



May 31, 2022

**VIA ELECTRONIC FILING**

Terry L. Turpin, Director  
Office of Energy Projects  
Federal Energy Regulatory Commission  
888 First Street  
Washington, DC 20426

Re: Request for extension of time to submit license order deliverables for Cherokee Falls Hydroelectric Project (Project No. 2880).

Dear Director Turpin:

On July 22, 2021, the Cherokee Falls Hydroelectric Project, LLC, a subsidiary of Hydroland, Inc. was issued a new license by the Federal Energy Regulatory Commission ("FERC" or "the Commission") for a period of 40 years, effective August 1, 2021.

On October 12, 2021, the licensee submitted a request for an extension of time to November 30, 2021 to file the approved Exhibit F drawings in electronic format pursuant to Article 202 of the license. On October 29, 2021, the Commission approved an extended deadline to December 31, 2021 to file the electronic version of the Exhibit F.

On November 12, 2021, the licensee submitted a request for an extension of time to December 22, 2021 to file the approved Exhibit G drawings in electronic format pursuant to Article 203 of the license. On November 19, 2021, the Commission approved an extended deadline to December 22, 2021 to file the revised Exhibit G.

On April 28, 2022, The licensee filed a request for Extension of time with a plan and schedule to submit the overdue items mentioned above. On May 13, 2022, the Commission approved the request for extensions of time. The licensee has acquired the consultants to make the revisions to the exhibits and is currently working with them to develop the electronic version of Exhibits F and

the revised Exhibit G. As of May 31, 2022, the consultants require additional time to complete the task. The licensee respectfully requests additional 60 days to file the exhibits.

Please feel free to contact via phone at +1 (913) 908-2211, or via email at [cory@hydrolandcorp.com](mailto:cory@hydrolandcorp.com) if you have any questions.

Sincerely,

/s/Cory Lagerstrom

CORY LAGERSTROM, JD/MBA  
CEO

Enclosures:

- 1) Hydroland extension request letter to FERC from April 28, 2022.
- 2) FERC order granting extension of time from May 13, 2022.

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Cherokee Falls Hydroelectric Project, LLC

Project No. 2880-015

ORDER GRANTING EXTENSIONS OF TIME TO FILE THE APPROVED EXHIBIT F  
DRAWINGS, REVISED EXHIBIT G DRAWINGS, OPERATION COMPLIANCE  
MONITORING PLAN, MINIMUM FLOW MAINTENANCE PLAN, AND REVISED  
RECREATION FACILITIES MANAGEMENT PLAN PURSUANT TO ARTICLES 202,  
203, 402, 403, AND 407, RESPECTIVELY

(Issued May 13, 2022)

1. On April 6, 2022, and as supplemented on April 29, 2022, Cherokee Falls Hydroelectric Project, LLC, licensee for the Cherokee Falls Hydroelectric Project No. 2880,<sup>1</sup> filed a request for an extension of time to file the electronic Exhibit F drawings pursuant to Article 202 of the license, revised Exhibit G drawings pursuant to Article 203, Operation Compliance Monitoring Plan Pursuant to Article 402, Minimum Flow Maintenance Plan Pursuant to Article 403, and Revised Recreation Facilities Management Plan pursuant to Article 407. The project is located on the Broad River, in Cherokee County, South Carolina. The project does not occupy federal land.

**Background**

2. Article 202 of the license requires the licensee to file, within 45 days of the issuance date of the license (i.e., by September 5, 2021), the approved Exhibit F drawings in electronic file format. The licensee must prepare digital images of the approved exhibit drawings in electronic format. Prior to preparing each digital image, the licensee must add the FERC Project-Drawing Number (i.e., P-2880-1001 through P-2880-1007) in the margin below the title block of the corresponding approved drawing.

