



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Project Review
1500 Custom House
165 State Street
Boston Massachusetts 02109

IN REPLY REFER TO:

ER 85/436
FERC No. 8242

May 11, 1985

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426

Dear Mr. Plumb:

This responds to your public notice, dated March 13, 1985, concerning the application for exemption for the Ladd's Mill Project, located on the North Branch of the Winooski River in Washington County, Vermont.

Fish and Wildlife Resources

The Applicant has consulted with the Fish and Wildlife Service (FWS) regarding this project. In a letter to the Applicant dated September 17, 1982, the FWS prescribed terms and conditions to prevent loss of, or damage to, fish and wildlife resources at this project, should it be exempted from licensing by the Commission. Since then, the FWS has determined that additional terms and conditions are necessary. To avoid confusion, all terms and conditions are listed below. Based on the requirements of Section 30(c) of the Federal Power Act and Section 408 of the Energy Security Act, these terms and conditions will be part of the exemption and should adequately protect fish and wildlife resources.

1. The Exemptee shall provide fish-passage facilities or share in the cost of trapping and transporting anadromous fish above this project when prescribed by the Fish and Wildlife Service and/or the Vermont Department of Fisheries and Wildlife. Design, construction, and operation of fish-passage facilities will be the responsibility of the Exemptee; however, approval of the design by the FWS will be necessary. Any additional instantaneous flows for operation of these facilities will also be provided by the Exemptee, as prescribed by the Fish and Wildlife Service.
2. The Exemptee shall provide an instantaneous minimum discharge below the project of at least 16 cfs (historical August flow), or inflow to the project, whichever is less, to protect downstream aquatic habitat.
3. The Exemptee shall provide an instantaneous minimum release at the dam of 10 cfs or inflow to the project, whichever is less, to conserve aquatic habitat in the bypassed reach.

4. The Exemptee shall notify the Fish and Wildlife Service in writing when the project commences operation. Such notice shall be sent within 30 days of start-up to Supervisor, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1518, Concord, New Hampshire 03301. A set of as-built plans shall be furnished with the notification.
5. The Exemptee shall allow public access to the project area for utilization of public resources, subject to reasonable safety and liability limitations.
6. The Exemptee shall, within six months of the date of issuance of an exemption from licensing, present to the Fish and Wildlife Service for approval a plan for monitoring instantaneous flow releases at this project. Following approval of the monitoring plan, the Exemptee shall then measure instantaneous flows and provide records of discharge at the project on a regular basis as per specifications of the Fish and Wildlife Service. Upon receiving a written request from the Exemptee, the U.S. Fish and Wildlife Service may waive the requirement for flow monitoring at this project provided the Exemptee satisfactorily demonstrates that the required flow(s) will be discharged at all times.
7. The Exemptee shall allow the Fish and Wildlife Service to inspect the project area at any time while the project operates under an exemption from licensing to monitor compliance with their terms and conditions.
8. The Fish and Wildlife Service is reserved the right to add and alter terms and conditions as appropriate to carry out its responsibilities during the life of the project with respect to fish and wildlife resources. The Exemptee shall, within thirty (30) days of receipt, file with the Commission any additional terms and conditions imposed by the above agency.
9. The Exemptee shall incorporate the aforementioned fish and wildlife conditions in any conveyance--by lease, sale, or otherwise--of his interests so as to legally assure compliance with said conditions for as long as the project operates under an exemption from licensing.

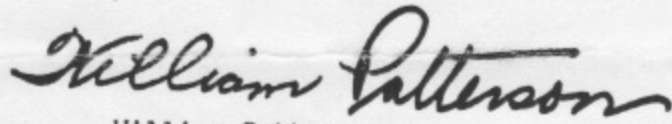
National Park Service

The National Park Service's review of the information contained in the Exemption Notice did not reveal any items of concern that may impact its programs. However, the National Park Service does request that the following condition be made a part of the Exemption:

The Exemptee shall allow public access to the project area for utilization of the resources for recreation purposes, subject to reasonable safety and liability limitations. Such access should be permanently and prominently posted so that its availability is made known to the public.

We appreciate the opportunity to comment on this application.

Sincerely yours,

A handwritten signature in cursive script that reads "William Patterson". The signature is written in dark ink and is positioned above the typed name and title.

William Patterson
Regional Environmental Officer