

APPENDIX 1-1

NOTICE OF APPLICATION FOR DOWNER'S MILLS PROJECT EXEMPTION

DATED JANUARY 25, 1982

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Simon Pearce (U.S.), Inc.) Project No. 5195-001

NOTICE OF APPLICATION FOR EXEMPTION FOR SMALL HYDROELECTRIC
POWER PROJECT UNDER 5 MW CAPACITY

1-25-82

Take notice that on October 22, 1981, Simon Pearce (U.S.), Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §52705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5195) would be located on Ottauquechee River, in Windsor County, Vermont. Correspondence with the Applicant should be directed to: Simon Pearce, Simon Pearce (U.S.), P.O. Box 5, Quechee, Vermont 05059.

Project Description - The proposed project would consist of: (1) the Applicant's existing Emory Mill Dam (also known as Downer's Mills), a concrete gravity structure 14 feet high and 150 feet long with an uncontrolled spillway; (2) an existing impoundment having negligible storage with a water surface elevation of 362 feet m.s.l.; (3) a rehabilitated intake; (4) a new penstock; (5) a new powerhouse with a generating capacity of approximately 645 kW; (6) a new tailrace and (7) apartment facilities. The Applicant estimates the annual average energy output would be 3,250,000 kWh. Project energy in excess of the industrial requirements of Simon Pearce Glass is to be sold to Central Vermont Public Service Corporation.

Purpose of Project - An exemption, if issued, gives the exemptee priority of control and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments - The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Vermont State Agency of Environmental Conservation, Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the project and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Project No. 5195-001

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Competing Application - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before MAR 10 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before MAR 10 1982.

Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE A PETITION TO INTERVENE", "COMMENTS OF INTEREST TO FILE A PETITION TO INTERVENE", as applicable, and the "PROJECT NUMBER OF THIS NOTICE". Any of the above named documents must be filed by providing the original and three copies requested by the Commission's regulations to: Kenneth E. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Secretary

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit E of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

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

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

DATE: 10/31/88 CTS501

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FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF HYDROPOWER LICENSING
HYDROPOWER LICENSE COMPLIANCE TRACKING SYSTEM

PROJECT COMPLIANCE SUMMARY

PROJECT NO: 05195 PROJECT NAME: DOWNERS MILL PROJECT TYPE: ORDER TYPE: 3 RO: NY ENGINEER:

PROJECT IDENTIFICATION INFORMATION

RECIPIENT (1): SIMON PEARCE (US) INC (VT)
(2):
(3):
(4):
(5):

RIVER BASIN CODE: 0138561000FA0 CAPACITY (KW): 400
WATERWAY NAME(1): OTTAUQUECHEE RIVER
WATERWAY NAME(2):
WATERWAY NAME(3): LIN

LAISON: SIMON PEARCE
ADDRESS:
CITY: QUECHEE

TELEPHONE: (802)295-2711
ADDRESS: P O BOX 5
STATE: VT ZIP: 05059
COUNTY(1): WINDSOR
STATE(1): VT
COUNTY(2):
STATE(2):

PROJECT DATES

ISSUANCE DATE	EFFECTIVE DATE	CONSTRUCTION START DATE	CONSTRUCTION FINISH DATE	OPERATION DATE	EXPIRATION DATE
05/04/1982		07/18/1982	06/11/1983	06/11/1983	

TRACKABLE ITEMS

ACTS NO.	ART NO.	DESCRIPTION OF REQUIREMENT	REVIEW ORGANIZATION CODE	REVIEWER DATE	EXT REQ DATE	EXT GRANT DATE	EXT DUE DATE	DEFICY LETTER SENT	DEFICY REPLY DUE	NONCOMP LETTER SENT	NONCOMP REPLY DUE	DATE FILED	DEFICY REPLY FILED	DATE APPRVD
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DATE: 11/17/89 CTS501

PAGE: 0341

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HYDROPOWER LICENSE COMPLIANCE TRACKING SYSTEM

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WATERWAY NAME(2):

WATERWAY NAME(3): LIN

CITY(1):

COUNTY(1): WINDSOR

STATE(1): VT

CITY(2):

COUNTY(2):

STATE(2):

TELEPHONE: (802)295-2711

ADDRESS: P O BOX S

STATE: VT ZIP: 05059

SAISON: SIMON PEARCE
ADDRESS:
CITY: QUECHEE

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