CULTURAL RESOURCES MANAGEMENT PLAN
BEAVER RIVER PROJECT
Federal Energy Regulatory Commission
Project No. 2645 NY—063
OPRHP # 90PR2684

Submitted by
Niagara Mohawk Power Corporation
July 1997
CULTURAL RESOURCES MANAGEMENT PLAN
BEAVER RIVER PROJECT
Federal Energy Regulatory Commission Project No. 2645 NY

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1. SUMMARY

With the issuance of a new license for the Beaver River Project on August 2, 1996, Article 417 required the formulation of a Cultural Resources Management Plan (CRMP). In the development of the Programmatic Agreement, July 1996, a resource evaluation of the eight hydro developments of the Beaver River by the New York State Office of Parks, Recreation and Historic Preservation (NYS SHPO) identified the Belfort Hydro Development as being National Register Eligible (NRE). The Programmatic Agreement, noted the powerhouse, steel penstocks and ogee dam, individually and as whole, as possessing historic significance.

During the new term of the FERC license, certain operation and maintenance activities could have an effect on the historic resources of the project, and therefore require consultation with the NYS SHPO. Other activities have been identified, however, which will not affect the historic resources of the project and these have been compiled and presented in a separate document, “Compendium of Compatible Operation and Maintenance Activities, (Categorical Exclusions For Historic Hydro Facilities)”. The Compendium is a living, stand-alone document developed in consultation with the NYS SHPO, presently in NYS SHPO’s files and, available on request.

At this time, the remaining seven developments of the Beaver River Project and all the eight Project’s reservoirs, riverine sections, and related lands have not been found to be of historic or archaeological significance requiring specific protection. However, protection is afforded, in these instances, under the provisions of the CRMP pertaining to presently unknown cultural resources that may subsequently be discovered.
2. INTRODUCTION

2.1 Background

The Beaver River Project consists of eight hydroelectric power developments located at the western edge of the Adirondack region in upstate New York as depicted on Figure 1. The Beaver river flows west into the Black River near Lowville, New York, with its headwaters in the Adirondack foothills upstream from Stillwater Reservoir. Each hydro development, the year of its construction and its distance from the Black River are as follows:

<table>
<thead>
<tr>
<th>HYDRO DEVELOPMENT</th>
<th>YEAR BUILT</th>
<th>DISTANCE UPSTREAM, MILES</th>
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<tr>
<td>High Falls</td>
<td>1925</td>
<td>11</td>
</tr>
<tr>
<td>Belfort</td>
<td>1898 / 1915</td>
<td>13</td>
</tr>
<tr>
<td>Taylorville</td>
<td>1913</td>
<td>14</td>
</tr>
<tr>
<td>Elmer</td>
<td>1916</td>
<td>15</td>
</tr>
<tr>
<td>Effley</td>
<td>1902/1923</td>
<td>16</td>
</tr>
<tr>
<td>Soft Maple</td>
<td>1925</td>
<td>20</td>
</tr>
<tr>
<td>Eagle</td>
<td>1914</td>
<td>23</td>
</tr>
<tr>
<td>Moshier</td>
<td>1929</td>
<td>29</td>
</tr>
</tbody>
</table>

The Beaver River Project is located in the Towns of Croghan and Watson in Lewis County and the Town of Webb in Herkimer County, New York.

The new Federal Energy Regulatory Commission (FERC) license for the Beaver River Project was issued on August 2, 1996, and required the development of this Cultural Resource Management Plan (CRMP) under Article 417 of the license.

2.2 Purpose

The purpose of the CRMP is to provide a management plan that would establish procedures for avoiding, minimizing or mitigating effects on historic properties of the Beaver River Project. At this time, the Belfort Hydro Development is the only identified National Register Eligible (NRE) cultural resource requiring specific protection measures. The plan however, also addresses procedures for yet undiscovered historic resources and provides for public interpretation of the significance of the identified cultural resources.
2.3 Guidelines and Source Documents

This report has been prepared in accordance with the following:

*Programmatic Agreement ... for Managing Historic Properties that may be affected by Licenses issued to Niagara Mohawk Power Corporation, ... for the Continued Operation of Fourteen Hydroelectric Power Projects in Upstate New York, with Appendix A*. Dated July, 1996.


*Final Environmental Assessment*, dated August 2, 1996.

*FERC License Application for the Beaver River Hydroelectric Project, December 1, 1991, as altered by Order Approving Settlement Agreement and Issuing New License*.

2.4 Preparers

This CRMP was prepared by Mr. Jacob S. Niziol, P.E. of Niagara Mohawk. This report was prepared under the direction of Mr. Gary R. Schoonmaker, L.A. who also contributed to its formulation.
3. CULTURAL RESOURCES

3.1 General Context of Historic Hydro Resources

3.1.a. Periods of Hydro Development

The history of hydroelectric development in New York and the nation can be divided into several broad periods. The first, referred to as the pioneering age, ran from 1880, when DC arc light dynamos were first connected to water turbines, through 1895 when the Niagara Falls Power Company project first demonstrated the commercial potential of hydroelectric generation and transmission. The key inventions which made large scale generation and long distance transmission practical occurred during this period, primarily in the 1890's. In 1891 an experimental 112 mile transmission of three-phase alternating current was made in Germany. With this experiment it was shown that alternating current was superior to direct current for transmission purpose as it considerably reduced power loss in the line over long distances. Three-phase alternative current was adopted over single-phase as it produced a steadier current and was able to be transmitted further. Another of the advantages of three-phase current was that is could be used to operate three-phase, alternating current induction motors. Another milestone during this period was development of the electric transformer, which permitted power to be stepped up to high voltages for transmission and stepped down for application. High transmission voltages further reduced the loss of power in the line, and thus permitted much longer transmission distances. The culmination of the developing hydroelectric technology in North America came in 1895 with the construction of the Niagara Falls Power Company's Adams plant in Niagara Falls, New York.

The dramatic demonstration of long distance power transmission through polyphase AC current at Niagara Falls inspired more than two decades of aggressive and creative attempts to expand both generation and application electricity and hydropower. This second period of hydroelectric development, characterized by innovation and experimentation in hydroelectric technology, ran from 1895 through approximately 1915. During this period, a wide variety of solutions to the problems of harnessing waterpower and converting it into electricity were tried. Waterpower technology had reached a high level of sophistication during the 19th century, and alternating current was rapidly becoming a standardized and readily converted commodity. The combination and expansion of these two technologies inspired further innovations. Drives for efficiency and cost savings led to creative practices in mechanical, electrical and civil engineering that had wide ramifications, not only in hydroelectricity, but throughout the electrical and construction industries. Hydro plants built during the first decades of the 20th century incorporated an array of horizontal shaft multiple runner turbines, vertical shaft multiple runner turbines, cylinder gates, wicket gates, open flume settings, scroll cases, stone, brick, tile, wood-frame, and cast concrete powerhouses, and all manner of electrical equipment. During this period of innovation and experimentation, hydraulic, electrical, mechanical, structural, and architectural systems came together in ways that made each plant unique.
The period of innovation and experimentation gave way, in the years during and after World War I, to a third period characterized by marked standardization in the design and equipment of hydroelectric facilities. By the 1920s, most new hydro plants in the East were driven by single runner vertical Francis turbines supported by a Kingsbury type thrust bearing that also carried the weight of the alternator's rotating parts. Speed was controlled by hydraulic governors (usually Woodward) that actuated wicket gates. Some low head plants had open flume settings, but most turbines received water through some sort of scroll case. Powerhouses were generally steel frame structures, clad in brick and capped with a flat roof that allowed maximum clearance for the overhead crane with a minimum expense for wall height and roofing materials. Steel framed windows, either rectangular or arch topped, provided natural light and ventilation. Standardization in hydroelectric plant design was the product of several factors including cumulative experience, national and regional technical periodicals, the growing influence of consulting engineering and management firms, holding companies, and corporate consolidation. A larger number of hydroelectric plants came on line or were significantly upgraded between 1920 and 1930 than during any decade before or since. The decade of the 1920s also represented the final period of hydro development's "coming of age".

Waterpower development came to a near standstill during the Great Depression. Demand for electricity declined, and there was little incentive for companies to incur the expenses required for new powerplant construction. The effect of the depression was also compounded by the increasing cost competitiveness of fossil fuel powered thermal plants. While investor owned utilities suspended powerplant construction through the 1930s, hydroelectric development by federal agencies, local governments, and public authorities rose dramatically. During this period, public power developments came to provide a significant share of U.S. electrical output. The appearance, scale, multiple use features, and social agenda of the "New Deal" era federal hydro projects set them very much apart from previous patterns in American hydroelectric development.

World War II placed extraordinary demands on America's electric power systems. Consequently, some companies reactivated hydroelectric plants that had been retired or relegated to stand-by service during the depression. Some stations were also upgraded during the war. However, at the end of World War II, many aging plants were retired for the last time. While the number of plants in operation declined, the nation's total hydro generating capacity showed a renewed growth. The 1950s and early 1960s saw construction of several very large mixed use projects by public agencies, including the Power Authority of the State of New York's 900 megawatt St. Lawrence and Niagara Falls projects. In the 1960s, public and Canadian hydro projects, large thermal plants and dreams of affordable nuclear energy made the costs of operating and maintaining small hydro plants appear prohibitively high to many utility managers. At least 344 hydroelectric plants were retired during this decade. By the mid-1970s, increasingly stringent air pollution regulations, financial disappointments in the nuclear field, and an oil embargo contributed to a reevaluation of hydro's role. Federal laws designed to encourage independent energy production, initiated a hydro boom during the late 1970s and 1980s. Subsequently, utilities, municipalities and an increasing number of independent power producers have reactivated retired sites and made capacity additions to operating plants.
3.1.b. Surviving Historic Hydro Sites in New York State

Niagara Mohawk recently funded completion of a comprehensive historical inventory of active and retired hydroelectric facilities in New York State (Hay, 1990). Phase I of that study, conducted by the Historical Survey of the New York State Museum, built upon an earlier, uncompleted, survey started by the Environmental Planning Office of the New York State Public Service Commission. Fieldwork involved visiting, photographing, and recording data on over 270 sites. The Phase I study resulted in a 13 volume report documenting all pre-1940 hydroelectric facilities to at least Historic American Engineering Record (HAER) level 4. Each Niagara Mohawk facility was further documented to HAER level 3.

Phase II of the study involved preparation of a statewide context statement (Hay, 1991). This report addresses the historical development of hydroelectric power in New York State, and includes a textual history, with figures and an annotated bibliography. A summary of pertinent findings from this project is presented below.

In 1939, the Federal Power Commission (FPC) listed 1500 commercial hydroelectric plants rated at over 100 horsepower in operation throughout the country. New York accounted for 270 of those; more than any other state in the union. Lists of active and retired hydroelectric plants, published in 1983, by the FERC (successor to the FPC), indicate that throughout the country, 756 of the sites identified in 1939 were still being used to generate electricity. About 100 of New York's pre-1940 sites remained in operation.

Niagara Mohawk, and affiliated companies, own and/or operate 74 hydroelectric plants in New York State. Sixty-four of Niagara Mohawk's operating plants were built before 1940. Four other utilities, New York State Electric & Gas, Rochester Gas & Electric, Orange & Rockland Utilities, and Central Hudson Gas & Electric, together operate 24 hydro plants, 17 of which went on line before 1940. Two plants operated by the New York Power Authority were built in the 1920s, as were five municipal hydroelectric plants scattered throughout Upstate New York. There is less information available regarding non-utility facilities. Consequently it is more difficult to assign precise start-up dates. However, approximately half of the 22 industrial hydro plants and 21 independents utilize sites, and at least some structures and equipment, that were in place prior to 1940.

