

UNITED STATES OF AMERICA
Before The
FEDERAL ENERGY REGULATORY COMMISSION

City of Kankakee, Illinois)
) Kankakee Hydroelectric
) Project No. 8632

***Notice of Intent of City of Kankakee, Illinois, to File an Application for
New License, Request for Designation as Non-Federal
Representative, and Request for Authorization to Use Traditional
Licensing Process***

I. Notice of Intent to File Application for New License

The City of Kankakee, Illinois (“City”), Licensee, hereby notifies the Federal Energy Regulatory Commission (“Commission” or “FERC”) of its unequivocal intent to file an application for a new license for the existing Kankakee Hydroelectric Project (“Project”), FERC Project No. 8632, located at the Kankakee Dam on the Kankakee River in Kankakee County, Illinois. The existing 2.4-mile-long Project transmission line crosses the Kankakee River and terminates at the Kankakee River Metropolitan Agency (KRMA) Wastewater Treatment Plant (WWTP).

The following information is provided pursuant to 18 CFR §5.5(b).

- (1) Existing Licensee City of Kankakee, Illinois
Environmental Services Utility
295 North Harrison Avenue
Kankakee, IL 60901
- Applicant Contact Zachary Newton
Manager of Sewer Services
295 North Harrison Avenue
Kankakee, IL 60901
Telephone: (815) 933-0454
Email: zjnewton@citykankakee-il.gov
- 2) FERC Project Number Project No. 8632
- 3) License Expiration Date

The current license for the Kankakee Hydroelectric Project expires on April 30, 2028.

4) Statement of Intent to File

The Licensee hereby unequivocally states its intent to file an application for a new license for the Kankakee Hydroelectric Project No. 8632, on or before April 30, 2026. The Licensee requests that FERC approve use of the Traditional Licensing Process (TLP) for this proceeding.

5) Project Location and Description

The existing Project is located at the Kankakee Dam on the Kankakee River (river mile 124 downstream of its headwaters near South Bend, Indiana), in the City of Kankakee, Illinois. The Kankakee Dam is owned by the State of Illinois and leased to the City of Kankakee for hydropower production.

The Project includes a powerhouse containing three generating units with a total installed capacity of 1.2 megawatts (MW); a single-circuit, 12.5 kV transmission line extending from the powerplant and terminating at KRMA's WWTP; and appurtenant facilities.

6) Cities, Towns, Political Subdivisions or Federal Facilities used by the Project

(i) *Counties in which any part of the Project, and in which any federal facility that is to be used by the Project, would be located:*

Kankakee County
County Board Chairman
Administration Building
189 East Court Street
Kankakee, Illinois

(ii) *Cities, Towns, and Similar Political Subdivisions:*

(A) *In which any part of the Project or federal facility that would be used by the Project would be located:*

The vast majority of the Project is located in the City of Kankakee, Illinois. The small portion of the Project transmission line that runs underground through Helgeson Park is located in the Village of Bradley, Illinois. No federal facility is used by the Project.

(B) *With a population of 5,000 or more and is located within 15 miles of the Projects' facilities:*

Village of Manteno
Deputy Village Clerk
98 East Third Street
Manteno, Illinois 60950

Village of Bourbonnais
Office of the Mayor
600 Main Street, NW
Bourbonnais, Illinois 60914

Village of Bradley
Office of the Mayor
Village Hall
147 South Michigan
Bradley, Illinois 60915

(iii) *Irrigation districts, drainage districts, or similar special purpose political subdivision:*

(A) *In which any part of the Project, and any federal facilities that would be used by the Project, would be located:*

None.

(B) *That owns, operates, maintains, or uses any project facilities or any federal facilities that would be used by the Project:*

None.

- (iv) *Other political subdivisions in the general area of the Project that are likely to be interested in, or affected by, this notice of intent:*

No other political subdivisions are known.

- (v) *Indian tribes that may be affected:*

No Indian tribes are anticipated to be affected by the Project. There are no federally or state recognized Indian tribes in Illinois.

