
BRICKFIELD BURCHETTE
RITTS & STONE, PC

December 21, 2007

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

**RE: Notice of Intent to File Application for Original License
for the Lake Livingston Hydroelectric Project –
FERC Project No. 12632**

Dear Secretary Bose:

Pursuant to Section 5.5 of the Commission's regulations, 18 C.F.R. § 5.5, East Texas Electric Cooperative, Inc. (ETEC) hereby gives notice and declares its intent to apply for an original license for the Lake Livingston Hydroelectric Project (FERC No. 12632). In accordance with Section 5.5 of the regulations, the following information is provided.

1. The prospective applicant's name and address:

East Texas Electric Cooperative, Inc.
2905 Westward Drive
P.O. Box 631623
Nacogdoches, Texas 75963

2. Project number:

FERC Project No. 12632.

3. License expiration date:

Not applicable (ETEC intends to apply for an original license). On April 13, 2006, the Commission issued a preliminary permit to ETEC for the project. The preliminary permit has a term of three years and expires on March 31, 2009.

4. Applicant's statement of intention to file an application for an original license:

ETEC hereby unequivocally declares its intent to apply for an original license for the Lake Livingston Hydroelectric Project, FERC Project Number 12632.

5. Principal Project Works:

Existing Project Works

Dam: The Lake Livingston Hydroelectric Project will use the existing Lake Livingston Dam, owned and operated by the Trinity River Authority of Texas (TRA), located on the Trinity River in southeast Texas. Construction of the dam began in mid-1966 and was completed in 1969. The dam is constructed at river mile (RM) 129.2, in San Jacinto and Polk counties, approximately 7 miles southwest of the City of Livingston, Texas.

The dam consists of a basic earth embankment section, which extends for the full length of the dam with stabilizing upstream and downstream berms of varying dimensions. The slopes are 1 Vertical (V) and 2.5 Horizontal (H). The dam is approximately 14,400 feet long following near southwest-northeast alignment. Its height varies from 45 to 60 feet over most of its length and reaches a maximum height of 90 feet in the old river channel.

The basic section is comprised of random fill with a central impervious core with vertical chimney and horizontal drains downstream of the core. The crest at elevation 145.0 feet is 24 feet wide. A single-lane paved road along the crest provides maintenance access along the dam.

Spillway: The existing spillway for the Lake Livingston Dam is located within the main embankment about 1,400 feet from the east abutment. The spillway is a concrete structure with an ogee crest at elevation 99.0 feet. It is approximately 546 feet long, housing twelve (12) tainter gates, each 40-foot wide by 32-foot high. Concrete training walls and upstream and downstream aprons direct the water from the reservoir across the spillway and back to the original river channel. A bridge for the access road and tainter gate equipment is supported by the gate piers and spans the entire spillway width. Deck level for this bridge is at elevation 145.0 feet.

Outlet Works: The existing outlet works are located within the embankment approximately 1,850 feet west of the spillway. They consist of a vertical inlet tower with five (5) gates, a 550-foot long by 10-foot diameter conduit, a 170-foot long stilling basin, and a concrete broad-crested weir. The tower is a 90-foot high concrete structure that has four 5-foot high by 4-foot wide sluice gates at various levels and a 10-foot high by 8-foot wide sluice gate at the base to allow water to be released to the river in limited quantities from varying depths in the reservoir. Access to the tower is gained via a steel and concrete bridge. The outlet works also provide a means of maintaining water releases should the reservoir level fall below the crest of the spillway. Water from the tower passes under the dam to the

stilling basin through the conduit. A short channel downstream of the stilling basin directs flows back to the river.¹

Reservoir: The existing reservoir, known as Lake Livingston, has a water surface area of approximately 83,000 acres and a gross storage capacity of about 1,750,000 acre-feet at normal water surface elevation of 131.0 feet, mean sea level. The reservoir occupies portions of four counties: Polk, San Jacinto, Trinity and Walker.

Tailwater Control Weir: In 2004, TRA completed installation of a spillway tailwater control weir approximately 200 feet downstream from the spillway chute. The weir was installed to prevent further erosion and scouring in the spillway channel below the dam that had occurred during flood flow conditions. The weir was constructed by driving two parallel sheet piling walls across the full width of the river channel, a distance of approximately 760 feet. The sheet piling was placed 20 feet apart and this 20-foot annular space was filled with concrete from El. 45.0 to El. 60.0. The sill elevation of the upstream sheet piling is at El. 63.0.

Service Buildings: TRA has constructed several service buildings near the east abutment of the dam. Included are an administration building, a water quality laboratory, a maintenance compound, a boat house, and a fueling station. Also constructed in the same general area is a residence for the onsite manager. Some existing service facilities, as well as a service road accessing those facilities, may have to be relocated to accommodate the power structures.

