

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

46 FEB 162 230

Rough and Ready Hydro Company

Project No. 9974-001
Wisconsin

ORDER GRANTING EXEMPTION FROM LICENSING
(5 MW OR LESS)

(Issued March 3, 1989)

On November 3, 1987, Rough and Ready Hydro Company filed an application to exempt the Upper Watertown Dam Project from the licensing requirements set forth in Part I of the Federal Power Act. The proposed small hydropower project is described in the attached public notice. The comments of interested agencies and individuals, including the U.S. Fish and Wildlife Service and the state fish and wildlife agency, have been fully considered in determining whether to issue this exemption from licensing.

Motions to intervene were filed by Rock River Power & Light Corporation and the State of Wisconsin, Department of Natural Resources. The City of Watertown, Wisconsin, filed a protest, which was subsequently withdrawn.

The Rock River Power & Light Corporation is concerned that damage to water quality could occur after the project is back in operation. It states that significant amounts of sediment have accumulated in the water power intake channel, and that reuse of the west channel of the river may increase turbidity and sediment transport.

The staff concludes that the applicant's proposed controlled incremental project start-up procedure would provide a reasonable means to minimize suspended sediment and turbidity impacts during the project start-up period. However, the specifics for identifying allowable limits of turbidity have not yet been finalized. Therefore, to ensure that turbidity levels would be kept within allowable limits and would not unreasonably exceed the simultaneous turbidity levels in the river, Article 11 requires that the exemptee, after consultation with the State of Wisconsin, Department of Natural Resources, and prior to commencing any project rehabilitation activities, file with the Commission for approval its final plan for minimizing suspended sediment and turbidity during project start-up.

The State of Wisconsin, Department of Natural Resources, in its motion to intervene, requested that certain mandatory terms and conditions be included in any exemption granted by FERC. Its terms and conditions are attached to this order.

Article 2 of this exemption requires compliance with the terms and conditions prepared by federal or state fish and wild-

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life agencies to protect fish and wildlife resources. These mandatory terms and conditions are contained in the attached letters commenting on the exemption application and in the State of Wisconsin, Department of Natural Resources, motion to intervene attached to this order. If contested, the Commission will determine whether any mandatory term or condition is outside the scope of article 2.

After considering the mandatory terms and conditions designed to protect fish and wildlife resources, the environmental information in the exemption application, the staff's independent assessment ^{1/}, and other public comments, the Director finds that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The Upper Watertown Dam Project is exempted from the licensing requirements of Part I of the Federal Power Act, subject to the attached standard articles. See section 4.165 of the Commission's regulations and the following additional articles:

Article 10. Before commencing any ground-disturbing or spoil-producing activities, the exemptee, in consultation and cooperation with the appropriate federal, state, and local agencies (including the Soil Conservation Service and any federal agency with managerial authority over any part of the project lands), shall prepare a plan to control erosion and dust, stabilize slopes, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review.

The exemptee may commence ground-disturbing or spoil-producing activities 30 days after submitting the final plan to the consulted agencies, or sooner if the plan is approved by the Soil Conservation Service and any federal agency with managerial authority over any part of project lands. Any consulted agency that objects to the exemptee's final plan should notify the Commission, specify the objection, and recommend alternative

^{1/} Environmental Assessment, Upper Watertown Hydroelectric Project, FERC Project No. 9974-001, Federal Energy Regulatory Commission, January 6, 1989. This document is available in the Commission's public file associated with this proceeding.

measures. The Commission reserves the right to modify the final plan.

Article 11. The exemptee, after consultation with the Wisconsin Department of Natural Resources (DNR), and before commencing any on-site activities for rehabilitating the project, shall prepare and file for Commission approval a plan to minimize suspended sediment and turbidity during the project start-up period. The Commission reserves the authority to require changes to the plan. No project-related site activities shall begin until the exemptee is notified that the plan complies with the requirements of this article.


The plan shall include, but not necessarily be limited to, a schedule for incremental increases in turbine discharges during the start-up period, and shall also define the level of project turbine discharge turbidity that shall be allowed above the existing turbidity levels in the Rock River.

The exemptee shall include in the filing documentation of consultation with the DNR before preparing the plan, copies of DNR comments or recommendations on the completed plan after it has been prepared and provided to the DNR and specific descriptions of how all of the DNR comments and recommendations are accommodated by the plan. The exemptee shall allow a reasonable time frame, in no case less than 30 days, for the DNR to comment and make recommendations prior to filing the plan. If the exemptee disagrees with any DNR recommendations, the exemptee shall provide a discussion of the reasons for disagreeing, based on actual site conditions and shall also include written responses from the DNR on the exemptee's reason for disagreement.

(B) Article 2 of this exemption is amended to include the National Marine Fisheries Service as a fish and wildlife agency that can provide terms and conditions.

(C) The exemptee shall serve copies of any Commission filing required by this order on any entity specified in this order to be consulted on matters related to that filing. Proof of service on these entities must accompany the filing with the Commission.

(D) This order is issued under authority delegated to the Director and is final unless appealed to the Commission within 30 days from the date of this order.


Dean L. Shumway
Director, Division
of Project Review

UNITED STATES DEPARTMENT OF ENERGY
FEDERAL BUREAU OF INVESTIGATION

4710-061

Notice of Application Filed with Commission
February 21, 1987
The notice that the [redacted] Application has
been filed with the Federal Energy Regulatory Commission and is
available for public inspection.

02-4-2

Type of Application: Expansion (See Item 5 M)
Project No: 1 997-001
Date Filed: November 3, 1987
Applicant: Bough and Boney Hydro Company
Name of Project: Upper Melancton
Location: Rock River, Saratoga County, Wisconsin
Filed Pursuant to: Energy Security Act of 1980, Section 408,
36 U.S.C. 83701 and 83709
Applicant Contact: Mr. William H. Hitchcock
433 Green Street
Rochester, NY 14604
(414)452-8824
File Contact: Dean Wight, (202) 376-9827
Contact Person: [redacted]
Description of Project: The proposed project would consist
of (1) an existing reinforced concrete dam 396 feet long, 17
feet high, and incorporating an uncontrolled spillway, sluice
gates, abutments, and two turbine generators (2) an existing
reservoir of 64 acres surface area and 500 acre-foot volume
at a normal maximum surface elevation of 821 feet msl; (3) an
existing four-story, masonry powerhouse 74 feet long and 18
feet wide housing two turbine-generators of 310 kw combined
capacity to be refurbished; (4) an existing 8.2-kv
transmission line 120 feet long; and (5) appurtenant
facilities. The estimated annual energy production is 0.7
GWh. The net by itself is 12 feet. Project power would
be sold.
This notice also contains the following standards
Paragraphs: 1c, 1d, B, C, and 31a.

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