3. Article 203 of the license requires the licensee to file for Commission approval, within 90 days of the issuance date of the license (i.e., by October 20, 2021), revised Exhibit G drawings that show the boundary following contour elevation 535.5 feet, National Geodetic Vertical Datum of 1929, along the project's impoundment and to enclose the canoe portage and the boat ramp. In addition, to the other components of Exhibit G, the licensee must provide the project boundary data in a geo-referenced

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<sup>1</sup> *Cherokee Falls Hydroelectric Project, LLC*, 176 FERC ¶ 62,048 (2021).

electronic format that complies with sections 4.39 and 4.41(h) of the Commission's regulations.

4. Article 402 of the license requires the licensee to file, within 180 days of the effective date of the license (i.e., by January 28, 2022), for Commission approval, an Operations Compliance Monitoring Plan. In addition to the provisions stipulated in condition 2 of the South Carolina Department of Health and Environmental Control's (South Carolina DHEC) water quality certificate, the plan must include: 1) a description of how the licensee will monitor and document compliance with the operational requirements of the license, including condition 1 of the certification; 2) a description of all equipment that will be used to monitor compliance with the operational requirements of the license, including a schedule for installing any new equipment; 3) a description of the procedures for operating, maintaining, and calibrating all monitoring equipment; 4) the protocols or methods to be used for reporting the monitoring data and deviations from operational requirements to the Commission; and 5) maintaining a log of project operation for inspection.

5. Article 403 of the license requires the licensee to file, within 180 days of the effective date of the license (i.e., by January 28, 2022), for Commission approval, a Minimum Flow Maintenance Plan for the low-level outlets located at the base of the dam. The plan must include the requirements specified in condition 4 of the South Carolina DEC's water quality certification (Appendix A of the license), and the following additions: 1) provisions to measure and report outflows from the low-level outlets; 2) a detailed description of the methods and devices that will be used to inspect and measure outflows from the low-level outlets; 3) the protocols or methods to be used for reporting the measurements to the Commission; and 4) a schedule detailing the frequency of minimum flow inspections, measurements, and reports.

6. Article 407 requires the licensee, within 90 days of the effective date of the license (i.e., by October 30, 2021), to file with the Commission for approval, a Revised Recreation Facilities Management Plan that incorporates the measures for recreation facility improvements included in the plan filed July 31, 2019, and the following additional provisions: (1) a map or drawing depicting the canoe portage trail, in plan view, including the location of any steps that must be built or realignment and regrading that must be done to improve accessibility of the trail; (2) a detailed description of directional and safety signage proposed for the boat ramp and canoe portage, including a map depicting the placement of signs and a conceptual drawing or photograph of the proposed signage; (3) a discussion of how the needs of persons with disability are considered in the improvements to the canoe portage trail, boat ramp, and parking area; (4) a description of best management practices to be used to protect wetlands, riparian, and littoral habitat at recreation sites during construction that include, but are not limited to, siltation and sedimentation controls, avoidance of wetlands in locating the canoe portage trail, and replanting riparian areas where vegetation is disturbed during

construction; (5) provisions for operation and maintenance of project recreation facilities over the term of the license, including a schedule for routine maintenance of the boat ramp; and (6) a requirement to complete construction of improvements to the canoe portage, regrading and resurfacing of the boat launch, and placement of directional and safety signage within two years of plan approval.

7. Per Articles 402, 403, and 407, the licensee must prepare the respective plans after consultation with specified resource agencies (i.e., Articles 402 and 403 require consultation with the South Carolina DHEC, South Carolina Department of Natural Resources [South Carolina DNR], and the U.S. Department of the Interior; Article 407 requires consultation with South Carolina DNR). The licensee must include with each plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how agency comments are accommodated by the plan. The licensee must allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing must include the licensee's reasons, based on project-specific information. The Commission reserves the right to require changes to the plan. Implementation of the plan (per Articles 402 and 403) or land-disturbing activities (per Article 407) must not begin until the licensee is notified by the Commission that the plan is approved. Upon Commission approval, the licensee must implement the plan, including any changes required by the Commission.