No plants remain in operation, and almost no physical evidence survives from hydroelectricity's pioneering age. The Fulton plant, started in 1884 on the Oswego River, is listed as the oldest hydroelectric plant in the Niagara Mohawk System, but the powerhouse was completely re-equipped during the 1920s, and extensively remodeled in the 1980s. The two Adams Powerhouses at Niagara Falls were demolished during the 1960s to make way for the city's new water treatment plant. Only the smaller transformer house survives, along with a section of the entry portal, laid out as lawn sculpture beside the Robert Moses Parkway.
Innovation and experimentation, characteristic of the second period of hydro development, may be seen in the surviving structures and equipment of 33 operating plants in New York State. Twenty-seven of those are owned by Niagara Mohawk. New York once had about 80 pre-standardized hydroelectric stations. Half of those have been removed from service. Ten of the remainder were completely re-equipped or had additions built with new generating machinery installed during and after the 1920s. In most cases, renovations obliterated evidence of the roles that these plants played in the period of innovation and experimentation. At least 10 of the retired sites were reactivated during the hydro boom of the 1970s and 1980s. Two Niagara Mohawk plants, Bakers Falls and Middle Falls, have been retired, but are being preserved with their equipment in place. In addition to retirements, many operating pre-1915 plants have had extensive replacement of original equipment. As less efficient equipment wore out, and repair and replacement parts became expensive and hard to find, economic pressures encouraged major redevelopment of early plants. That trend was aggravated throughout the 1970s and 1980s by FERC policies that gave preference to schemes that promised the greatest possible power production, in cases where there were competing license applications for the same site.

Schaghticoke, Inghams, and Diamond Island, built during the early teens, represent the transition from hydro's era of innovation and experimentation to the period of standardization. These facilities contain many features characteristic of the standardized plants built during the 1920s, but they went into operation more than half-a-decade before the norms were established.

By far the largest number of surviving hydroelectric plants in New York were built during the period of standardization that began around 1915 and lasted until construction came to a standstill during the Depression. Thirty-one of Niagara Mohawk's operating plants show the effects of standardization. Only nine standardized plants have been removed from service in New York since World War II. Part of the reason for this high survival rate is that standardization was a by-product of the high plateau that hydro technology reached during the late teens and twenties. There have been increases in turbine and generator efficiencies in the years since, but those gains have not been large enough to justify the expense of replacing functional equipment.

3.1.c. Archaeological Resources at Hydro Sites

Lands in the vicinity of hydroelectric developments generally have a higher than average probability of yielding archaeological data (historic and prehistoric). This is because these sites are adjacent to major water courses, and are typically located at the site of major waterfalls and rapids. Rivers in New York State were used by Indians as transportation corridors. Waterfalls and rapids represented obstruction that generally had to be bypassed. These areas thus often included portage trails and temporary camp sites. In addition to travel on the rivers, well established Indian trails often paralleled water courses and valleys. Along these foot trails, waterfalls and rapids were points of interest that were probably used disproportionately as stopping points and for overnight and seasonal camps.
Early European settlers also used rivers as transportation corridors. Fur traders and loggers used these water courses to transport their products to market. Like the Indians, these early settlers had to bypass major waterfalls and rapids. Along with being used as portages, sites with waterfalls and steep drops were quickly recognized for their waterpower potential. These sites were thus developed for saw mills, gristmills and other early water-powered industries. Around these early mill sites, settlements, villages and (in some cases) eventually cities grew up. Early mills were gradually replaced with larger manufacturing operations, and starting at the end of the 19th century, hydroelectric developments. Thus, many existing hydro projects occupy sites with a long history of known (or potential) human use. It is not surprising therefore, that many hydro sites are considered archaeologically sensitive even if specific archaeological sites are not known.

3.2 Identification of Historic Properties: Beaver River Project

3.2.a. Belfort Hydro Development

3.2.a.1 Project Description

The Belfort Hydro Development consists of a reservoir with a surface area of 50 acres at normal water level elevation 966 feet USGS; a 206 feet long concrete dam with a spillway section 161 feet long, 17 feet high with 2 feet of flashboards; a 120 feet long forebay; a 62 feet wide concrete intake structure with trashracks and timber slide gates; two 50 feet long steel penstocks, 7 feet and 7.5 feet in diameter; a bifurcation on the south (7 feet diameter) penstock; a 78 feet by 39 feet concrete and masonry powerhouse with three horizontal Francis turbine generator units rated at a total of 2,040 kW; ancillary equipment; a 400 feet long tailrace; and a 3,500 feet long, 23 kV transmission line extending to the Taylorville substation.

The Belfort reservoir has not changed in its extent since 1915 and continues to serve to provide the headpond for operation of the hydro facility. There have been no major changes in the reservoir since its construction. The dam and penstocks of themselves do not possess unique characteristics in design or appearance that set them apart from numerous similar structures.

The powerhouse and generating equipment are representative of early twentieth century hydroelectric development. The powerhouse and generating equipment are fully functional, intact and largely unmodified since the major modifications that were performed in 1915. More recently, the powerhouse roof was replaced in 1979, the headrace wall was rehabilitated in 1981, the powerhouse retaining wall, dam and wingwall were rehabilitated in 1987, and various mechanical repairs have been performed in this time frame. The modifications that have been performed have maintained the configuration and visual integrity of the facility.
3.2.a.2. National Register Eligibility

Cultural resource evaluations in the area of potential effect for the Beaver River Project have determined that the Belfort Hydro Development’s powerhouse, penstocks and ogee dam are eligible for listing on the National Register of Historic Places. This listing is in accordance with the finding of the NYS SHPO letter dated April 11, 1991 (ref. Appendix A) under criteria A and C which state that the Belfort Hydro Development is:

“Associated with events that have made a significant contribution to the broad patterns of our history: or...

Embody the distinctive characteristics of a type, period or method of construction: or represents a significant and distinguishable entity whose components may lack individual distinction;”

The April 11, 1991 NYS SHPO letter addressed the mothballing of the existing Belfort Development in consideration of Niagara Mohawk’s proposal at the time to retire these facilities and construct a new powerhouse, intake and penstock in the adjacent area. With the passage of time a diminution of energy value has rendered such redevelopment uneconomic, and the present plan, which is reflected in the August 2, 1996 Order Issuing New License, abandons the redevelopment plan and provides for the continued operation of the existing facilities. Accordingly, the three conditions stated that pertain to mothballing the structure are no longer applicable. However, the remaining comments of the NYS SHPO letter remain pertinent.

3.2.a.3 Modifications and Operational Changes per the FERC License

With the new license for the Belfort Hydro Development, stemming from the Settlement Agreement, there are to be subtle changes to the physical facilities and operation. There will be an increase in recreational utilization of this water body and surrounding shoreline area with proposed recreational enhancements. Summarized below are specific areas of change for the Belfort Development:

Provide recreational enhancements and public access improvements (FERC license Article 415).

- 700 feet long canoe portage trail.
- Barrier free fishing deck on the south shore above the dam.
- Parking lot for 6 cars on Belfort Road.

A continuous 20 cfs will be released into the bypass reach through a new minimum flow release structure to be located in the ogee dam (FERC license Article 407).
Replacement of the existing 1.5 inch clear openings trash racks with new trash racks with 1.0 inch clear openings (FERC license Article 413).

Operationally, limit pond fluctuation to 1 foot below normal pond level (FERC license Article 410).

The details for these activities were presented in the Settlement Offer and in both the Draft and Final Environmental Assessments. Accordingly, with the scrutiny afforded in those fora, Niagara Mohawk believes these new features would not have an adverse affect on the identified historic resources at the Belfort Development.

The following activities involve the National Register eligible facilities at Belfort Hydro (item 1) and potentially involve unidentified cultural resources at Belfort and five other developments (item 2):

1. The plan for the Belfort minimum flow release structure to be installed at the ogee dam is included in Appendix B. The release facility is to consist of a notch cut into the dam and the installation of a gate that would create an orifice for release of the 20 cfs minimum flow for the enhancement of habitat and aesthetic values.

2. New activities at Belfort and Moshier, Eagle, Soft Maple, Taylorville and High Falls Developments of the Beaver River Project involve the installation of recreational facilities. These activities were also previewed in the above referenced documents. Plans for the Beaver River recreational facilities are included in the license filings and were included in Appendix B of the Draft CRMP submitted to the SHPO. With these recreational drawings (full size) presently residing in the SHPO files and not specifically at issue in this CRMP, these drawings are not included in the plan. Although no archaeological or historic sites have been identified in the areas affected by the installation of the recreational facilities, Niagara Mohawk will adhere to the procedures in Section 4., Management Plan For Historic Resources, specifically, Sub-section 4.4, Unidentified Cultural Resource Properties, of this CRMP.

The remaining activities and operational changes described above will have no effect on the historical resources of the project compared to pre-license conditions. However, other operation and maintenance activities, in some cases, could have an effect on the character of the historic resource. This aspect is discussed in Section 4.

3.3 Archaeological Resources

The NYS SHPO letter dated June 17, 1997 states, “Therefore, it is our opinion that there are no known archeological sites within the project area.” In any event, Section 4.4 “Unidentified Cultural Resource Properties” would address situations where such resources are encountered.
4. MANAGEMENT PLAN FOR HISTORIC RESOURCES

4.1 Protection of Historic Properties

Historic properties associated with the Beaver River Project have been identified as the Belfort powerhouse, penstocks, and ogee dam. Niagara Mohawk has operated and maintained the facility for many years as a valuable renewable energy resource, and by virtue of the recently issued 30 year FERC license, anticipates this stewardship will continue into the future. Continued use of a viable facility is usually considered the best practice for preservation and portrayal of the value and function of the historic resource.

The issued FERC license does not require significant modification or new construction at Belfort Hydro. Section 3.2.a.3. “Modifications and Operational Changes per the FERC License”, lists these requirements.

Operation and maintenance activities will be directed towards continued efficient and safe operation of the facility. In time, there will of necessity be major maintenance or upgrade actions taken at the Development. One example would be the replacement of a worn, poorly operating turbine runner with a new runner of similar character but perhaps of improved design or more durable materials. A second example might be the addition of special personal safety equipment (e.g. safety signage) that is required by OSHA. The first example would not be functionally different or visually apparent since the runner is completely enclosed within the turbine casing, while the second example would introduce a visual element that was not in character for the period, but now necessary for safety compliance.

None-the-less the guiding tenet for the Belfort powerhouse, penstocks and dam will be that major components would be preserved and visual integrity would be maintained. Changes that are deemed necessary, but of a major nature would be subject to SHPO review. However, there are numerous operation and maintenance activities of a recurring nature that fall into the categories of preventive and corrective maintenance. The former are routine, often daily, while the latter are done under the conditions of an outage or safety concern, where time is of the essence.

The separate document, “Compendium of Compatible Operation and Maintenance Activities”, presents those operation and maintenance activities that Niagara Mohawk and NYS SHPO have agreed would not detract from the integrity of the historic resource and would therefore qualify as categorical exclusions. Niagara Mohawk would not consult with SHPO on the listed actions and mitigation for these routine activities would not be considered necessary. Activities not listed will be evaluated as to potential effect on the character of the historic resource and consultation with NYS SHPO pursued.