Proposed New Project Works

The proposed hydroelectric facilities at Livingston Dam will be located east of the east abutment. It is anticipated that the project will require the construction of the following new facilities:

a. Headrace Channel

Water for power generation will be directed from Lake Livingston to the intake structure by a headrace channel approximately 800 feet long. The channel will be lined with riprap on the bottom and slopes. The bottom will be approximately 100 feet wide with a slope ratio of 3 H to 1 V.

¹ TRA awarded a construction contract in August 2007 for the rehabilitation of the intake tower and outlet conduit. The work will include fabrication and replacement of the 10-foot-high by 8-foot-wide sluice gate and two of the 5-foot-high by 4-foot-wide sluice gates, replacement of the gate hoisting equipment and concrete repairs to the inside of the intake tower and outlet conduit. The two deeper 5-foot high by 4-foot wide gates will be taken out of service.

b. Intake Structure

The intake structure will be of reinforced concrete located at the downstream end of the headrace channel. It will direct the water for power generation to the penstocks through hydraulically efficient shaped openings each complete with trashracks, closure gates with individual operators, stoplogs, and venting.

c. Earth Embankment

The earth embankment will form the downstream closure of the headrace channel. It will consist of a basic embankment extending easterly from the east abutment of the existing dam across the penstocks to a point near an existing state highway. The embankment will be approximately 1,000 feet long.

d. Penstocks

The intake structure will connect directly to three steel penstocks, each approximately 14 feet in diameter and 450 feet in length.

e. Powerhouse

A powerhouse will be built of reinforced concrete and house three (3) turbine/generator units, a service bay, and all auxiliary mechanical and electrical equipment for station operation.

f. Turbine/Generator Units

The project will have three (3) new vertical-shaft Kaplan turbines with direct drive synchronous propeller turbines (adjustable blade runners with wicket gates) with direct drive synchronous generators. Each of the units will have a capacity rating of approximately 8 megawatts (MW), for a total installed capacity of 24 MW.

g. Tailrace Channel

The tailrace will be approximately 2,000 feet long and will extend from the downstream side of the powerhouse to the point where the tailrace merges with the river, approximately 700-800 feet below the dam and 300-400 feet below the tailwater control weir. The tailrace will have a bottom width of 100 feet and the bottom and slopes will be lined with riprap.

h. Switchyard

An outdoor electric switchyard located to the east of the powerhouse will provide the necessary increase in voltage and electrical protection for the project interconnection to the grid.

i. Primary Transmission Lines

A single circuit overhead 138-kV transmission line will be required to interconnect the proposed project to the grid. The proposed interconnection will be at an existing substation approximately two-and-a-half (2.5) miles east-southeast of the project site. The project will be interconnected with transmission facilities owned and operated by Entergy.

j. Access Roads

Several new roads will be constructed to gain access or maintain access to the intake structure, the main dam, the earth embankment, the powerhouse, and other project facilities. A total length of about 2,200 feet of new paved or compacted gravel surface will likely be required.

6. Project Location:

The proposed project is located at Lake Livingston Dam on the Trinity River in southeastern Texas. The dam is constructed at river mile (RM) 129.2, in San Jacinto and Polk counties, approximately 7 miles southwest of the City of Livingston, Texas. Lake Livingston covers approximately 83,000 acres and occupies portions of San Jacinto, Polk, Trinity and Walker Counties. The power facilities and primary transmission line will be located on the east bank of the river in Polk County.

7. Installed plant capacity:

The proposed plant capacity is 24 MW (three units at 8 MW each).

8. The names and mailing addresses of:

i. Every county in which any part of the project is located, and in which any Federal facility that is used or to be used by the project is located:

Polk County
c/o County Clerk
Polk County Court House
101 West Church Street
P.O. Drawer 2119
Livingston, Texas 77351
(936) 327-6804

San Jacinto County
c/o County Clerk
San Jacinto County Courthouse
Byrd St. & Church St.
P.O. Box 669
Coldspring, TX 77331
(936) 653-2324

Trinity County
c/o County Clerk
Trinity County Courthouse
Hwy. 287 & Hwy. 94
P.O. Box 456
Groveton, TX 75845
(936) 642-1208

Walker County
c/o County Clerk
Walker County Courthouse
1100 University Ave. Room 208
Huntsville, TX 77340
(936) 436-4922

Based on information and belief, no Federal lands or facilities would be used by the project or included in the proposed project boundary.

- ii. Every city, town, or similar political subdivision (A) in which any part of the project is or is to be located and any Federal facility that is or is to be used by the project is located, or (B) that has a population of 5,000 or more people and is located within 15 miles of the existing or proposed project dam:**

To the best of the applicant's information and belief, no part of the proposed project would be located within the boundaries of any incorporated city, town, or other local political subdivision (other than the above listed counties).