8. On October 22, 2021, Commission staff granted an extension of time to file the requirements of Article 407 and extended the deadline to December 31, 2021.<sup>2</sup> On October 29, 2021, Commission staff granted an extension of time to file the requirements of Article 202 and extended the deadline to December 31, 2021.<sup>3</sup> Finally, on November 19, 2021, Commission staff granted an extension of time to file the requirements of Article 203 and extended the deadline to December 22, 2021.<sup>4</sup>

### **Extension of Time Requests**

9. In its April 6, 2022 filing, the licensee requests additional time, until May 15, 2022, to file the electronic Exhibit F and revised Exhibit G drawings. In its

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<sup>2</sup> *Cherokee Falls Hydroelectric Project, LLC*, Project No. 2880-015 (October 22, 2021) (delegated order).

<sup>3</sup> *Cherokee Falls Hydroelectric Project, LLC*, Project No. 2880-015 (October 29, 2021) (delegated order).

<sup>4</sup> *Cherokee Falls Hydroelectric Project, LLC*, Project No. 2880-015 (November 19, 2021) (delegated order).

April 29, 2022 supplemental filing, the licensee explains that the electronic files of the Exhibit F and revised Exhibit G drawings are being completed by a contractor and requests until May 31, 2022 to complete the drawings and file them with the Commission.

10. In its April 6, 2022 and supplemental April 29, 2022 filings, the licensee requests additional time, until September 15, 2022, to complete the Operations Compliance Monitoring Plan, Minimum Flow Maintenance Plan, and Revised Recreation Facilities Management Plan. The licensee notes that it is completing the plans through a contractor and that the required respective agencies still need to be consulted on the plans.

### **Review**

11. The licensee filed the request for the extensions of time after the deadlines required under Articles 202, 203, and 407 (as extended) and as due under Articles 402 and 403; however, no public interest would be served by denying the request. The licensee continues to work with a contractor toward completing the required electronic files for the Exhibit F drawings and revised Exhibit G drawings to be filed with the Commission. In addition, the licensee is working toward developing the plans required under Articles 402, 403, and 407 in consultation with the specified agencies. The licensee's filing provides an update on the status of each requirement, and the licensee continues to make progress toward meeting each requirement. Therefore, the licensee's request for extensions of time, until May 31, 2022, to file the electronic Exhibit F drawings and revised Exhibit G and to September 15, 2022, to file the Operation Compliance Monitoring Plan, Minimum Flow Maintenance Plan, and Revised Recreation Facilities Management Plan should be granted.

12. The licensee is reminded to make timely filings for any future extensions of time. Should the licensee be unable to meet the new due dates, it must file an extension of time request prior to the deadline and, at a minimum, include in any future request a clear and complete explanation of the status of the requirement, progress made toward meeting the requirement since the previous extension of time request, and documentation of consultation with appropriate agencies on the extension of time request. Future untimely filings may be considered a violation of the project license.

The Director orders:

(A) Cherokee Falls Hydroelectric Project, LLC's April 6, 2022, and April 29, 2022 supplemental request for an extension of time to file electronic Exhibit F drawings, pursuant to Article 202 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is granted. The extended deadline to satisfy the requirements of Article 202 is May 31, 2022.

(B) Cherokee Falls Hydroelectric Project, LLC's April 6, 2022, and April 29, 2022 supplemental request for an extension of time to file revised Exhibit G drawings, pursuant to Article 203 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is granted. The extended deadline to satisfy the requirements of Article 203 is May 31, 2022.

(C) Cherokee Falls Hydroelectric Project, LLC's April 6, 2022, and April 29, 2022 supplemental request for an extension of time to file the Operation Compliance Monitoring Plan, pursuant to Article 402 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is granted. The extended deadline to satisfy the requirements of Article 402 is September 15, 2022.

(D) Cherokee Falls Hydroelectric Project, LLC's April 6, 2022, and April 29, 2022 supplemental request for an extension of time to file the Minimum Flow Plan, pursuant to Article 403 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is granted. The extended deadline to satisfy the requirements of Article 403 is September 15, 2022.

