



IN REPLY REFER TO:

# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Custom House, Room 244  
200 Chestnut Street  
Philadelphia, Pennsylvania 19106-2904



December 18, 2014

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ER 14/0682

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, D.C. 20426

re: Symphony Hydro Preliminary Permit Application  
(FERC Project No. 14627)  
Mississippi River, Hennepin County, Minnesota

Dear Secretary Bose:

The Department of the Interior (Department) has reviewed the October 22, 2014, Review of Notice of Application for Preliminary Permit, Symphony Hydro Project, FERC No. 14627-000. The project is located on the Mississippi River in Hennepin County, Minnesota. It appears that operation of this hydropower project may be inconsistent with Section 2010 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014).

The U.S. Army Corps of Engineers (Corps) facilities at Upper St. Anthony Falls (USAF) are authorized to provide navigation past the St. Anthony Falls. It is our understanding that the proposed hydropower facility would involve the placement of generation equipment in the lock chamber at USAF. Installation of hydropower generation equipment in the USAF lock chamber may preclude or seriously interfere with the use of the lock for navigation and therefore be incompatible with the statutorily authorized purpose of the facility. While Section 2010 of WRRDA 2014 directed the Corps to close the USAF lock to navigation by June 10, 2015, that legislation does not deauthorize the project or direct future disposition of the facility.

In addition, while Section 2010 directs the closure of the lock at USAF, it also specifically allows the Corps to continue to carry out emergency lock operations necessary to mitigate flood damages. The emergency lock operations undertaken to mitigate flood damage consist in large part of passing flood flows, ice, and debris through the lock chamber. It is questionable whether the presence of hydropower generation equipment in the lock chamber would be compatible with the Corps' flood mitigation efforts.

As the proposed Symphony hydropower project seems incompatible with the current Congressional authorization for navigation and flood control, it appears that licensing of a

hydropower project located within the lock chamber at USAF is not appropriate at this time.

For further coordination on matters related to the subject project, please contact Mr. Nick Utrup of the U.S. Fish and Wildlife Service at (612) 725-3548 ext. 2204.

We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindy Nelson", with a long horizontal flourish extending to the right.

Lindy Nelson  
Regional Environmental Officer

Document Content(s)

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