The “compendium” is common to all CRMP’s (Salmon River Project, Beaver River Project and all subsequent CRMP’s). In cases where there is particular sensitivity to a specific maintenance activity, those special conditions would be spelled out in the project specific CRMP.
Actions taken under emergency conditions will not require prior consultation with SHPO, and are described in Section 5.1 “Plan Revision and Continuing Consultation”. It would be unusual for emergency actions to involve historic resources at Belfort Hydro. However, in that eventuality, such actions will be conducted with sensitivity towards protection of historic values.

In the case of an emergency effecting a historic resource, Niagara Mohawk will advise SHPO as immediately as possible of the proposed actions and document to FERC and SHPO within 30 days, the actions taken, present conditions and mitigation that is proposed.

4.2 Interim Measures

Surficial ground disturbing activities will be involved in constructing the recreational enhancements, slated to start in July, 1997. Ongoing operation and maintenance activities will continue as they have in the past in order to maintain the facility.

The SHPO comment letter dated June 17, 1997 indicates the near term work at Belfort, including the notch in the ogee spillway, does not create a concern as to cultural resources. Also, it is indicated that there are no known archeological sites within the project area. The construction of the recreational facilities will proceed as indicated and if cultural resources are encountered, the procedures described in 4.4 and 4.5 of this section would be followed. Should activities that might impact the historic resource be proposed in the near term the procedures described in Section III. Interim Treatment of Historic Properties of the Programmatic Agreement would be followed.

4.3 Mitigation of Unavoidable Adverse Effects

Upon consultation with the SHPO regarding a proposed action, a circumstance may arise where Niagara Mohawk concludes an action is necessary and yet an adverse effect has been determined for the historic resource. An adverse effect would be determined if:

The resource is destroyed, demolished or altered.
Visual elements are introduced that alter the character or setting.
Status is changed by transfer of owner responsibility, abandonment or retirement.
Presently, there are no actions anticipated that would have an adverse effect.

Should an adverse effect be identified, a report will be prepared describing the need for the actions proposed, alternatives considered, rationale for the action and proposed mitigation. Mitigation could include documentation to the appropriate HABS/HAER standards, secured retirement of the property in place, the preservation and removal of the historic item to a suitable repository or other mutually acceptable action.
If during implementation of the plan or subsequent consultation proceedings Niagara Mohawk and SHPO disagree about eligibility or treatment of historic resources, FERC dispute resolution procedures would be followed.

4.4 Unidentified Cultural Resource Properties

There are no known archaeological sites within the licensed project boundary of the Beaver River Project as discussed in Section 3, Archaeological Resources. However, in the course of maintenance activities and any presently unidentified, construction or excavation in the future, the prospect of a discovery does exist.

Upon discovery of a potential cultural resource, Niagara Mohawk’s Operation and Maintenance Organization or Construction Services Representative, would take the following steps:

1. Work will be stopped in the area of concern and stabilization / protective measures will be taken.

2. Niagara Mohawk’s Hydro Licensing and Regulatory Compliance group will be immediately notified.

3. SHPO will then immediately be notified.

4. Identification and confirmation of potential significance will be performed.

5. The planning for any subsequent survey would be made in accordance with *The Secretary of the Interior’s Standards for Identification and The New York Archaeological Council’s Standards for Cultural Resources Investigations and the Curation of Archaeological Collections in New York State*.

6. The survey would be conducted by a qualified professional and documented in a report.

7. Any artifacts that are collected would be treated in accordance with the New York Archaeological Council standards.

4.5 Protection of Discovered Human Remains

Should human remains be unexpectedly unearthed in the conduct of work, construction activities will be halted in the immediate area. The requirements of Section 106 of the NHPA and the Native American Graves Repatriation Act (NAGPRA) would be fully followed in that eventuality.
4.6 Public Interaction

The environs of the Beaver River Project are moderately utilized for recreation. The Beaver River is known state wide for its canoe route. Whitewater recreation is anticipated to become a more important recreational activity, specifically at the Taylorville, Eagle and Moshier Developments. Niagara Mohawk is to provide special whitewater releases in accordance with Article 415 of the license. The various reservoirs in the Project have a mix of public and private use for boating and fishing. The rural setting of the Beaver River corridor attracts people to enjoy numerous other activities such as snowmobiling, cross country skiing, hunting and hiking. Recreational facilities and signage are provided by Niagara Mohawk and others to accommodate public access to the resources of the Project.

The Belfort powerhouse is a remotely operated facility and is not open to the public because of various safety reasons. However, tours would be afforded to groups who have a specific or general interest in historic hydro power (e.g. student classes, service organizations, scouts) upon application to the Superintendent of Hydro O&M in Watertown.

4.7 Consultation

Preparation of the CRMP was initiated for the Beaver River Project several years ago as part of an effort to develop a system-wide CRMP. The consultation associated with that effort culminated in the development and subsequent execution of the Programmatic Agreement in 1996.

This CRMP was submitted in draft form to the NY SHPO for review on April 11, 1997. Comments from SHPO are attached in Appendix A, Consultation Correspondence.
5. **COMPLIANCE UNDER THE CRMP**

5.1 **Plan Revision and Continuing Consultation**

Niagara Mohawk will amend this plan if a new site within the Project Boundary is discovered and determined to be eligible to be included in the National Register, if requested by SHPO and required by the FERC. Section 4.4 Unidentified Cultural Resource Properties describes the steps to be taken in this regard.

Should Niagara Mohawk propose an operation and maintenance activity not covered by the Compendium, or a modification to the historic resource, consultation will be required and the following procedure would be followed:

1. Niagara Mohawk will advise the SHPO, FERC and other interested parties at least 30 days prior to the start of work, describing specifically the action, necessity for the action and its physical effect.

2. SHPO would provide comments on the proposed action within 30 days.

3. Niagara Mohawk would respond to the SHPO’s comments, if any, otherwise the action may be undertaken.

4. Should SHPO or Niagara Mohawk not agree on mitigation needs, or in general, resolution to the issue, the procedures outlined in Section IV. DISPUTE RESOLUTION of the Programmatic Agreement shall be followed.

In the case of an emergency effecting a historic resource, Niagara Mohawk will advise SHPO as immediately as possible of the proposed actions and document to FERC and SHPO within 30 days, the actions taken, present conditions and mitigation that is proposed.

5.2 **Compliance Activities**

Niagara Mohawk will file an annual report on the anniversary of the license issuing with the Commission and SHPO describing the activities conducted under the implemented CRMP.
FIGURES
APPENDIX A

CONSULTATION CORRESPONDENCE
June 17, 1997

Jacob S. Nizio  
Niagara Mohawk Power Corp.  
300 Erie Boulevard West  
Syracuse, NY 13202

Dear Mr. Nizio:

Re: FERC  
Beaver River Hydro  
Watson, Webb & Croghan,  
Lewis and Herkimer Counties  
90PR2684

Our office has reviewed the Draft CRMP for this project. As to the specific questions in your letter that address near-term activities we offer the following comments:

1. Our office has no concerns with the work proposed at Belfort that includes the installation of a notch in the ogee spillway.

2. Our letter in 1985 indicated that three sites were identified on the archeological sensitivity map as within your project area. However, there is no available information in the files for two of the reputed sites and the third site refers to the Eagle Falls hydro plant. Additionally there is no documentation for an earlier power plant at this location which may have been abandoned or destroyed leaving historic deposits or features. Therefore it is our opinion that there are no known archeological sites within the project area.

We do concur with the discussion in the CRMP Section 3.1.c., about the higher than average probability for sites in the vicinity of hydroelectric developments.

If you have any questions, please call Cynthia Blakemore at (518) 237-8643, extension 288.

Sincerely,

[Signature]

Ruth L. Pierpont  
Director, Historic Preservation  
Field Service Bureau

RLP:cm
Express Mail

April 11, 1997

Mr. Robert D. Kuhn, PH.D.
Historic Preservation Program Coordinator
NYS Ofc. of Parks, Recreation & Historic Preservation
Peebles Island
PO Box 189
Waterford, NY 12188-0189

Subject: Beaver River Project LP2645NY
License Article 417
DRAFT Cultural Resources Management Plan (CRMP)

Dear Mr. Kuhn:

Please find enclosed two copies of the DRAFT CRMP for your review. I request that you submit your comments to me by May 12, 1997, so that we may include appropriate revisions, and make our FERC submittal date of May 19, 1997.

Your attention is requested in addressing specific near-term activities:

1. The Belfort Development has been identified as eligible for listing on the National Register. Work is planned to start in June this year at Belfort for the installation of a notch in the ogee spillway to allow passage of a 20 cfs minimum flow into the bypass reach for habitat and aesthetic enhancement as required by License Article 407.

2. Additionally, minor ground disturbing activities associated with the installation of recreation facilities under License Article 415 are scheduled to start this July at Belfort as well as at Moshier, Eagle, Soft Maple, Taylorville and High Fall Developments.
Further discussion regarding these activities is included in Section 3.2.a.3. "Modifications and Operational Changes per the FERC License." Annotated drawings depicting the nature and location of the above activities are included in Appendix B, "Drawings." One full-size copy of the drawings is also attached to facilitate your review.

One specific issue remains unclear which is contained in a NYS SHPO letter dated September 26, 1985 (Ref. CRMP Appendix A). The letter notes that there are three archeological resources in the vicinity of the Project Area. Our review of the archeological sensitivity maps at your office November 27, 1997 indicated there were no sites within the FERC Project Boundary of the Beaver River Project. Our interpretation is that the initial consultation stage in 1985 defined a Project Area much larger than the Project Boundary. Accordingly, our working premise is that there are no known archeological resources within the Project Boundary. In any event, Section 4.4 "Unidentified cultural Resource Properties" would address situations where such resources are encountered.

Please do not hesitate to call me at (315) 428-5556, if you have any questions.

Very truly yours,

[Signature]

Jacob S. Niziol, P.E.
Dam Safety & Compliance Coordinator

JSN:amc

Enclosures

xc: Sam S. Hirschey
    Gary R. Schoonmaker
April 11, 1991

Mr. Jerry L. Sabattis  
Relicensing Coordinator  
Niagara Mohawk Power Corporation  
300 Erie Boulevard West  
Syracuse, New York 13202

Dear Mr. Sabattis:

RE: FERC #2645  
Beaver River Hydro  
Towns of Webb, Watson and Crogham  
Herkimer and Lewis Counties  
90PR2684

The State Historic Preservation Officer (SHPO) has reviewed the additional information concerning the Belfort Project in accordance with Section 106 of the National Historic Preservation Act and relevant implementing regulations.

Based upon this review, the SHPO has determined that the Belfort Hydroelectric Plant meets the criteria for inclusion in the National Register of Historic Places. Please refer to the attached sheet for comments on eligibility.

Therefore, it is the SHPO’s opinion that the project will have No Adverse Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places. This finding of No Adverse Effect is issued with the provision that the following conditions are met:

1. The powerplant is mothballed and all equipment be retained in place.

2. Prior to mothballing, the facility be recorded in accordance with HABS/HAER standards.

3. The new powerplant be of a material consistent with the color and texture of existing powerplant.

Please advise us in writing if these conditions cannot be met.