(E) Cherokee Falls Hydroelectric Project, LLC's April 6, 2022, and April 29, 2022 supplemental request for an extension of time to file the Revised Recreation Facilities Management Plan, pursuant to Article 407 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is granted. The extended deadline to satisfy the requirements of Article 407 is September 15, 2022.

(F) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l, and the Commission's regulations at 18 C.F.R. § 385.713 (2021). The filing of a request for rehearing does not operate as a

stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

*for* Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance





April 28, 2022

**VIA ELECTRONIC FILING**

Terry L. Turpin, Director  
Office of Energy Projects  
Federal Energy Regulatory Commission  
888 First Street  
Washington, DC 20426

Re: Request for extension of time to submit license order deliverables for Cherokee Falls Hydroelectric Project (Project No. 2880).

Dear Director Turpin:

On July 22, 2021, the Cherokee Falls Hydroelectric Project, LLC, a subsidiary of Hydroland, Inc. was issued a new license by the Federal Energy Regulatory Commission ("FERC" or "the Commission") for a period of 40 years, effective August 1, 2021.

On October 12, 2021, the licensee submitted a request for an extension of time to November 30, 2021 to file the approved Exhibit F drawings in electronic format pursuant to Article 202 of the license. In the same letter, the licensee also requested an extension of time to December 31, 2021 to file the Recreation Facilities Management Plan pursuant to Article 407 of the license. On October 22, 2021, the Commission approved an extended deadline to December 31, 2021 to file the Recreation Facilities Management Plan. On October 29, 2021, the Commission approved an extended deadline to December 31, 2021 to file the electronic version of the Exhibit F.

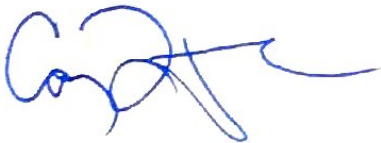
On November 12, 2021, the licensee submitted a request for an extension of time to December 22, 2021 to file the approved Exhibit G drawings in electronic format pursuant to Article 203 of the license. On November 19, 2021, the Commission approved an extended deadline to December 22, 2021 to file the electronic version of the Exhibit G.

The licensee understands that, as of April 28, 2022, the abovementioned filings are overdue. In addition, the Operations Compliance Monitoring Plan pursuant to Article 402, and the Minimum

Flow Maintenance Plan pursuant to Article 403 are also overdue. The licensee is currently waiting for the consultants to finish the electronic versions of Exhibits F and G. Additionally, the licensee is currently in the process of consulting with South Carolina Department of Natural Resources (SCDNR) and South Carolina Department of Health and Environmental Control (SCDHEC) to develop the Operations Compliance Monitoring Plan, Minimum Flow Maintenance Plan, and the Recreation Facilities Management Plan. Please see the attached reasons for delay and the schedule to submit the overdue documents. The licensee is requesting extension of time to the timeline listed in schedule to file the overdue documents.

Please feel free to contact via phone at +1 (913) 908-2211, or via email at [cory@hydrolandcorp.com](mailto:cory@hydrolandcorp.com) if you have any questions.

Sincerely,



CORY LAGERSTROM, JD/MBA  
CEO

Enclosures:

- 1) Plan and Schedule to submit license order deliverables of Cherokee Falls Hydroelectric Project under P- 2880.
- 2) Hydroland extension request letter to FERC from October 12, 2021.
- 3) FERC response to Hydroland from October 22, 2021.
- 4) FERC response to Hydroland from October 29, 2021.
- 5) Hydroland extension request letter to FERC from November 12, 2021.
- 6) FERC response to Hydroland from November 19, 2021.

