



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**

MISSISSIPPI VALLEY DIVISION, CORPS OF ENGINEERS  
P.O. BOX 80  
VICKSBURG, MISSISSIPPI 39181-0080

Executive Office

The Honorable Kimberly D. Bose  
Secretary, Federal Energy  
Regulatory Commission  
888 First Street NE  
Washington, DC 20426

15 DEC '14

Dear Ms. Bose:

This is in response to your October 22, 2014, notice of acceptance of a preliminary permit application from Symphony Hydro, LLC, for a proposed hydropower facility located within the lock chamber at Upper St. Anthony Falls (USAF) Lock and Dam in Minneapolis, MN.

The Corps of Engineers facilities at 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 would 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 the Water Resources Reform and Development Act of 2014 (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 highly unlikely that the presence of hydropower generation equipment in the lock chamber would be compatible with the Corps' flood mitigation efforts.

Further, as a practical matter, the amount of flowing water, debris, and ice passing through the lock during flood mitigation operations would likely damage any hydropower generation structures or equipment located within the lock chamber.

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As the proposed Symphony hydropower project is 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.

My points of contact are Mr. Jeff Artman, (601) 631-5577, Jeff.A.Artman@usace.army.mil, or Ms. Nanette Bischoff, (651) 290-5426, Nanette.M.Bischoff@usace.army.mil.

Sincerely,



Michael C. Wehr  
Major General, U.S. Army  
Division Commander

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