In addition, it is the SHPO’s opinion that the remaining developments within the Beaver River Hydroelectric Project area will have No Effect upon cultural resources in or eligible for inclusion in the National Register of Historic Places.
If you have any questions, please call Linda Harvey-Opiteck of our Project Review Unit at (518) 474-0479.

Sincerely yours,

Julia S. Stokes
Deputy Commissioner for
Historic Preservation

JSS/LHD:11

cc: FERC

Enc.: Eligibility Attachment
ELIGIBILITY ATTACHMENT

FERC  #2645  (Agency)
Beaver River Hydro.  (Project Name)
Belfort, Croghan, Lewis County  (Location)

I. _X_ Property appears NR/SR eligible.  PRE SRB _X_  POST SRB ___

SPECIFIC CRITERIA:
A. _X_ Associated with events that have made a significant contribution to the broad patterns of our history; OR
B. ____ Associated with lives of persons significant in our past; OR
C. _X_ Embodies the distinctive characteristics of a type, period, or method of construction; OR represents a significant and distinguishable entity whose components may lack individual distinction; OR
D. ____ Have yielded, or may be likely to yield, information important in pre-history or history.

II. ____ Property appears to be within the boundaries of a potential historic district.  ___ PRE SRB ___ POST SRB

____ Property contributes  ____ does not contribute (to the historic district).

DISCUSSION:
The Belfort Hydroelectric Plant is historically significant as an intact representative example of early 20th century hydroelectric engineering in Northern New York. Built in 1898 and enlarged in 1915, the Belfort Plant retains three early turbines/generators (installed 1903, 1915, 1918) and is among the earliest operating facilities of its type and period in the Black River Basin. The stone and concrete block powerhouse, steel penstocks and ogee dam retain integrity of design and materials and contribute to an understanding of localized small hydroelectric generating industries in the early 20th century.
March 20, 1986

Mr. Gary Schoonmaker  
Environmental Analyst  
Niagara Mohawk Power Corp  
300 Erie Boulevard, West  
Syracuse, NY 13202  

Dear Mr. Schoonmaker:

Re: FERC #2645  
Beaver River Hydro Project  
Webb (Herkimer Co) Watson (Lewis Co)

The State Historic Preservation Officer (SHPO) has reviewed the above project in accordance with the Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties," 36 CFR 800.

Based upon this review, it is the opinion of the SHPO that the project will have no effect upon cultural resources on, or eligible for inclusion, in the National Register of Historic Places. This no effect is based on the provision that conditions outlined on the attached sheet are met.

Please advise us in writing if these conditions cannot be met. If you have any questions, please contact or Bruce Fullam at 474-3176.

Sincerely,

[Signature]

Julia S. Stokes  
Deputy Commissioner for Historic Preservation

Attachment: Conditions Sheet

K. Plumb  
M. MacKenzie
CONDITIONS ATTACHMENT

FERC 2645 (Agency)

Beaver River Hydro Project (Project Name)

Webb (Herkimer Co) Watson (Location)

Lewis County

(date of corresponding letter)

Any changes to the current mode of operation or project works will be submitted to the SHPO for review and comment (reference pg E 4-3 of draft relicense proposal)
September 26, 1985

Mr. Gary R. Schoonmaker
Environmental Analyst
Niagara Mohawk Power Corporation
300 Erie Boulevard, West
Syracuse, NY 13202

Dear Mr. Schoonmaker:

Re: FERC - Beaver River Hydro Project
Herkimer and Lewis Counties

The State Historic Preservation Officer (SHPO) has received your request for information on properties or sites which are included in or are eligible for inclusion in the National Register of Historic Places in or adjacent to the above project area.

Based upon the information which you provided, and upon a file search conducted by our staff, we have determined that there are three archeological resources in the vicinity of your project area. This determination is based upon the SHPO's archeological sensitivity model. In archeologically sensitive areas it is the SHPO's recommendation that unless recent prior ground disturbance can be documented, an archeological survey be undertaken to determine the nature and extent of archeological resources in your project area.

With regard to historic structures, there are no resources currently listed on the National and State Register of Historic Places, nor are there any properties listed on our statewide inventory of historic properties.

As you develop your project further, we will want to be provided with the opportunity to comment on existing structures in the project area. Additional information will allow the SHPO to comment on the significance of existing structures in accordance with the criteria of the National Register.

If you have any questions, please call the project review staff at 518-474-3176.

Sincerely,

[Signature]
Jill A. Stakes
Deputy Commissioner for Historic Preservation

An Equal Opportunity/Affirmative Action Agency
APPENDIX B

DRAWINGS

Belfort Development Sheet 20
COMPENDIUM OF
COMPATIBLE OPERATION AND MAINTENANCE ACTIVITIES
(CATEGORICAL EXCLUSIONS FOR
HISTORIC HYDRO FACILITIES)
PURSUANT TO A CULTURAL RESOURCES MANAGEMENT PLAN

Submitted by
Niagara Mohawk Power Corporation
February 1997
COMPREHENDUM OF COMPATIBLE OPERATION AND MAINTENANCE ACTIVITIES
(CATEGORICAL EXCLUSIONS FOR HISTORIC HYDRO FACILITIES)
PURSUANT TO A CULTURAL RESOURCES MANAGEMENT PLAN

A. UNIFORMITY OF OPERATION AND MAINTENANCE PRACTICE

• Numerous Niagara Mohawk owned hydros are subject to Cultural Resources Management Plan (CRMP) requirements of the Federal Energy Regulatory Commission (FERC) as part of the initial or new licenses to be issued by the FERC. Niagara Mohawk feels that there is a need for consistency in the CRMP’s such that needless delays/costs will not be incurred in maintenance procedures while still preserving historic values.

• As a matter of practicality, this document is intended to be a separate living document common to all of Niagara Mohawk’s CRMP’s. As revisions become necessary, this document will be updated as appropriate.

• This document will be referenced in the CRMP and if there are any particular exceptions or departures from this listing, that notation will be made in that specific CRMP.

B. CATEGORICAL EXCLUSIONS

Niagara Mohawk, in consultation with the New York State Historic Preservation Officer (SHPO), proposes that the following operation and maintenance activities have no effect on historically significant properties, and will require no review by the SHPO. These are generally routine activities which have been carried out at the project throughout its lifetime and have resulted in its integrity being maintained to date. Consequently, continuing practice of these activities is expected to maintain the integrity of the project into the foreseeable future.

1. Minor modifications to electrical generating equipment, including generator rewinds, turbine runner and wicket rebuilding and replacement, and modifications to the electrical control system. Complete replacement of generating equipment or specific components that have been determined to be historically significant, is excluded.

2. Maintenance and improvements to electrical systems.

3. Upgrade / replacement of electrical switch gear including auxiliary power equipment.

4. Replacement of substation and transmission components.
5 Replacement / removal of overhead lines.

6 Routine maintenance of mechanical and electrical equipment (repair, lubrication, painting, etc.).

7 Repair / overhaul of generator exciters.

8 Minor repairs / in-kind replacement to structural components of the powerhouse, dam, and other facilities attributable to normal wear, vandalism, storm events, etc., to original condition.

9 Concrete repair work.

10 Replacement / repair of grating and fencing.

11 Realignment / replacement of non-structural partitions.

12 Maintenance activities related to pipelines, (e.g. painting, repair, vegetation clearing, etc.).

13 Repair / replacement of trashracks.

14 Repair and maintenance of earthen embankments including monitoring equipment.

15 All interior and exterior painting and staining provided that traditional, removable materials are used, appropriate preparation techniques are employed, and the original/significant texture is matched.

16 Compliance with FERC mandated safety improvements not requiring major structural modifications, e.g. installation of post-tensioned anchors.

17 Placement and maintenance of public safety devices and signs.

18 Compliance with FERC mandated instrumentation and monitoring requirements such as installation of piezometers and measuring weirs.

19 Removal of vegetation, e.g. brush.

20 Caulking and weatherstripping with comparable or modern materials such that the color of the caulking is consistent with the appearance of the building.
ORDER APPROVING CULTURAL RESOURCE MANAGEMENT PLAN

On July 14, 1997, Niagara Mohawk Power Corporation, licensee for the Beaver River Project, FERC No. 2645, filed a cultural resource management plan (CRMP or plan). The CRMP was filed pursuant to article 417 of the license and the Programmatic Agreement (PA). The Beaver River Project is located on the Beaver River in Lewis and Herkimer Counties, New York. The project consists of eight developments (Moshier, Eagle, Soft Maple, Effley, Elmer, Taylorville, Belfort, and High Falls).

LICENSEE’S PLAN

The CRMP describes the properties eligible for listing in the National Register of Historic Places. While the only known historic property at the project is the Belfort Hydro Development, the plan includes provisions for the protection of undiscovered historic properties.

The CRMP includes procedures to protect the historic property and measures to mitigate any unavoidable adverse effect from project operation. The plan provides for public interpretation of the significance of identified cultural resources. The CRMP includes measures for revising the plan and for continued consultation with the SHPO and Commission if changes occur. It further includes a listing of operational and maintenance activities which are exempt from further consultation with the New York State Historic Preservation Officer (SHPO).

CONSULTATION

The licensee prepared the CRMP in consultation with the SHPO. The SHPO concurred with the CRMP in a letter dated June 17, 1997.

1/ See 76 FERC ¶ 61,152 (1996). Article 417 requires the licensee to implement the Programmatic Agreement to protect cultural resources at the project.

2/ The PA was executed on July 19, 1996 among the Advisory Council on Historic Preservation, the New York State Historic Preservation Officer, and the Commission.
In a letter dated July 28, 1997, the Commission sent a copy of the CRMP to the Advisory Council on Historic Preservation (Council) for a 30 day review pursuant to the PA. The Council did not provide any comments.

DISCUSSION AND CONCLUSION

The licensee has developed a CRMP which addresses historic preservation at the project. The CRMP describes how the licensee will integrate cultural resource protection into the planning process for all other activities at the project. It also describes how the licensee will address the discovery of unknown sites and provides for continually revisions in the event of changes at the project. The plan meets the requirements of the PA and article 417 and should be approved.

The licensee is reminded that pursuant to the PA it must file an annual report of activities conducted under the CRMP with the SHPO and the Commission. This report is due on the anniversary of the license issuance date. The first report is due by August 2, 1998.

The Director orders:

(A) The Cultural Resource Management Plan, filed on July 14, 1997, pursuant to article 417 of the license and the Programmatic Agreement executed on July 19, 1996, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CAR § 385.713.

Kevin P. Madden
Acting Director
Office of Hydropower Licensing
ATTACHMENT H

QUESTION D – WATERSHED PROTECTION:

1996 BEAVER RIVER FUND MANAGEMENT PLAN

2013 BEAVER RIVER FUND ANNUAL CONTRIBUTION LETTER
ATTACHMENT K

QUESTION G – RECREATION:

1997 RECREATION PLAN FOR P-2645

1997 FERC ORDER APPROVING RECREATION PLAN FOR P-2645
OVERNIGHT COURIER

June 11, 1997

Ms. Lois D. Cashell, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, N.E.
Washington, DC 20426

SUBJECT: Beaver River Project
FERC Project No. 2645-029 NY
License Article 415 - Recreation Plan

Dear Secretary Cashell:

In accordance with the Order Approving Settlement Agreement and Issuing New License for the above referenced project, issued on August 2, 1996, enclosed are an original and eight copies of Niagara Mohawk's Recreation Plan in accordance with License Article 415.