The Licensee intends to consult with the following tribes during relicensing:

- Citizen Potawatomi Nation, Oklahoma
- Forest County Potawatomi Community of Wisconsin
- Hannahville Indian Community, Michigan
- Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
- Kickapoo Tribe of Oklahoma
- Little Traverse Bay Bands of Odawa Indians, Michigan
- Menominee Indian Tribe of Wisconsin
- Miami Tribe of Oklahoma
- Peoria Tribe of Indians of Oklahoma
- Prairie Band Potawatomi Nation

II. Request for Designation as Non-Federal Representative

The Licensee requests that the Commission designate it as the Commission's non-federal representatives for: (1) carrying out informal consultation pursuant to Section 7 of the Endangered Species Act ("ESA"), 16 USC. § 1536, and the implementing Joint Regulations at 50 CFR §402.8; and (2) consultation under section 106 of the National Historic Preservation Act, 16 USC 470f, and the implementing regulations at 36 CFR §800.2(c)(4).

III. Request for Authorization to Use Traditional Licensing Process

As provided by 18 CFR §5.3(b), the Licensee hereby requests authorization to use the Traditional Licensing Process (TLP) under 18 CFR Part 4, Subparts D and F. 18 CFR §5.3(c)(1)(i) requires an applicant requesting authorization to use the TLP to address five considerations (see below) and to include any existing comments on its proposal to use the TLP. The Licensee has informed resource agencies of their desire to use the TLP in the context of gathering data for the PAD. No agency has opposed use of the TLP.

A. General Information

The Kankakee Hydroelectric Project is located on the Kankakee River at the existing Kankakee Dam. The Project is operated in a run-of-river mode (in accordance with existing License Article 401) with releases coordinated with the Illinois Department of Natural Resources (IDNR). The Kankakee Project generates electricity using flows "released" (i.e., made available) by IDNR. The Licensee is responsible for operation of the inflatable rubber dam that sits atop the Kankakee Dam. This rubber dam, which is 24 inches high when fully inflated, allows the Licensee to vary the surface of the reservoir. The rubber dam is fully inflated during normal Project operation and a 500 cubic feet per second (cfs), or inflow, whichever is greater, flow maintained over the Kankakee Dam (in accordance with existing License Article 402) to protect fishery resources in the Kankakee River. Kankakee Hydroelectric Project operations are automated and attached to the City Environmental Services Sewer Services supervisory control and data acquisition (SCADA) control system. The Project powerhouse is visited by City staff once or twice per day. Station electrical service is provided by the local utility (Commonwealth Edison).

The Project's single-circuit 12.5 kV transmission line extends 2.4 miles. The transmission line begins at the transformer adjacent to the powerhouse, crosses the Kankakee River in a conduit attached to the South McMullen Drive (Edward McBroom) Bridge and terminates at the

KRMA WWTP located along the river downstream near West Brookmont Boulevard. Five segments of the transmission line (1.5-miles total, including the bridge crossing in a conduit) are located underground in existing rights-of-way, while the remaining four segments (0.9-mile total) are suspended aboveground on standard, 40-45-foot-tall, wooden poles. The transmission line right-of-way varies from 3 to 20 feet in width.

The resource agencies likely to be involved with the relicensing of this Project have prior experience with licensing, construction and/or relicensing, including use of the TLP Process.

B. Criteria

1. *Likelihood of timely license issuance*

Use of the TLP should not interfere with the timely issuance of a license. This is an existing FERC-licensed project, so there is a substantial amount of existing data, which is incorporated into the PAD. The Licensee proposes continuation of the Project in essentially the same manner of operation, and therefore does not anticipate new or significant impacts to resources. Potential studies are included in Section 5.0 of the PAD. Moreover, based on initial consultations, the Licensee anticipates no major differences with agencies regarding data needs, and little or no difficulty obtaining updated data. Should any differences with resource agencies arise, the Licensee expects such issues should be resolvable without undue controversy. Thus, pre-filing consultation and license application preparation should go smoothly, and the Commission should require little, if any, additional information. Processing of the license application should, therefore, proceed with reasonable dispatch.