## Cherokee Falls Hydroelectric Project (P-2880)

### Schedule to submit license order deliverables

Item	Reason for delay	Timeline
Electronic version of Exhibit F (Article 202)	Waiting for the consultant to complete and file	May 31, 2022
Electronic version of Exhibit G (Article 203)	Waiting for the consultant to complete and file	May 31, 2022
Operations Compliance Monitoring Plan (Article 402)	Waiting for the consultant to complete. Waiting to complete consultation with the SCDNR and the SCDHEC	September 15, 2022
Minimum Flow Maintenance Plan (Article 403)	Same as above	September 15, 2022
Recreation Facilities Management Plan (Article 407)	Same as above	September 15, 2022



October 11, 2021

**DRAFT**

***VIA ELECTRONIC FILING***

Terry L. Turpin, Director  
Office of Energy Projects  
Federal Energy Regulatory Commission  
888 First Street  
Washington, DC 20426


Re: *Project No. 2880, Cherokee Falls Hydroelectric Project*

Dear Director Turpin:

I write on behalf of Hydroland, Inc., to request an extension of deadlines contained in the new license for the Cherokee Falls Project.<sup>1</sup> Specifically, Hydroland requests an extension to November 30, 2021, to file the electronic versions of exhibits required by Article 402, and an extension to December 31, 2021, to file the Recreation Facilities Management Plan required by Article 407 of the license.

Hydroland recently discovered that the employee who had been retained from the previous owner of Cherokee who should have been responding to these license deadlines was not performing. The employee has been relieved of duty and Hydroland is now in the process of uncovering and correcting the duties neglected by that employee. The requested deadline extensions are necessary for Hydroland to develop required materials and, in the case of the Recreation Facilities Management Plan, permit review by the relevant state agencies.

Please feel free to contact me if you have any questions or concerns about the matters addressed in this letter.

  
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Cory Lagerstrom  
Chief Executive Officer  
Hydroland, Inc.

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<sup>1</sup> *Cherokee Falls Hydroelectric Project*, 176 FERC ¶ 62,048 (2021).

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Cherokee Falls Hydroelectric Project, LLC

Project No. 2880-016

ORDER GRANTING EXTENSION OF TIME TO FILE RECREATION FACILITIES  
MANAGEMENT PLAN PURSUANT TO ARTICLE 407

(Issued October 22, 2021)

1. On October 12, 2021, Cherokee Falls Hydroelectric Project, LLC, licensee for the Cherokee Falls Hydroelectric Project No. 2880, requested an extension of time to file the revised recreation facilities management plan (recreation plan), pursuant to Article 407 of the project license.<sup>1</sup> The project is located on the Broad River in Cherokee County, South Carolina. The project does not occupy federal lands.

2. Article 407 requires the licensee, within 90 days of the effective date of the license, to file with the Commission for approval, a revised recreation plan that incorporates the measures for recreation facility improvements included in the plan filed July 31, 2019, and the following additional provisions: (1) a map or drawing depicting the canoe portage trail, in plan view, including the location of any steps that must be built or realignment and regrading that must be done to improve accessibility of the trail; (2) a detailed description of directional and safety signage proposed for the boat ramp and canoe portage, including a map depicting the placement of signs and a conceptual drawing or photograph of the proposed signage; (3) a discussion of how the needs of persons with disability are considered in the improvements to the canoe portage trail, boat ramp, and parking area; (4) a description of best management practices to be used to protect wetlands, riparian, and littoral habitat at recreation sites during construction that include, but are not limited to, siltation and sedimentation controls, avoidance of wetlands in locating the canoe portage trail, and replanting riparian areas where vegetation is disturbed during construction; (5) provisions for operation and maintenance of project recreation facilities over the term of the license, including a schedule for routine maintenance of the boat ramp; and (6) a requirement to complete construction of improvements to the canoe portage, regrading and resurfacing of the boat launch, and placement of directional and safety signage within two years of plan approval. The

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<sup>1</sup> Order Issuing New License (176 FERC ¶ 62,048), issued July 22, 2021.

Project No. 2880-016

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recreation plan must be developed after consultation with the South Carolina Department of Natural Resources (SCDNR) and include documentation of consultation.