Several references are made in the content of License Article 415 and the Settlement Offer to consult with the Adirondack Mountain Club (ADK) regarding improvements to canoe portages, canoe put-ins and take-outs, hiking trails, and installation of trail markers. Further, reference is made in both documents, directing Niagara Mohawk to consult with the Beaver River Advisory Council (BRAC), which has not yet been formed. Niagara Mohawk decided it was in everyone's best interest to field consult with ADK and, additionally DEC, regarding these recreational facilities before finalizing this recreational plan. That field consultation occurred on May 15, 1997. Niagara Mohawk envisioned that, without the BRAC organization, ADK and DEC could best exemplify the other BRAC entities, and sought input from them in finalizing the recreation plan, anticipating that this upfront consultation would allow us to proceed with recreational site construction this summer without the need for another round of consultation, prior to seeking FERC approval.

Toward that end, Niagara Mohawk verbally contacted the parties noted below and informed them of the field consultation visit with ADK and DEC and the inclusion of their recommendations in the recreation plan. Additionally, Niagara Mohawk advised the parties that this recreation plan was being submitted to FERC as a final plan to initiate FERC's expedient review and approval for 1997 construction, and would be concurrently sent to them, via overnight courier. Niagara Mohawk further advised that any comments should be submitted to Niagara Mohawk for its review and subsequent submittal to FERC for its consideration in approving the recreation plan. All parties were
in agreement with this approach and most stressed quick action on the part of all concerned, such that these recreational improvements can be implemented for the 1997 recreation season.

In closing, Niagara Mohawk remains committed to constructing these recreational facilities in 1997 for the benefit of the recreationists and would appreciate additional comments, if any, from the parties copied below after they have had an opportunity to review the plan. If no response is received within 14 days of the date of this letter, Niagara Mohawk will assume that no comments are to be offered.

If you have any questions, please contact Tom Skutnik at (315) 428-5564.

Very truly yours,

[Signature]
Sam S. Hirschey, P.E.
Manager,
Hydro Licensing & Regulatory Compliance

Enclosure:

xc: Mr. Len Ollivett, DEC, Watertown
    Mr. Alex Vello, ADK
    Ms. Betty Lou Bailey, ADK
    Mr. Dave Bryson, USFWS, Cortland
    Ms. Betty Ann Hughes, DEC, Albany
    Mr. Bruce Carpenter, NYRU
    Ms. Barbara Rottier, APA
    Mr. Thomas Matias, Trout Unlimited
    Mr. Pete Skinner, AWA
    Mr. Kevin Mendik, NPS
    Mr. J. Mark Robinson, FERC
    Mr. Jacob Niziol, NMPC
    Mr. Tom Skutnik, NMPC
NIAGARA MOHAWK POWER CORPORATION

BEAVER RIVER PROJECT
FERC PROJECT NO. 2645-029

LICENSE ARTICLE 415 COMPLIANCE
RECREATION PLAN

JUNE 1997
INTRODUCTION

Niagara Mohawk submitted to the Federal Energy Regulatory Commission ("FERC") an Application For A New License for Beaver River Project No. 2645 on November 23, 1991. FERC issued the ORDER APPROVING SETTLEMENT AGREEMENT AND ISSUING NEW LICENSE for the Beaver River Project on August 2, 1996 ("License").

The Beaver River Project consists of eight developments located on the Beaver River in the Town of Webb, Herkimer County and the Towns of Watson and Croghan, Lewis County - all in the State of New York. The developments are situated along the Beaver River between the Stillwater Reservoir and the Beaver River's confluence with the Black River. The developments progressing downstream are: Moshier, Eagle, Soft Maple, Effley, Elmer, Taylorville, Belfort and High Falls. As part of the License, FERC included License Article 415, which follows and is quoted verbatim for ease of reviewing this recreation plan in response to License Article 415 requirements:

License Article 415: Within six months of license issuance, the licensee shall file for Commission approval a detailed plan for constructing, operating, and maintaining the recreational facilities at the project developments specified in: Pages E.5-9 to E.5-14 of the application for relicense, filed on November 29, 1991; the responses to Additional Information Request Nos. 11, 13, and 15, dated August 21, 1992; and recreation enhancements described in the Settlement Agreement filed with the Commission on May 30, 1995.

The recreation plan shall include, but not be limited to:

1. a provision for annual whitewater boating releases commencing in 1997 at the Moshier, Eagle, and Taylorville bypass reaches in accordance with the following schedule for each development: (a) Moshier - one 4-hour release of 400 cubic feet per second (cfs) in September or October (prior to October 15) of each year. Ramping flows not to exceed 200 cfs will be provided for two hours before and two hours after the boating flow release. The total volume of each release, including ramping flows, shall not exceed 2,400 cfs-hrs; (b) Eagle - five 4-hour releases of at least 200 cfs will be provided in September and October of each year. Ramping flows not to exceed 100 cfs will be provided for one hour before and one hour after the boating flow releases. The total volume of each release, including ramping flows, shall not exceed 1,000 cfs-hrs; (c) Taylorville - five 4-hour releases not to exceed 400 cfs will be provided in September and October of each year. Ramping flows not to exceed 200 cfs will be made before and after boating flow releases for a total duration of time, not
to exceed three hours. The total volume of each release, including ramping flows, shall not exceed 2,200 cfs-hrs. The releases at the three developments shall be coordinated with one another to the extent feasible. The exact timing of the releases will be determined by the licensee and American Whitewater Affiliation (AWA), in consultation with the Beaver River Advisory Council (BRAC). The schedule and flows for releases from all three developments may be modified by the licensee and AWA, based on the recommendations of BRAC, but the total of all the releases shall not exceed the equivalent of 96,600 kilowatt-hours (kWh).

(2) new recreation facilities and measures including but not limited to those described at each of the following developments:

Moshier: a canoe/boat take-out at the southwest corner of the downstream end of the Moshier impoundment near the end of the existing access road; a new gravel parking area and two trash receptacles in the vicinity of the powerhouse; minor improvements to the canoe portage made in consultation with the Adirondack Mountain Club (Adirondack), including widening of the footbridge; a kiosk adjacent to the canoe put-in that provides a map and a description of the Beaver River canoe route, portage, and foot trails; a sign-in register; a whitewater canoe put-in and four-car parking lot at the upper end of the bypass reach; replacement of existing trail markers to the bypass reach trail with new trail markers placed in consultation with Adirondack; manual brushing of the Pepperbox Wilderness Access Trail, the bypass reach trail, and the canoe route access trail; and removal of trash in the areas;

Eagle: a fishing access trail to the bypass reach, including a widened roadside gravel parking area adjacent to the trailhead with a vehicle barrier and trash receptacle; trail markers; a provision to provide access for the public to the road along the pipeline; a canoe rest and bench mid-way along the pipeline; and working with the Adirondack Mountain Club to make other minor improvements to the canoe portage and put-in near the tailrace;

Soft Maple: ten tent and recreational vehicle campsites and an 800-foot gravel access road on a peninsula of land on the south shore of the Soft Maple impoundment accessible from Eagle Falls Road; one car-top boat launch; one 1,000-square foot caretaker's cabin and one 500-square foot garage; one 20-car gravel parking lot with a gravel access road adjacent to the proposed campsites, boat launch, and picnic area; a picnic area, including 15 picnic tables, grills, and trash receptacles, four restrooms, and a 200 foot trail extending from the south end of the parking lot adjacent to the boat launch and camping area; seven primitive canoe campsites on islands and isolated peninsulas in the reservoir; new trail markers at the existing informal primitive trails to the south side of the bypass reach; a 150-foot scenic overlook trail; one 20-car parking lot in the abandoned gravel pit area at the head of the bypass reach access trails; one 4-car road widening on Soft Maple Road at the head of the new access trail to the scenic overlook; manual brushing of trails along the south side of the bypass reach, minor improvements made in consultation with the Adirondack Mountain Club, including a new footbridge, to the canoe portage and put-in near the tailrace of the
powerhouse; and a small parking area near the powerhouse to allow access to the canoe route;

Taylorville: one car-top boat launch and parking lot north of the dam; a kiosk at the existing parking lot that provides a map and a description of the Beaver River canoe route, portage and foot trails; a picnic area including four picnic tables, four grills, six trash receptacles, and two restrooms adjacent to the car-top boat launch; non-vehicular access trails to the bypass area, including barrier-free trails accessible by persons with disabilities; a canoe portage, including two benches, two canoe rests, and a downriver put-in;

Belfort: a canoe portage, including a bench, canoe rest, and downriver put-in developed in consultation with the ADK; one 600-square foot, barrier-free fishing deck and a gravel parking lot for six vehicles off Belfort Road providing fishing access to Belfort reservoir for persons with disabilities; a sign-in register and two trash receptacles adjacent to the parking lot; and signs along Belfort Road indicating the location of boat access points and parking facilities at Taylorville;

High Falls: five primitive campsites on islands in the High Falls Reservoir; a canoe portage and downriver put-in; two picnic tables, grills, and trash receptacles at the existing Cooperative Day Use area;

(3) final site plans for the facilities;

(4) the name of the entity or entities responsible for operating and maintaining the facilities;

(5) a discussion of how the design of the facilities take into consideration the guidelines established by the Architectural and Transportation Barriers Compliance Board (36 C.F.R. Part 1191) and designing facilities wherever practicable to meet guidelines using the U.S. Forest Service’s Design Guide for Accessible Outdoor Recreation;

(6) erosion and sediment control measures and measures for revegetation of disturbed areas to be implemented during and after construction of the new recreational facilities; and

(7) a schedule for constructing the facilities within one year of plan approval.

The licensee shall file the plan after consultation with the Beaver River Advisory Council (BRAC). The licensee shall include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the BRAC, and specific descriptions of how the BRAC's comments are accommodated by the plan. The licensee shall allow a minimum of 30 days for the BRAC to comment and to make recommendations prior to filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing shall include the licensee's reasons, based on project-specific information.
The Commission reserves the right to require changes to the plan. No ground-disturbing or land-clearing activities shall begin until the licensee is notified that the plan is approved. Upon approval, the licensee shall implement the plan, including any changes required by the Commission. Within 90 days after completion of construction, the licensee shall file as-built drawings of the recreation facilities with the Commission.
BEAVER RIVER PROJECT  
FERC PROJECT NO. 2645-029-NY  

ARTICLE 415  
RECREATION PLAN  

(1) WHITewater boating Releases  

In accordance with the requirements of License Article 415, Niagara Mohawk will annually provide the following whitewater boating releases commencing in 1997:  

Moshier  

One 4-hour release of 400 cubic feet per second (cfs) in September or October (prior to October 15) of each year. Ramping flows not to exceed 200 cfs will be provided for two hours before and two hours after the scheduled whitewater boating release. The total volume of each release, including ramping flows, will not exceed 2,400 cfs-hours.  

Eagle  

Five 4-hour releases of at least 200 cfs in September and October of each year. Ramping flows not to exceed 100 cfs will be provided for one hour before and one hour after the scheduled whitewater boating releases. The total volume of each release, including ramping flows, will not exceed 1,000 cfs-hours.  

Taylorville  

Five 4-hour releases not to exceed 400 cfs in September and October of each year. Ramping flows not to exceed 200 cfs will be provided before and after boating releases for a total duration of time, not to exceed three hours. The total volume of each release, including ramping flows, will not exceed 2,200 cfs-hours. 

