and the Settlement. The Commission has considered all the comments and interventions in determining whether, and under what conditions, to issue this relicense.

PROJECT DESCRIPTION

The Raquette River, with a drainage basin of 1,269 square miles, originates in the Adirondack Mountains, flows generally north-northwest for more than 120 miles, and empties into the St. Lawrence River near Massena, New York. Most of the basin is sparsely populated, with much of the land forested and brushland. The region’s economy depends primarily on recreational tourism and timber-based industries.

The Upper Raquette River Project consists of five developments (from upstream to downstream): Stark, Blake, Rainbow, Five Falls, and South Colton. The five developments have a total installed capacity of 102,389 kW and are located in a 16-mile reach of the Raquette River commencing 52 miles above its confluence with the St. Lawrence River.

The Stark development includes a 35-foot-high dam with an overflow section; seven earthen dikes totaling approximately 3,700 feet in length; a reservoir; an intake with trashracks, a slide gate, and a 651-foot-long pipeline; and a powerhouse containing a 23,872-kW generating unit.

The Blake development has a 75-foot-high dam; three earthen dikes totaling approximately 1,840 feet in length; a reservoir; an intake with a 731-foot-long pipeline; and a powerhouse containing a 13,913-kW generating unit.

The Rainbow development has a 81.5-foot-high dam; two earthen dikes, approximately 2,570 feet in length; a reservoir; an intake with a 645-foot-long pipeline; and a powerhouse containing a 22,828-kW generating unit.

The Five Falls development includes a 50-foot-high dam with an overflow spillway and a stoplog section, flanked at each end by dikes totaling approximately 1,190 feet in length; a reservoir; a gated intake with a 1,399-foot-long pipeline; and a powerhouse containing a 22,828-kW generating unit.

---

13 The Mountain Club, Interior, and NYSDEC filed comments in support of this recommendation.
Project Nos. 2084-020 and 006

The South Colton development includes a 45-foot-high dam with an overflow spillway and a stoplog section; a reservoir; a gated intake with a 1,300-foot-long pipeline; and a powerhouse containing a 18,948-kW generating unit.\textsuperscript{14}

As currently licensed, and proposed to be relicensed, these developments are operated run-of-river with pondage mode using releases from the Carry Falls Project.\textsuperscript{15}

WATER QUALITY CERTIFICATION

Under Section 401(a)(1) of the Clean Water Act (CWA),\textsuperscript{16} the Commission may not issue a license for a hydroelectric project unless the state water quality certifying agency has issued a water quality certification for the project or has waived certification. Section 401(d) of the CWA provides that state certification shall become a condition of any federal license or permit that is issued.\textsuperscript{17} Only a reviewing court can revise or delete these conditions.\textsuperscript{18}

NYSDEC issued water quality certification for the Upper Raquette Project on June 11, 1998.\textsuperscript{19} As discussed in the lead order, the certification includes standard terms and conditions and the "terms and conditions of the . . . Settlement."\textsuperscript{20} We have appended to this license the water quality certification, which includes the standard terms and conditions thereof and the requirements of the Settlement that are applicable to this

\textsuperscript{14}A more detailed project description is contained in ordering paragraph B(2).

\textsuperscript{15}This means that the licensee uses/releases flows received from upstream developments and in addition may use/release water stored in the particular reservoir (pondage), subject to drawdown limitations.

\textsuperscript{16}33 U.S.C. § 1341(a)(1).

\textsuperscript{17}33 U.S.C. 1341(d).

\textsuperscript{18}See American Rivers v. FERC, 129 F.3d. 99 (D.C. Cir. 1997).

\textsuperscript{19}The certification was filed by the licensee on June 22, 1998.

\textsuperscript{20}See Water Quality Certification section of lead order.