3. In its October 12, 2021 filing, the licensee requests additional time, until December 31, 2021, to file the recreation plan. The licensee notes that staff issues delayed development of the recreation plan and that, upon recognition of these issues, the issues have been reconciled. The additional time would allow the licensee to complete the recreation plan and provide it to relevant state agencies for review, including SCDNR, prior to filing the plan with the Commission.

4. The licensee's filing indicates that it is making progress on the recreation plan, and the additional time would allow the licensee to complete the required agency consultation. The filing is made in a timely manner, is acceptable, and is in the public interest. Therefore, the licensee's request for an extension of time, until December 31, 2021, to file the recreation plan with the Commission should be granted.

The Director orders:

(A) Cherokee Falls Hydroelectric Project, LLC's October 12, 2021 request for an extension of time, until December 31, 2021, to file the revised recreation facilities management plan, pursuant to Article 407 of the project license for the Cherokee Falls Hydroelectric Project No. 2880, is approved.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825l, and the Commission's regulations at 18 C.F.R. § 385.713 (2020). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

for Robert J. Fletcher  
Land Resources Branch  
Division of Hydropower Administration  
and Compliance

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Cherokee Falls Hydroelectric Project, LLC

Project No. 2880-015

ORDER GRANTING EXTENSION OF TIME TO FILE  
APPROVED EXHIBIT F DRAWINGS IN ELECTRONIC FORMAT  
PURSUANT TO ARTICLE 202

(October 29, 2021)

1. On October 12, 2021, Cherokee Falls Hydroelectric Project, LLC, licensee for the Cherokee Falls Hydroelectric Project No. 2880,<sup>1</sup> filed a request for an extension of time to file the approved Exhibit F drawings in electronic format pursuant to Article 202 of the license. The project is located on the Broad River, in Cherokee County, South Carolina. The project does not occupy federal land.

**Background**

2. Article 202 of the license requires the licensee to file, within 45 days of the issuance date of the license (i.e., by September 5, 2021), the approved Exhibit F drawings in electronic file format. The licensee must prepare digital images of the approved exhibit drawings in electronic format. Prior to preparing each digital image, the licensee must add the FERC Project-Drawing Number (i.e., P-2880-1001 through P-2880-1007) in the margin below the title block of the corresponding approved drawing.

**Extension of Time Request**

3. In its October 12, 2021 filing, the licensee requests additional time to file the electronic Exhibit F drawings. The licensee notes that staff issues delayed development of the electronic exhibits and that, upon recognition of these issues, they have been reconciled. However, the licensee requests an extension to December 31, 2021 to complete the development of the drawings and file the electronic Exhibit F drawings with the Commission.

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<sup>1</sup> *Cherokee Falls Hydroelectric Project, LLC*, 176 FERC ¶ 62,048 (2021).

Project No. 2880-015

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**Review**

4. The licensee filed the request for an extension of time after the deadline required under Article 202; however, no public interest would be served by denying the request. The licensee identified and corrected the issues related to the delay and the reasons advanced by the licensee justify the extension of time request. Therefore, the request for an extension of time until December 31, 2021 to file the electronic Exhibit F drawings should be approved.

**The Director orders:**

(A) Cherokee Falls Hydroelectric Project, LLC's October 12, 2021 request for an extension of time to file electronic Exhibit F drawings, pursuant to Article 202 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is approved. The extended deadline to satisfy the requirements of Article 202 is December 31, 2021.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2020). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

*for* Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance





November 11, 2021

**WA ELECTRONIC FILING**

Terry L. Turpin, Director  
Office of Energy Projects Federal Energy Regulatory Commission  
888 First Street  
Washington, DC 20426

*Re: Project No. 2880, Cherokee Falls Hydroelectric Project*

Dear Director Turpin:

I write on behalf of Hydroland, Inc., to correct the previous filing on 10/29/2021. The previous filing incorrectly requested an extension for exhibits required under Article 403. Instead, Hydroland, Inc. requests an extension for Article 203 (for the Exhibit G).