Based on information and belief, no Federal lands or facilities would be used by the project or included in the proposed project boundary.

The following municipality is located within 15 miles of the existing dam:

City of Livingston
c/o City Manager
200 West Church Street
Livingston, Texas 77351
(936) 327-4311

No other city, town, or similar political subdivision having a population of 5,000 or more is situated within 15 miles of the dam.

iii. Every irrigation district, drainage district, or similar special purpose political subdivision in which any part of the project is or is to be located and any Federal facility that is or is to be used by the project is located:

None.

Every irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, maintains, or uses any project facility or any Federal facility that is or is proposed to be used by the project:

The City of Houston, Texas, has rights under State law to approximately 70% of the useful water storage in Lake Livingston. See contact information in (iv) below.

iv. Every other political subdivision in the general area of the project or proposed project that there is reason to believe would be likely to be interested in, or affected by, the notification:

Trinity River Authority
c/o Danny F. Vance, General Manager
5300 South Collins St.
P.O. Box 60
Arlington, TX 76010
(817) 467-4343

City of Houston
c/o Jeff Taylor
Deputy Director – Public Utilities Division
Department of Public Works and Engineering
611 Walker, 21st Floor
Houston, TX 77002
(713) 641-9153

Coastal Water Authority
c/o Executive Director
1200 Smith St., Suite 2260
Houston, TX 77002
(713) 658-9020

City of Huntsville
c/o City Manager
City Hall
1212 Avenue M
Huntsville, Texas 77340
(936) 291-5403

City of Trinity
c/o City Manager
101 W. Madison
P.O. Drawer 431
Trinity, TX 75862
(936) 594-2507

City of Coldspring
c/o Mayor
P.O. Box 247
Coldspring, TX 77331

City of Onalaska
c/o Mayor
P.O. Box 880
Onalaska, TX 77360

City of Point Blank
c/o Mayor
P.O. Box 474
Point Blank, TX 77364

v. Affected Indian Tribes:

To the best of the applicant's information and belief, there are no Native American tribes likely to be directly affected by the proposed project. The nearest tribe is the Alabama-Coushatta Reservation, located about 17 miles east of the City of Livingston on U.S. Route 190. The Tribe's mailing address is:

Alabama and Coushatta Tribes
Route 3, Box 640
Livingston, TX 77351

9. Entities to Which ETEC is Distributing this Notice:

In accordance with 18 C.F.R. Section 5.5, ETEC is distributing this notification of intent to appropriate Federal, state, and interstate resource agencies, Indian tribes, local governments, and members of the public likely to be interested in the proceeding. A complete listing of entities to which ETEC is distributing this Notice is found in Attachment A hereto.

Respectfully submitted,



William H. Burchette
Michael N. McCarty

*Counsel for East Texas Electric
Cooperative, Inc.*

cc: Distribution List (Attachment A)

ATTACHMENT A

Master Distribution List

Lake Livingston Hydroelectric Project

FERC Project No. 12632

FEDERAL AGENCIES

Ms. Edith A. Erling
Fish & Wildlife Biologist, Ecological Services
U.S. Fish & Wildlife Service
Department of the Interior
17629 El Camino Real, No. 211
Houston, TX 77058-3051

Mr. Bruce H. Bennett
North Evaluation Unit Leader—Regulatory Branch
U.S. Army Corps of Engineers
Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Ms. Sharon Parrish
Marine & Wetlands Section Chief
Environmental Protection Agency—Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Mr. Philip Crocker
Watershed Management Section Chief
Environmental Protection Agency—Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Bureau Of Indian Affairs
Southern Plains Regional Office
P.O. Box 368
Anadarko, OK 73005

Federal Emergency Management Agency
Regional Office, Federal Regional Center
800 North Loop 288
Denton, TX 76201-3698

NOAA Fisheries Service
Office Of Habitat Conservation
1315 East-West Highway
Silver Spring, MD 20910

NOAA Fisheries Service
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

Ms. Laura Henley Dean
Program Analyst
Advisory Council on Historic Preservation
Federal Permitting, Licensing and Assistance Section
1100 Pennsylvania Ave. NW, Suite 809
Washington, DC 20004

Mr. Stephen R. Spencer
Regional Environmental Officer
U.S. Department of the Interior
Office of Environmental Policy and Compliance
P.O. Box 26567 (MC-9)
Albuquerque, NM 87125-6567

Stuart J. Marcus, Manager
Trinity River National Wildlife Refuge
P.O. Box 10015
Liberty, TX 77575

STATE AGENCIES

Mr. Ronald Hebert, Jr.
Water Program Manager
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, TX 77703