Niagara Mohawk will coordinate, to the extent feasible, the releases from the three developments in consultation with the American Whitewater Affiliation (AWA), scheduling such releases for the greatest benefit to the whitewater recreationist.  

Initially, Niagara Mohawk, in consultation with the AWA, will determine the timing of the whitewater boating releases. After formation of the Beaver River Advisory Council (BRAC), Niagara Mohawk and AWA will schedule the annual whitewater boating releases and then consult with the BRAC regarding same, modifying the proposed schedule after consultation, if necessary.  

During the license term, there may be some years when the license required number of and/or timing of whitewater releases may not be able to be satisfied because of meteorological conditions.
At such times, Niagara Mohawk will discuss with AWA and BRAC either a reduction in the total number of releases or a change in the timing.

Niagara Mohawk will record the cumulative energy loss in kilowatt-hours (kWh) resulting from each individual flow release and, when approaching the equivalent of 96,600 kWh (say 80,000 kWh), will so advise the AWA. Modifications to the scheduled releases may then become necessary so as to not exceed the equivalent of 96,600 kWh of lost generation.

(2) NEW RECREATION FACILITIES AND MEASURES

License Article 415 requires Niagara Mohawk to provide trash receptacles at several of the Beaver River recreational sites. Niagara Mohawk does not intend to provide trash receptacles at the Beaver River recreational sites, except for the Soft Maple campground. Most governmental and privately owned and operated recreational sites have in effect a CARRY IN - CARRY OUT policy for the recreational users. Niagara Mohawk has also adopted this policy because of several instances of misuse of existing trash facilities.

Niagara Mohawk is providing various recreational drawings for the Beaver River hydro sites identifying existing recreational facilities or new facilities in response to the requirements of License Article 415. Generally, Niagara Mohawk is providing the recreational enhancements required by License Article 415. Any exceptions or other enhancements requiring further explanation are included in the discussion below for each development as identified under License Article 415. Additionally, a recreational site inspection was conducted on May 15, 1997 with DEC and ADK, and their recommendations are included in the discussion.

Moshier

Niagara Mohawk will be providing a canoe/boat take-out at the southwest corner of the downstream end of the Moshier impoundment in the vicinity of the informal parking area located at the end of the existing access road. The location selected for the canoe/boat take-out and access way to the parking area and canoe portage, will be constructed to provide for handicapped accessibility. Niagara Mohawk will be expanding the existing informal parking area to accommodate four vehicles. Niagara Mohawk will not be providing the new gravel parking area in the vicinity of the powerhouse as per agreement with DEC and ADK, because the existing New York State Department of Environmental Conservation (DEC) day use parking area, provides the necessary parking. In addition to the kiosk at the canoe put-in, Niagara Mohawk will install a register with a kiosk adjacent to the DEC register in the day use parking area as agreed too in consultation with DEC and ADK and, as per the Settlement Offer. As previously mentioned, Niagara Mohawk will not provide trash receptacles at this site.

Niagara Mohawk has consulted with the Adirondack Mountain Club (ADK) and DEC, and will make minor improvements to the canoe portage trail which will utilize the existing access road adjacent to the pipeline. One recommendation of both ADK and DEC and which Niagara Mohawk agreed too, was to install a sign at the Moshier reservoir canoe/boat take-out noting the distance to the downstream Moshier tailrace put-in (2.5 miles). Vehicular access along the pipeline road will not be allowed except by special permit for handicapped access and scheduled whitewater releases.
Niagara Mohawk, per consultation with ADK and DEC, and based on the condition of the existing footbridge crossing over Sunday Creek, will not widen the footbridge at this time. However, when the footbridge requires replacement in the future, replacement with a wider footbridge will be considered. Niagara Mohawk will construct a new footbridge crossing over a small creek east of the powerhouse to provide access to the existing informal trail along the south side of the bypass reach. Per consultation with ADK, ADK will install trail markers as required along the existing trails. Regarding maintenance, Niagara Mohawk will brush the existing trails including the access trail to the Pepperbox Wilderness Area and remove any trash on the premises to the extent possible.

**Eagle**

After consultation with ADK and DEC, Niagara Mohawk will make minor improvements to the canoe portage trail and the put-in near the tailrace, such as removal of blow downs; ADK to install trail markers as needed; and DEC to provide canoe access signs directing canoeists to the Eagle put-in. Niagara Mohawk will keep the existing informal fishing trail along the south side of the bypassed reach brushed and maintained as a primitive and unimproved trail. This trail will provide for fishing access to the bypassed reach and ADK is to install trail markers as needed on this trail.

Niagara Mohawk, during the period from April 1 through October 31, will allow public access to the roadway alongside the pipeline and the parking area to be constructed, at the trailhead to the fishing access trail. Vehicular barriers will be installed at the parking area. Niagara Mohawk to provide a canoe rest and bench approximately mid-way along the pipeline. As previously mentioned, Niagara Mohawk will not provide trash receptacles at this site.

After DEC’s acquisition of the area known as “Eagle Canyon”, located on the northerly side of the bypass, DEC is to provide access for rock climbing and other associated recreational activities as per the Settlement Offer. Niagara Mohawk will provide access to this area via the existing trail located along the lower section of the south side of the bypassed reach.

**Soft Maple**

In conjunction with the ten site campground, Niagara Mohawk will provide an 800-foot gravel access road to the campsites. In addition to the caretaker cabin, Niagara Mohawk will also provide a garage. The existing boat launch in the vicinity of the campground serves as a car-top boat launch and will not be modified to accommodate a ramped/trailer launch. Niagara Mohawk will improve the existing informal picnic area and install 15 picnic tables and grills, one of which will be handicapped accessible. Niagara Mohawk will initially construct a 10-car parking area near the campground and will expand it to 20 cars in the future, if necessary. Niagara Mohawk will provide four restrooms in the campground area with one restroom being handicapped accessible. Niagara Mohawk will improve selected areas on the islands and peninsulas for the seven primitive canoe accessible campsites. These campsites are considered primitive and Niagara Mohawk is not planning any enhancements to these sites. Trash receptacles will be provided in the campground area only.

Niagara Mohawk will provide a widening of Soft Maple Road to accommodate a parking area for four cars near the head of the scenic overlook trail. The scenic overlook trail will be extended
a short distance downstream along the bypass reach and then looped back to the scenic overlook trailhead. Vehicle barriers will be installed to prevent vehicular access into the scenic overlook area.

A designated parking area in the abandoned gravel pit area at the head of the bypass reach access trails will provide parking for 4-6 cars. This parking area can be enlarged in the future if the recreational use demands such expansion. Trail markers will be installed by ADK on the existing trail to the bypass and along the bypass trails and minor modifications will be made to the existing footbridges spanning the bypass.

Niagara Mohawk has consulted with the ADK and DEC and will make minor improvements to the canoe portage trail and the existing put-in near the tailrace of the powerhouse. Some erosion of the put-in has occurred and Niagara Mohawk identified repair measures to ADK and DEC. ADK will install trail markers as needed. An existing parking area near the powerhouse provides the necessary parking requirements for the canoeists. Niagara Mohawk will manually brush the trails and maintain the trails as primitive and unimproved.

**Taylorville**

The car-top boat launch, parking lot north of the dam, and the picnic area are already in place. The parking lot will have a designated handicapped parking area with appropriate signage. A kiosk will be placed in the existing sign-in register located near the parking lot. The picnic area will be furnished with four tables and grills and the tables will be located on top of the knoll overlooking the impoundment. Niagara Mohawk will provide two restrooms near the parking lot and picnic area, with one restroom being handicapped accessible. Niagara Mohawk will install a sign in the picnic area adjacent to the intake advising the public of underwater intakes, no swimming.

Existing informal trails allow for access to the bypass reach and measures are in place (fencing and boulders) which prohibit vehicular access to these trails. Niagara Mohawk is planning a phased approach for barrier-free access to the bypass area, depending upon user demand, as shown on the drawings. Phase 1 will initially be constructed with phases 2 and 3 being implemented as usage and demand dictate. A 2-car handicapped parking area will be constructed at the head of the barrier-free access trail. Niagara Mohawk will also provide a barrier-free picnic table for the handicapped in the bypass area. Niagara Mohawk will provide a staging area for the whitewater recreationists and signage for the whitewater put-in. As previously mentioned, Niagara Mohawk will not provide trash receptacles at this site.

Improvements will be made to the existing informal bypass area trails and the trails will be extended, as appropriate, to provide access to scenic overlooks in the bypass area. ADK to install trail markers as necessary.

The downstream portion of the canoe portage trail will utilize the existing roadway to the powerhouse and terminate at the canoe put-in, immediately past the garage building. Two canoe rests and benches will be installed along the portage route.
Belfort

Niagara Mohawk has consulted with the ADK and DEC in further assessing the license required canoe portage trail and the downriver canoe put-in. The existing terrain for the canoe portage trail is a relatively steep embankment with a generally mucky area at the bottom of the embankment. Niagara Mohawk has agreed with DEC and ADK to construct the portage traversing down the embankment and extending the portage to a canoe put-in several hundred feet downstream of the powerhouse. Niagara Mohawk will provide signage along Belfort Road directing the recreationist to the boat access points and parking facilities at the Taylorville car-top boat launch. As previously mentioned, Niagara Mohawk will not provide trash receptacles at this site.

The location of the barrier-free fishing deck in the Belfort reservoir was further discussed with DEC and ADK. The available shoreline is very limited for providing this barrier-free fishing deck but it was agreed that the deck could be installed at the north end of the spillway. A handicapped access ramp to the fishing deck will be included in the deck construction. The canoe take-out will be constructed north of the fishing deck. Improvements will be made to the existing parking area to accommodate six vehicles and a sign-in register will be installed in the parking area.

High Falls

Niagara Mohawk has consulted with the ADK and DEC and will make minor improvements to the canoe take-out, the canoe portage trail (utilizing an existing logging road), and the canoe put-in, in the tailrace. Niagara Mohawk will improve selected areas on the islands in the High Falls reservoir for the five primitive canoe accessible campsites. These campsites are considered primitive and Niagara Mohawk is not planning any enhancements to these sites. As previously mentioned, Niagara Mohawk will not provide trash receptacles at this site but will provide two picnic tables and grills at the Cooperative Day Use Area.

(3) FINAL SITE PLANS FOR THE FACILITIES

The enclosed recreation drawings denote Niagara Mohawk's position on the recreational improvements. These drawings will be revised to include relevant comments as deemed necessary, if so desired.

(4) THE NAME OF THE ENTITY OR ENTITIES RESPONSIBLE FOR OPERATING AND MAINTAINING THE FACILITIES

Niagara Mohawk is the responsible party for the operation and maintenance of the recreational facilities.
(5) HOW THE DESIGN OF THE RECREATIONAL FACILITIES TAKES INTO CONSIDERATION THE GUIDELINES ESTABLISHED BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (36 C.F.R. PART 1191)

The following denotes how the design of the recreational facilities incorporates the Architectural and Transportation Barriers Compliance Board guidelines and designing the facilities using the US Forest Service's Design Guide for Universal Access to Outdoor Recreation guidelines.

Parking areas

Niagara Mohawk will provide one handicapped accessible parking space at the Soft Maple campground area and three at the Taylorville parking lots. These parking spaces will be reserved for persons with disabilities and a sign showing the International Symbol of Accessibility will be installed at each designated parking space. The size of the parking space and accompanying access aisle will be in accordance with the Architectural and Transportation Compliance Board (ATCB) recommendations, Section 4, Accessible Elements and Spaces, subsections 4.1 and 4.6.

