

MARY L. LANDRIEU
LOUISIANA

ASSOCIATED
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United States Senate

WASHINGTON, DC 20510-1804

February 5, 2014

The Honorable Cheryl A. LaFleur
Acting Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

OFFICE OF
EXTERNAL AFFAIRS
2014 Feb 24
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FEDERAL ENERGY
REGULATORY COMMISSION

**Re: Support for 50-Year New License Term for the Toledo Bend
Hydroelectric Project, FERC Project No. 2305-036**

Dear Chairman LaFleur:

I am writing to draw your attention to a pending relicensing application for a hydroelectric facility that is jointly owned by the State of Louisiana and the State of Texas, the Toledo Bend Project (Project). I request and strongly encourage the Commission to issue the new license for a full 50-year term.

On August 1, 2012, the Sabine River Authority of Texas and Sabine River Authority, State of Louisiana (collectively, SRAs) filed with the Federal Energy Regulatory Commission (Commission) an Offer of Settlement for the relicensing of the Project. Toledo Bend is located on the Sabine River and is both a major water supply resource and a major recreational asset of the state of Louisiana.

The original 50-year license that was issued jointly to the SRAs has expired, and the Project is currently operating under an annual license. The pending relicensing application, which seeks a new 50-year license term, is the product of seven years of intense scientific investigations, extensive consultation with the public and federal and state resource agencies, and comprehensive negotiations with federal, state and local interests.

These negotiations culminated with the execution of two relicensing settlement agreements: (1) the Relicensing Settlement Agreement for Lower Sabine River Water Quality and Aquatic Resources between the SRAs, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Texas Commission on Environmental Quality, Texas Parks and Wildlife Department, Texas Water Development Board, and Louisiana Department of Wildlife and Fisheries; and (2) the Relicensing Settlement Agreement for Sabine National Forest between the SRAs and U.S. Forest Service. Together, these settlement agreements propose a suite of new license measures that would protect, mitigate, and enhance environmental resources at the Project.

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Given that the 80 MW Project – licensed to governmental units within our two states – produces very modest annual revenues, the relative level of investment required for the SRAs’ implementation of these environmental measures is considerable and meets the Commission’s “extensive redevelopment, new construction, new capacity, or mitigative and enhancement measures” test for a 50-year new license. The two state agencies that manage the Project do not receive appropriations from the state legislatures and do not have taxing authority. Thus, a 50-year license term is necessary to allow the SRAs sufficient time to recoup the tremendous investment required to implement the environmental measures over the new license term.

Moreover, the length of the new license term was an important factor in the negotiations for the settlement agreements. State resource agencies from both Louisiana and Texas support the 50-year license term, and federal resource agencies do not oppose this result.

I believe that a 50-year term for the new license is both appropriate and warranted, and urge the Commission to accept the Offer of Settlement and issue a new license to the SRAs for a term of 50 years.

With warmest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Mary L. Landrieu". The signature is fluid and cursive, with a large initial "M" and "L".

Mary L. Landrieu
United States Senator

cc: Commissioner Philip D. Moeller
Commissioner John R. Norris
Commissioner Tony Clark

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