Hydroland requests an extension of deadlines contained in the new license for the Cherokee Falls Project.<sup>1</sup> Specifically, Hydroland requests an extension to December 22, 2021, to file the electronic versions of exhibits required by Article 203.

Hydroland recently discovered that the employee who had been retained from the previous owner of Cherokee who should have been responding to these license deadlines was not performing. The employee has been relieved of duty and Hydroland is now in the process of uncovering and correcting the duties neglected by that employee. The requested deadline extensions are necessary for Hydroland to develop required materials and, in the case of the Recreation Facilities Management Plan, permit review by the relevant state agencies. Please feel free to contact me if you have any questions or concerns about the matters addressed in this letter. Cory Lagerstrom Chief Executive Officer Hydroland, Inc.

Please feel free to contact me if you have any questions or concerns about the matters addressed in this letter.

Cory Lagerstrom  
Chief Executive Officer  
Hydroland, Inc.

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<sup>1</sup> Cherokee Falls Hydroelectric Project, 176 FERC 162,048 (2021)

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Cherokee Falls Hydroelectric Project, LLC

Project No. 2880-015

ORDER GRANTING EXTENSION OF TIME TO FILE  
REVISED EXHIBIT G DRAWINGS PURSUANT TO ARTICLE 203

(November 19, 2021)

1. On October 29, 2021, and as supplemented on November 12, 2021, Cherokee Falls Hydroelectric Project, LLC, licensee for the Cherokee Falls Hydroelectric Project No. 2880,<sup>1</sup> filed a request for an extension of time to file the revised Exhibit G drawings pursuant to Article 203 of the license. The project is located on the Broad River, in Cherokee County, South Carolina. The project does not occupy federal land.

**Background**

2. Article 203 of the license requires the licensee to file for Commission approval, within 90 days of the issuance date of the license (i.e., by October 20, 2021), revised Exhibit G drawings that show the boundary following contour elevation 535.5 feet, National Geodetic Vertical Datum of 1929, along the project's impoundment and to enclose the canoe portage and the boat ramp. In addition, to the other components of Exhibit G, the licensee must provide the project boundary data in a geo-referenced electronic format that complies with sections 4.39 and 4.41(h) of the Commission's regulations.

**Extension of Time Request**

3. In its October 29, 2021 filing, the licensee requests additional time to file the revised Exhibit G drawings. The licensee notes that staff issues delayed development of the revised exhibits and that, upon recognition of these issues, they have been reconciled. However, the licensee requests an extension to December 15, 2021 to complete the development of the drawings and file the revised Exhibit G drawings with the Commission.

4. In its November 12, 2021 filing, the licensee states that it had incorrectly requested an extension under Article 403 in its October 29 filing. Therefore, the

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<sup>1</sup> *Cherokee Falls Hydroelectric Project, LLC*, 176 FERC ¶ 62,048 (2021).

Project No. 2880-015

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licensee's November 12 filing corrects its request for an extension of time under Article 203. Furthermore, the licensee requests additional time, or to December 22, 2021, to file the revised Exhibit G drawings for the same reason stated above.

### **Review**

5. The licensee filed the request for an extension of time after the deadline required under Article 203; however, no public interest would be served by denying the request. The licensee identified and corrected the issues related to the delay and the reasons advanced by the licensee justify the extension of time request. Therefore, the request for an extension of time until December 22, 2021 to file the revised Exhibit G drawings should be approved.

### **The Director orders:**

(A) Cherokee Falls Hydroelectric Project, LLC's October 29, 2021, and November 12, 2021 supplemental request for an extension of time to file revised Exhibit G drawings, pursuant to Article 203 of the license for the Cherokee Falls Hydroelectric Project No. 2880, is approved. The extended deadline to satisfy the requirements of Article 203 is December 22, 2021.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2020). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Kelly Houff  
Chief, Engineering Resources Branch  
Division of Hydropower Administration  
and Compliance