

**Appendix 1-1**

Gregg's Falls Hydro FERC Exemption (FERC Project No. 3180)  
dtd July 21, 1983

602-6.1

The New Hampshire Water Resources Board ) Project No. 3180-001  
and Gregg's Falls Hydroelectric Associates )

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

( Issued July 21, 1983 )

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

1/ The New Hampshire Water Resources Board and Gregg's Falls Hydroelectric Associates, Project No. 3180-001, filed April 1, 1983.

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1982). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, 47 Fed. Reg. 19047 (1982). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

- (A) Gregg's Falls Project No. 3180 as described and designated in The New Hampshire Water Resources Board and Gregg's Falls Hydroelectric Associates' application filed on April 1, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

- (i) Section 12.4(b)(1)(i)(ii)(2)(i), (iii)(A)(B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

51.6.1

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

*Robert E. Cackowski*  
Robert E. Cackowski  
Deputy Director, Office of  
Electric Power Regulation

P-3180-001

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(May 9, 1983)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: 5 MW Exemption
- b. Project No: 3180-001
- c. Date Filed: April 1, 1983
- d. Applicant: The New Hampshire Water Resources Board and Gregg's Falls Hydroelectric Associates
- e. Name of Project: Gregg's Falls Project
- f. Location: On the Piscataquog River in Hillsborough County, New Hampshire.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C., §§791(a) - 825(r).
- h. Contact Person: Raymond A. Wingert, c/o National Hydro Corporation, 77 Franklin Street, Boston, Massachusetts 02110 and Delbert F. Downing, New Hampshire Water Resources Board, 37 Pleasant Street, Concord, New Hampshire 03301.
- i. Comment Date: June 24, 1983
- j. Description of Project: The proposed project would consist of: (1) an existing earthfill and concrete gravity dam 1,360 feet long and 60 feet high; (2) a reservoir (Glenn Lake) with a storage capacity of 3,600 acre-feet; (3) existing intake structures; (4) new fish passage facilities; (5) an existing concrete penstock 31.75 feet long and 10 feet by 17.5 feet oblong shape, transitioning to 7.5 feet diameter circular shape; (6) an existing powerhouse containing 2 turbines and 2 new generators with a total installed capacity of 3,820 kW; (7) a new switchyard; and (8) a new 100-foot-long transmission line. The Applicants propose to raise the concrete spillway crest by one foot with provisions for six-inch flashboards which would raise the normal maximum surface elevation from 272.5 to 273.0 feet NGVD and increase the reservoir's storage capacity to 3,650 acre-feet. Applicants estimate an average annual generation of 8,733,000 kWh.
- k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.
- l. This notice also consists of the following standard paragraphs: A1, B, C, D1 and D3a.
- m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.



(2) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(3) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified licensee and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.