Mr. Dan Eden, Deputy Director
Texas Commission on Environmental Quality
Office of Permitting, Remediation & Registration
MC-122, P.O. Box 13087
Austin, TX 78711-3087

Mr. Earl F. Lott, Special Assistant
Texas Commission on Environmental Quality
Office of Permitting, Remediation & Registration
MC-122, P.O. Box 13087
Austin, TX 78711-3087

Mr. Charles W. Maguire
Manager, Water Quality Assessment Section
Texas Commission on Environmental Quality
Wastewater Permitting, Water Quality Division
MC-148, P.O. Box 13087
Austin, TX 78711-3087

Mr. Todd Chenoweth
Director, Water Supply Division
Texas Commission on Environmental Quality
MC-154, P.O. Box 13087
Austin, TX 78711-3087

Mr. J. Rollin MacRae
Wetlands Conservation Program Leader
Inland Fisheries Division, Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Ms. Cindy Loeffler
Chief, Water Resources Branch
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Danny F. Vance, General Manager
Trinity River Authority of Texas
5300 South Collins
P.O. Box 60
Arlington, TX 76004

Texas State Soil & Water
Conservation Board
P.O. Box 658
Temple, TX 76503-0658

State Historic Preservation Office
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Texas Water Development Board
1700 North Congress Avenue, Suite 513
Austin, TX 78711

Mr. Eddie R. Fisher
Director of Coastal Stewardship
Coastal Resources Program Area
Texas General Land Office
P.O. Box 12873
Austin, TX 78711-2873

Executive Director
Coastal Water Authority
1200 Smith St., Suite 2260
Houston, TX 77002

LOCAL GOVERNMENTS

Ms. Lori Thomas
City Secretary
City of Goodrich
P.O. Box 277
Goodrich, TX 77335

The Honorable Frank Rich
Mayor
City of Riverside
P.O. Box 623
Riverside, TX 77367

Ms. Joan Harvey
City Secretary
City of Riverside
P.O. Box 623
Riverside, TX 77367

The Honorable Lillian Bratton
Mayor
City of Point Blank
P.O. Box 474
Point Blank, TX 77364

The Honorable Ben R. Ogletree, Jr.
Mayor
City of Livingston
200 West Church Street
Livingston, TX 77351

The Honorable Lew Vail
Mayor
City of Onalaska
P.O. Box 880
Onalaska, TX 77360

The Honorable Obie Daniels
Mayor
City of Shepherd
11020 Highway 150
Shepherd, TX 77360

The Honorable Pat Eversole
Mayor
City of Coldspring
P.O. Box 247
Coldspring, TX 77331

The Honorable Lyle Stubbs
Mayor
City of Trinity
P.O. Box Drawer 431
Trinity, TX 75862

The Honorable John Thompson
County Judge
Polk County
101 West Church Street, Suite 300
Livingston, TX 77351

The Honorable Fritz Faulkner
County Judge
County of San Jacinto
1 State Highway 150, Room 5
Coldspring, TX 77331

The Honorable Mark Evans
County Judge
Trinity County
P.O. Box 457
Groveton, TX 75845

The Honorable Danny Pierce
County Judge
Walker County
1100 University Avenue, Room 204
Huntsville, TX 77340

Kevin Evans, City Manager
City of Huntsville
City Hall
1212 Avenue M
Huntsville, Texas 77340

Mr. Jeff Taylor
Deputy Director, Public Utilities Division
City of Houston Public Works and Engineering
P.O. Box 1562
Houston, TX 77002

NON-GOVERNMENTAL ORGANIZATIONS

Ms. Laura Brock Marbury
Senior Water Analyst
Environmental Defense
44 East Avenue, Suite 304
Austin, TX 78701

Mr. Ken Kramer, Chapter Director
Lone Star Chapter, Sierra Club
1202 San Antonio
Austin, TX 78701

Mr. Myron Hess
Manager, Texas Water Programs
Gulf States Natural Resource Center
National Wildlife Federation
44 East Avenue, Suite 200
Austin, TX 78701

Mr. Richard N. Countiss, President
Cape Royale Property Owners Association
6 Sales Drive
Coldspring, TX 77331

American Rivers
1025 Vermont Avenue, N.W.
Suite 720
Washington, DC 20005

Hydropower Reform Coalition
1025 Vermont Avenue, N.W.
Suite 720
Washington, DC 20005

Deep East Texas Council of Governments
210 Premier Drive
Jasper, TX 75951

INDIAN TRIBES

Ms. Sharon Miller, Director
Public Information Office
Alabama-Coushatta Tribe
Route 3, Box 640
Livingston, TX 77351

Kickapoo Traditional Tribe of Texas
HC 1, Box 9700
Eagle Pass, TX 78852