2. *Complexity of the resource issues*

The Kankakee Project turbine-generator units are currently non-operational. The Licensee is working to repair or replace the units in 2024 or 2025. When operational, the Project operates in a run-of-river mode with releases coordinated with the IDNR in accordance with the original FERC License. The Licensee proposes to continue this mode of operation. There will be no Project-related change in reservoir levels, discharge quantities, or flows for navigation purposes. Because the Licensee is not proposing modifications to the capacity and operation of the Project, it does not anticipate new or significant impacts to resources. The Licensee proposes to provide Project electricity to its Stone Street Wastewater Lift Station (which feeds the KRMA WWTP) to offset electrical use and associated pumping costs at this facility. A new 12.5 kV overhead transmission line (on 40 to 45-foot-tall wood poles) would tap into the existing line and run along a residential street for approximately 600 feet before terminating at a transformer in the existing lift station. This new transmission line would be added to the existing FERC Project boundary. The Licensee anticipates monitoring dissolved oxygen levels in the Project discharge after the turbines-generators are repaired or replaced, protecting federal and state listed species, protecting cultural resources within the Project boundary, and continuing to provide recreation. A description of issues based on previous experience, literature review, and informal consultation with the resource agencies was prepared and is included in Section 4.0 of the PAD.

3. *Level of Anticipated Controversy*

The Licensee does not anticipate significant controversy regarding the issuance of a new license for the Kankakee Project facilities because, as described above, the Project does not involve complex resource issues, and individual stakeholder interests are well-defined. No specific objections were raised regarding the use of the TLP.

4. *Relative cost of the TLP compared to the Integrated Licensing Process*

The Integrated Licensing Process ("ILP") is intensive and front-loaded, with all parties, including Commission staff, bound to a strict schedule. This high intensity process is costly for all parties and the Commission. Given the wealth of existing data, and the Licensee's expectation that there are not likely to be substantial study disputes with the agencies or substantial disputes with regard to mitigation measures, there is no reason for the Commission to commit its scarce

resources to an ILP for the Kankakee Project. The TLP allows sufficient opportunity for input by resource agencies and other stakeholders, but requires less time commitment by being mindful of agencies' and stakeholders' own limited resources.

5. *Amount of available information and potential for significant study disputes*

Given the amount of available information, the relatively limited number of resource issues, expected lack of controversy, and Licensee's approach to consultation, the Licensee believes there is a low likelihood of study disputes. If a dispute occurs, the Licensee will work to resolve the matter; however, if it cannot be resolved by the parties, the dispute can be easily referred to FERC for resolution under the TLP

6. *Other Pertinent Factors*

The Licensee believes the foregoing discussion addresses all the considerations pertinent to a decision on whether the Commission should authorize the use of the TLP. Granting the Licensee's request will not impair the ability of resource agencies and the public to fully participate in the relicensing process. For budget and schedule planning purposes, and to enable the commencement of pre-filing consultation as soon as possible, the Licensee requests that the Commission provide a decision on this request within 30 days.

C. Consultation and Notice

As required by 18 CFR §5.3(d)(1) and 18 CFR §5.5(c), the Licensee has provided a copy of the NOI, Request for Designation as Non-Federal Representative, and Request for Authorization to Use the TLP to resource agencies, Indian tribes, and members of the public likely to be interested in this Project, as described above and set forth on the attached distribution list. Similarly, the Licensee has issued public notice of the NOI, PAD, and requests in a local newspaper of general circulation. The Licensee will submit proof of public notice publication to the Commission.

D. Comments on this Request

Comments on this request to use the TLP are due to FERC within 30 days of the filing date of this request (*i.e.*, by February 27, 2023). Comments should reference the Project number (Kankakee Hydroelectric Project No. 8632) and be submitted via electronic filing pursuant to 18 C.F.R. Section 385.2003(c), or by mailing an original and two copies of the comments to the Licensee and the Office of Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

If you have any questions regarding this Notice, please contact Zachary Newton at zjnewton@citykankakee-il.gov.