Restrooms

Niagara Mohawk will provide one handicapped accessible restroom at the Soft Maple campground and one near the Taylorville parking lot. The restrooms will be in accordance with the requirements of ATCB, Section 4, Accessible Elements and Spaces, subsection 4.17.

Picnic tables and grills

The picnic tables and grills will conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The picnic tables will be a maximum of 32 inches from the ground to the top and will extend a minimum of 30 inches beyond the legs at each end. The grills will be 30 - 36 inches high.

Fishing Deck

The fishing deck to be provided at Belfort reservoir will be constructed to the ADAAG guidelines and will have an access ramp grade no greater than 8.3%.

Handicapped Trails

The maximum grade for trails requiring handicapped access, will have a maximum grade of 10% and will have a level rest area at every 900 feet maximum.
(6) EROSION AND SEDIMENT CONTROL MEASURES AND MEASURES FOR REVEGETATION OF DISTURBED AREAS

The attached erosion and sedimentation control standard details drawing, which includes revegetation of disturbed areas affected by site enhancements, is Niagara Mohawk's means of implementing and controlling erosion and revegetation.

(7) SCHEDULE FOR CONSTRUCTING THE FACILITIES WITHIN ONE YEAR OF PLAN APPROVAL

In accordance with our submittal of January 8, 1997, whereby we submitted our proposed licensing compliance schedule, it is Niagara Mohawk's intentions to construct the recreational enhancements in the late July 1997 through mid-December 1997 timeframe.
OVERNIGHT COURIER

July 28, 1997

Ms. Lois D. Cashell, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, N.E.
Washington, DC 20426

Subject: Beaver River Project LP 2645-029 NY
        License Article 415
        Recreation Plan

Dear Secretary Cashell:

On June 11, 1997, Niagara Mohawk filed with the FERC a final recreation plan to initiate FERC's expedient review and approval for 1997 construction. Concurrently, Niagara Mohawk filed the recreation plan with the resource agencies and other entities advising same that any comments should be submitted to Niagara Mohawk for subsequent review and submittal to FERC, for FERC's consideration in approving the recreation plan.

On July 16, 1997, Niagara Mohawk filed with FERC, comments received on the recreation plan and our response to those comments. Since that date, Niagara Mohawk received comments from the United States Fish & Wildlife Service and the Adirondack Park Agency.¹

Niagara Mohawk is herein filing an original and eight copies of these comments which are included herein. Niagara Mohawk's response to these comments follows.

LICENSE ARTICLE 415
RECREATION PLAN

United States Fish & Wildlife Service (USFWS) comment letter of July 14, 1997

USFWS Comment, 1st & 2nd paragraphs: USFWS states that the recreation plan filed on June 11, 1997 was not provided to all members of the Beaver River Advisory Council (BRAC)

¹Niagara Mohawk notes the 30-day statutory comment period would have expired on July 11, 1997.
for consultation prior to its filing and several members of the BRAC did not receive copies as filed with FERC. USFWS also notes that the NMPC suggested if no comments were received within 14 days, NMPC would assume no comments were forthcoming. This procedure does not comply with the 30-day review and comment period. USFWS further states that it is important that attention to detail and specific license requirements are not omitted or overtly amended.

**Licensee Response:** Niagara Mohawk stated in its June 11, 1997 filing, that the BRAC had not yet been formed. Several references were made in the Settlement Offer and License Article 415 requiring consultation with the Adirondack Mountain Club (ADK) and the BRAC. As mentioned previously, since the BRAC has not yet been organized, Niagara Mohawk pursued consultation with ADK and the DEC (as the primary agency responsible for convening the BRAC and the agency with the most local oversight of these issues on the Beaver River) in finalizing the recreation plan.

Niagara Mohawk omitted four potential BRAC members in its filing of June 11: Adirondack Council, New York State Conservation Council, Hudson River-Black River Regulating District and Lewis County. The Settlement Offer only identified entities to be invited to serve on the Council. It did not state that these entities shall comprise the Council. Until the formation of the BRAC, it would not have been known exactly which entities desired to serve on the BRAC. The June 11 and 16 filings have since been provided to these entities.

As per License Article 415, Niagara Mohawk is not required to complete construction of the recreation facilities until one year after FERC approval of the plan. Yet Niagara Mohawk is willing to complete construction within 2-3 months of FERC approval, well in advance of the FERC requirements. Niagara Mohawk was seeking FERC's expedient review and approval for 1997 construction and initiated this approach to achieve same. Most of the entities in receipt of this recreation plan have expressed approval of this approach realizing the benefit to be gained for the recreationists.

**USFWS General Comment 1:** USFWS states that an adequate release mechanism needs to be installed at the Moshier Development for the release of whitewater flows as previous releases have resulted in fish strandings. USFWS further states that a search and recovery effort should be initiated for stranded fish after every whitewater release.

**Licensee Response:** Our previous submittal pursuant to License Articles 401 and 412 clearly indicated that the proposed new slide gate was a vast improvement over the needle beam structure that was in place at the time of previous whitewater releases. This new gate structure will be providing regulated flows for whitewater releases as well as the minimum flow release. In regard to the fish stranding issue, the Settlement Agreement provided ramping flows after whitewater releases to encourage fish movement from potential strandable areas. To now insist that Niagara Mohawk perform a continued search and recovery effort in this nearly inaccessible, two mile long by-pass reach is unreasonable.

**USFWS General Comment 2:** USFWS disagrees with Niagara Mohawk's proposal not to provide trash receptacles at several recreational sites and notes that in the Settlement Offer
Niagara Mohawk agreed to place and regularly dispose of refuse from such trash cans. USFWS notes that the trash cans can be "bearproofed".

**Licensee Response:** Niagara Mohawk does not intend to provide trash receptacles at any recreational sites with the exception being the Soft Maple campground area. Niagara Mohawk has reviewed the Settlement Offer and fails to find any specific reference to Niagara providing trash receptacles and regularly disposing of refuse from such trash cans.

Further, Niagara Mohawk notes this policy has changed dramatically in NYS over the past few years. With the new solid waste/recycling laws, the increased liability and expense with complying makes this an unreasonable request for unsupervised recreation areas.

**USFWS General Comment 3:** USFWS notes that the drawings are of insufficient scale, some of the recreational facilities are outside the FERC project boundary and maps should be provided clearly depicting the location of all recreational facilities.

**Licensee Response:** Niagara Mohawk will provide as-built drawings denoting the locations of the recreational facilities and revised project boundary maps.

**USFWS General Comment 4:** USFWS states that it is Niagara Mohawk's responsibility to see that trail markers and signs are properly placed and maintained throughout the license term.

**Licensee Response:** Niagara Mohawk will maintain the trail markers and signs after installation throughout the license term. However, Niagara Mohawk defers to ADK who has agreed to the initial installation of trail markers since it has more experience and is more proficient at placement in strategic locations.

**USFWS General Comment 5:** USFWS comments that concrete picnic tables should be considered in place of wooden picnic tables.

**Licensee Response:** Niagara Mohawk has experimented with concrete picnic tables at other vandal-prone areas and has not had good results. They are easily broken, harder to repair/replace, and are not as aesthetically fitting in the Adirondack environment. Niagara Mohawk prefers to utilize the traditional wood picnic tables.

**USFWS General Comment 6:** USFWS notes that Niagara Mohawk should consider fire pits/rings at all proposed campsites.

**Licensee Response:** Niagara Mohawk will consider this request overall and as a minimum, will install fire pits/rings at the Soft Maple campsites.

**MOSHIER DEVELOPMENT**

**USFWS Comment 1st paragraph:** USFWS notes that the proposed boat take out is along the dike instead of on the southern shoreline of the impoundment. The diked section may be too steep for easy access. The southern shoreline should be used for the take out. USFWS
also states that the locations and dimensions of the existing informal parking area should be
clearly noted on a project map.

**Licensee Response:** The location of the boat take out was discussed in the field with ADK
and DEC. It was agreed too by all parties that the best location for the take out was along the
dike. Sufficient land was available to properly grade the take out while maintaining easily
accessible grades. It was also decided that this area could accommodate handicapped access
more readily than the take out along the southern shoreline. Niagara Mohawk will provide as-
built drawings denoting the location and dimensions of the existing parking area.

**USFWS Comment 2nd paragraph:** USFWS notes that members of the BRAC should be
provided with a draft copy of the map to be placed in the kiosk for review and comment prior
to installation within the kiosk and the location of the kiosk should be depicted on the project
maps.

**Licensee Response:** Niagara Mohawk will provide a copy of the map to be placed in the
kiosk to the members of the BRAC for review and comment and will note the location of the
kiosk on the as-built drawings.

**USFWS Comment 3rd paragraph:** USFWS notes that Niagara Mohawk should maintain
the footbridge crossing Sunday Creek and replace this bridge at the request of the BRAC.

**Licensee Response:** Niagara Mohawk agrees to maintain this bridge and will consider
replacement at the request of the BRAC.

**USFWS Comment 4th paragraph:** USFWS states that Niagara Mohawk should provide a
design drawing of the new footbridge to be constructed over the small creek east of the
powerhouse.

**Licensee Response:** Niagara Mohawk fails to see the need of a design drawing for this
footbridge spanning some four feet but will provide a hand drawn sketch.

**USFWS Comment 5th paragraph:** USFWS stresses that trash materials should be removed
from the site by Niagara Mohawk.

**Licensee Response:** Niagara Mohawk, upon finding any trash that creates a public eyesore
at or near its recreational facilities, will remove it from the premises.

**EAGLE DEVELOPMENT**

**USFWS Comment 1st paragraph:** USFWS states that Niagara Mohawk’s proposal to limit
public access to the roadway alongside the pipeline to the period from April 1 through October
31 is not in accord with the Settlement Offer. The USFWS sees no need to limit public access
and use of this area and does not concur with the proposed seasonal restriction.
Licensee Response: The Niagara Mohawk proposed time period takes into consideration an extended recreation season. However, Niagara Mohawk will allow public access to December 1 annually to accommodate hunting in the area.

USFWS Comment 2nd paragraph: USFWS notes that additional parking should be provided at this site to accommodate whitewater recreationists and rock climbers.

Licensee Response: Niagara Mohawk will assess the need for additional parking requirements dependent upon the amount of interest generated by these events.

USFWS Comment 3rd paragraph: USFWS notes that the existing access trail along the south side of the bypassed reach should be indicated on the maps and that Niagara Mohawk should install signs with maps depicting the location of the trail near the parking areas.

Licensee Response: Niagara Mohawk will denote the location of the trail on the as-built drawings and will be installing signs noting the location of the trail.

SOFT MAPLE DEVELOPMENT

USFWS Comment 1st paragraph: USFWS notes that the boat launch may require placement of additional gravel near the launch site.

Licensee Response: Niagara Mohawk will assess the need for additional gravel material and will maintain the boat launch as needed.

USFWS Comment 2nd paragraph: USFWS notes that Niagara Mohawk should provide a drawing indicating the dimensions of the proposed parking lot and identify the proposed area for expansion at the Soft Maple campground.

Licensee Response: Niagara Mohawk will provide this information on the as-built drawings.

