted for the purpose of remediating the copper mine site, with no apparent agency or tribal consultation. Due to this, the PAD is incomplete and does not contain the types of information required by the regulations. A list of the deficiencies in the PAD is enclosed as Schedule A. You must correct these deficiencies if you decide to re-file the PAD for the Commission's consideration.

In addition, based on comments from the ASARCO Multi-State Environmental Custodial Trust and Elim Mining (USA) Incorporated, the current and prospective landowners of the mine site, respectively, it appears that you may be unable to access the

site to conduct any environmental studies. An integral component of the pre-filing stage of each of the Commission's licensing processes is the potential need for applicants to conduct field studies to inform the development of a license application. Based on the deficiencies identified in Schedule A, the potential need for you to conduct such studies during the pre-filing stage of the licensing process is high. Therefore, should you seek to initiate a licensing process for this project again in the future, the NOI and PAD must be accompanied by documentation that demonstrates that you have site access to conduct any studies that may be required to develop a license application.

Additional information that could assist you in preparing an acceptable PAD and conducting pre-filing consultation is available on the Commission's website at <http://www.ferc.gov/industries/hydropower/gen-info/licensing.asp>.

If you have any questions, please contact Kelly Wolcott at (202) 502-6480; or e-mail at kelly.wolcott@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

Enclosure: Schedule A—Review of the Pre-Application Document

SCHEDULE A
REVIEW OF THE PRE-APPLICATION DOCUMENT

1. Section 5.3(d)(2) of the regulations requires that you publish notice of the filing of your NOI, PAD, and request to use the TLP no later than the filing date of the NOI in a daily or weekly newspaper or general circulation in each county within which the project would be located. The published notice must include: (1) the filing date of the NOI, PAD, and TLP request; (2) a brief summary of the documents and basis for your request to use the TLP; (3) contact information for the potential applicant, details of the project proposal, and where the PAD is available for inspection and reproduction; (4) a statement that comments on the TLP request are due to the Commission within 30 days of the filing date; (5) a statement that comments on the TLP request must address the criteria specified in section 5.3(d)(2)(v); and (6) a statement that comments must be submitted to the Secretary of the Commission in accordance with filing procedures posted on the Commission's website at <http://www.ferc.gov>. If you choose to re-file the NOI, PAD, and TLP request, please provide notice according to these requirements, and file proof of the publication with the Commission.

2. Section 5.6(d)(2)(ii) of the regulations requires that a PAD include maps showing lands and waters within a project boundary and, if applicable, federal and tribal lands, and the location of proposed facilities, including transmission lines. The PAD does not include a map that shows a project boundary. In addition, the maps provided in the PAD do not show the project's powerhouse, transmission line, or an interconnection point with the grid. The PAD must include maps clearly showing a project boundary, including the specific proposed locations of project facilities such as the reservoirs, powerhouse, tailrace, and transmission line.

3. The PAD, for several of the proposed facilities, states that "optimization" of these facilities is "under way" and that "(f)urther engineering must be accomplished in order to finalize the project." Section 5.6(d)(2) of the regulations requires that a PAD provide a detailed description the proposed project location, existing and proposed project facilities, and proposed project operation. The following information must be included in the PAD:

- (a) The composition, dimensions, and configurations of the upper dam and powerhouse (section 5.6(d)(2)(iii)(A)).
- (b) The surface area, gross and usable capacity, and elevation for the upper and lower reservoir (section 5.6(d)(2)(iii)(B)). The description of these items in the PAD is inadequate and consists of only screen shots of two spreadsheets that depict the depth and volume of water in each of the reservoirs at several water surface elevations, without any description of how this data relates to the project proposal.

- (c) The minimum and maximum hydraulic capacities (in cfs), of each of the proposed 80-megawatt ternary-style turbines (section 5.6(d)(2)(iii)(C)).
- (d) The PAD describes four alternatives for interconnecting the project with the grid. For each alternative, the PAD must provide the number, length, voltage, and interconnections of any proposed primary transmission lines, and provide a single-line diagram showing the transfer of electricity from the project to the transmission grid or point of use (section 5.6(d)(2)(iii)(D)).
- (e) The PAD currently lists “N/A” under proposed operation. The PAD must provide a description of the proposed project’s operation, including any ramping rates, reservoir fluctuations, and flood or drought control operations (section 5.6(d)(2)(iv)).

4. Section 5.6(d)(3) of the regulations requires that a PAD provide a description of the existing environment and anticipated resource impacts, based on relevant and reasonably available information. This information is largely absent from the PAD, and the information that is provided is only done so by referencing chapters of the Trust’s remediation report. Therefore, in any future PAD you may file for the project, please include the following information in the environmental resource sections: (a) a description of the existing environment (section 5.6(d)(3)(ii)-(xiii)); (b) summaries (with references to sources of information or studies) of existing data or studies regarding each of the resources (section 5.6(d)(3)(ii)(B)); (c) a description of any known or potential adverse impacts and issues associated with the construction, operation, or maintenance of the proposed project, including continuing and cumulative impacts (section 5.6(d)(3)(i)(C)); and (d) a description of any existing or proposed project facilities or operations, and management activities that would be undertaken for the purpose of protecting, mitigating impacts to, or enhancing resources affected by the project (section 5.6(d)(3)(i)(D)).

5. Section 5.6(d)(4) of the regulations requires that a PAD include, with respect to each resource area and based on the resource description and impacts discussion required by section 5.6(d)(3), a list of: (a) issues pertaining to the identified resources, (b) potential studies or information gathering requirements associated with the identified issues, (c) relevant qualifying federal and state or tribal comprehensive waterway plans, and (d) relevant resource management plans. In the PAD you placed “N/A” in the description of identified issues and potential studies for all resource areas. This seems unlikely given the lack of existing information provided and the stakeholder comments disputing many of the statements in your PAD related to environmental effects. Based on the information provided and comments received, there appears to be a high likelihood that additional resource studies will be needed to inform any licensing proceeding for this project. Therefore, in any future PAD you may file for the project, please provide a

detailed discussion of the items listed above, including justification for any preliminary conclusions you make regarding resource issues and the potential need for studies.

6. Section 5.6(d)(5) of the regulations requires the PAD to include an appendix summarizing contacts with federal, state, and interstate resource agencies, Indian tribes, non-governmental organizations, or other members of the public in connection with preparing the PAD sufficient to enable the Commission to determine if due diligence has been exercised in obtaining the relevant information. While the PAD provides a list of contact names and addresses, it does not provide any details regarding the consultation you conducted in preparing the PAD (e.g., copies of correspondence, including any response comments received). This information must be included in any future PAD you may file for the project.