USFWS Comment 3rd paragraph: USFWS notes that the location of the four restrooms should be indicated on a site map. If permanent facilities are planned, a design drawing of the facilities should be provided. Also Niagara Mohawk should identify whether a potable water source will be available to visitors and the location of the water source should be identified on the site map.

Licensee Response: Niagara Mohawk will provide as-builds denoting the locations of the four restrooms. Niagara Mohawk has not yet finalized its plans regarding the potable water source but will identify same on the as-builds if we decide to include a potable water source within the campground area.

USFWS Comment 4th paragraph: USFWS requests that Niagara Mohawk provide a draft copy of the proposed orientation sign to members of the BRAC for review and comment.

Licensee Response: Niagara Mohawk will provide a copy of the orientation sign to the BRAC.
USFWS Comment 5th paragraph: USFWS suggests that Niagara Mohawk provide a drawing indicating the dimensions of the proposed parking area at the abandoned gravel pit and identify the area for expansion of the parking lot. Also, that Niagara Mohawk should install signs with maps depicting the location of the bypass trail near the parking areas and at the overlook.

Licensee Response: Niagara Mohawk will provide as-built drawings of the proposed parking area and identify the area designated for expansion on same. Signs will be installed for the bypass trail and the overlook. Niagara Mohawk will consider a sign with a map for the bypass reach.

TAYLORVILLE DEVELOPMENT

USFWS Comment 1st & 2nd paragraphs: USFWS notes that the specific actions regarding the three phased approach at the Taylorville bypass area is unclear. The plan should specifically address which project amenities will be installed/constructed at this time and propose a schedule for the other phases. The trail extensions should be outlined on a map. USFWS comments that the map to be placed in the kiosk should be provided to the BRAC.

Licensee Response: Niagara Mohawk will further address the phased approach in the plan and will identify the trail extensions on the as-builts. Niagara Mohawk indicated that phases 2 and 3 would be installed on an as needed basis (which was discussed by the field trip participants.) Hence, a definitive time schedule is not available. Niagara Mohawk will provide a draft copy of the map to be placed in the kiosk to the BRAC.

BELFORT DEVELOPMENT

USFWS Comment: USFWS suggests that a design drawing of the fishing deck be included in the final design for the project.

Licensee Response: Niagara Mohawk will provide a drawing to be included in the as-built submittals.

Adirondack Park Agency comment letter of July 16, 1997

APA Comment 1st paragraph: Niagara Mohawk has no comment.

APA Comment 2nd paragraph: Niagara Mohawk has no comment

APA Comment 3rd paragraph: APA comments that the maps are difficult to read and perhaps clearer maps can be provided in the future. Additionally, the maps do not correctly reflect the FERC project boundary in all cases.

Licensee Response: Niagara Mohawk will provide as-builts denoting the locations of the recreational facilities and these drawings should be more legible. The FERC project boundary drawings will be revised to ensure that the recreational facilities are within the boundary.
**APA Comment 4th, 5th & 6th paragraphs:** APA takes exception to the process pursued by Niagara Mohawk in submitting the recreation plan. APA further notes that the plan was forwarded to selected parties (not BRAC) for comment at the same time as it was sent to FERC. APA notes that it did not consent to the process nor did it consent to the 14-day response period.

**Licensee Response:** Niagara Mohawk pursued this approach to initiate FERC's expedient review and approval for 1997 construction. Niagara Mohawk omitted four potential BRAC entities from its June 11, 1997 mailing. These entities have since been provided with copies of the June 11, 1997 submittal to FERC.

Niagara Mohawk inadvertently stated that "All parties were in agreement with this approach...". This was an oversight as APA did not consent to this process.

In summary, Niagara Mohawk is still desirous of completing these recreational enhancements in the 1997 construction season. We hope these late comments/concerns have been adequately addressed to permit the Commission to issue timely approval of the Recreation Plan.

If you have any questions, please contact Tom Skutnik at (315) 428-5564.

Very truly yours,

Sam S. Hirshey, P.E.
Manager,
Hydro Licensing & Regulatory Compliance

Enclosure:

xc: Mr. Len Ollivett, DEC, Watertown
    Mr. Alex Velto, ADK
    Ms. Betty Lou Bailey, ADK
    Ms. Sherry Morgan, USFWS, Cortland
    Ms. Lenore Kuwik, DEC, Albany
    Mr. Bruce Carpenter, NYRU
    Ms. Barbara Rottier, APA
    Mr. Thomas Matias, Trout Unlimited
    Mr. Pete Skinner, AWA
    Mr. Kevin Mendik, NPS
    Ms. Lisa Genier, Adirondack Council
    Mr. John McHugh, Lewis County
    Mr. Henry Cosselman, NYS Conservation Council
    Mr. J. Mark Robinson, FERC
    Mr. Jacob Niziol, NMPC
    Mr. Tom Skutnik, NMPC
Niagara Mohawk Power Corporation

ORDER APPROVING RECREATION PLAN
AUG 9, 1997

On June 12, 1997, Niagara Mohawk Power Corporation, licensee for the Beaver River Project, FERC No. 2645, filed a recreation plan for Commission approval. The plan was filed pursuant to article 415 of the project license. Supplemental information was filed by the licensee on July 17 and July 29, 1997. The Beaver River Project is located on the Beaver River in the Towns of Croghan and Watson in Lewis County and in the Town of Webb in Herkimer County, New York. The project comprises eight developments spanning 18 miles. They are (in descending order) Moshier, Eagle, Soft Maple, Effley, Elmer, Taylorville, Belfort, and High Falls.

BACKGROUND

As part of the licensing process, a Settlement Offer was reached by the licensee and various resource agencies. The Settlement Offer filed on May 30, 1995, was the product of negotiations begun after the New York State Department of Environmental Conservation (NYSDEC), denied the Beaver River Project water quality certification (in 1992), which is a prerequisite to licensing. All intervenors in both the Commission proceeding and the certification proceeding were invited to participate in the negotiations. All licensing intervenors signed the Offer, except the City of Watertown and the Natural Heritage Institute. This Offer was approved in the project license and provisions of the Offer were incorporated into the license where appropriate.

1/ See Order Approving Settlement Agreement and Issuing New License. 76 FERC ¶ 61,152 (1996).

Article 415 of the project license requires the licensee to file a detailed plan for constructing, operating, and maintaining the recreational facilities identified in various documents reviewed during the licensing process, including the Settlement Offer. Article 415 identifies the whitewater flows and facilities that, at a minimum, are to be provided at the project's eight developments. In conjunction with provisions for each of the identified facilities, the plan was also to include:

1. Site plan drawings;
2. The name of the entity responsible for operating and maintaining each facility;
3. A description of how persons with disabilities will be accommodated by the plan;
4. Erosion control and sedimentation measures; and,
5. A schedule for constructing the facilities within one year of plan approval.

PROPOSED PLAN

The material filed on June 12, 1997, consists of the plan as it was submitted to the agencies for comment. The licensee provided the agencies 14 days to comment on the plan. After receiving comments, the licensee filed a revised plan with the Commission on July 17, 1997. This is the plan reviewed for consideration by this order.

The July 17 filing includes all of the information required by article 415. This filing states the licensee will provide the whitewater flows identified in article 415, as well as comply with the whitewater boating release periods. The plan further identifies the new recreational facilities that are to be provided at each development. The plan identifies minor modifications that were made to the required parking areas after consultation with the resource agencies and additional review of site usage. These modifications primarily involve providing fewer parking spaces at certain developments. The licensee believes the smaller parking areas will accommodate current demand at the project's remote developments. If a need for additional parking is identified in the future, the licensee states they will expand the parking areas as is considered necessary at that time.

The primary difference between the requirements of article 415 and the filed plan pertain to trash receptacles. Article 415 identifies the number of trash receptacles that are to be provided by the licensee at each site. In the July 17 filing the licensee states it does not intend to provide trash receptacles at the project, with the exception of the Soft Maple campground. The licensee states most governmental and privately owned recreational sites in the area have a "carry in--carry out" policy, as this policy is considered most suitable for the remote location of the facilities in the area. In addition, the
licensee states the Settlement Offer does not include any specific reference to trash receptacles.

Page 11 of the filed plan specifically identifies how the plan will meet the needs of persons with disabilities. The facilities which will accommodate persons with disabilities include parking areas, restrooms, picnic tables, trails, and the fishing deck to be provided at the Belfort development. The erosion control and sedimentation measures to be employed during construction are identified in the June 12 filing. This information indicates the licensee will use a combination of hay bales, silt fences, and reseeding/revegetating.

The July 17 filing states the licensee will be the entity responsible for the operation and maintenance of the recreational facilities identified in the plan. This filing further states the licensee intends to complete construction of all facilities by mid-December 1997.

AGENCY CONSULTATION AND COMMENT

Article 415 requires the licensee to consult with the Beaver River Advisory Council, or BRAC, on the proposed plan. This council was provided for in the Settlement Offer as an organization which would oversee and manage the Beaver River Fund. To this date, the BRAC has not been formalized. The licensee therefore submitted the recreation plan to all the parties which signed the Settlement Offer. Letters of response were submitted by the NYSDEC, Adirondack Mountain Club (AMC), New York Rivers United (NYRU), American Whitewater Association (AWA), U.S. Fish and Wildlife Service (FWS), Adirondack Park Agency (APA), and the state chapter of Trout Unlimited.

The July 17 filing includes the licensee's response to comments submitted by NYSDEC, AMC, NYRU, AWA, and Trout Unlimited. The July 29 filing responds to the comments filed by FWS and APA.

Most of the agency comments refer to specific wording changes within the recreation plan. A large number of the

2/ This fund is further established by the Settlement Offer. It is to be used by BRAC for ecosystem protection, natural resource stewardship, public education, facility maintenance, and applied research necessary to improve public access and outdoor recreational resources in the Beaver River corridor.

4/ See Footnote 2.
recreational areas, including the removal of litter and debris that occurs at each site.

As stated, the licensee has appropriately addressed the concerns regarding the drawings of the recreation facilities. Within 90 days of completing construction of the facilities, as-built exhibit drawings should be filed for Commission approval. These drawings should appropriately show the facilities as constructed and their relation to the project boundary. More detail regarding the as-built drawings is stipulated in the ordering paragraph requiring the drawings.

In addition to the above, Commission staff believes the licensee has appropriately addressed the needs of persons with disabilities and proposed suitable erosion control and sedimentation measures. The construction deadline of December 1997 is also considered appropriate for the level of facilities to be constructed. The plan, as filed on July 17, 1997, and supplemented by material filed on July 29, 1997, should therefore be approved.

The Director orders:

(A) The recreation plan filed on July 17, 1997, and as supplemented by material filed on July 29, 1997, is approved and made part of the license for the Beaver River Project. With this approval, the licensee shall complete construction of the approved facilities by December 31, 1997.

(B) Within 90 days of completing construction, or by March 31, 1998, the licensee shall file as-built drawings of the approved recreation facilities. These drawings should show the facilities as-built and should not show any "proposed" or "future" facilities. The filed drawings should include an overall site plan which shows the location of each area in relation to other project works/facilities, and individual site plans for each specific recreation area. Detailed construction drawings of amenities such as foot bridges, restrooms, and picnic tables need not be included. The individual site plans should be of an appropriate scale to show the location of each facility within a given site. The individual site plans should further include the project boundary where appropriate.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

[Signature]
Kevin P. Madden
Acting Director
Office of Hydropower Licensing