

APPENDIX 1-1
Order Granting Exemption from Licensing
dated June 10, 1983

RECEIVED

MAY 5 1983

A.J.A.

FILED
MAY 10 1983
FEDERAL ENERGY
REGULATORY COMMISSION

BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

NOTICE OF EXEMPTION OF SMALL HYDROELECTRIC POWER PROJECT
FROM LICENSING

by

WEST DUDLEY POWER COMPANY

for

the West Dudley Hydroelectric Power Project
in Dudley, Massachusetts

May 1, 1983


BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
NOTICE OF EXEMPTION OF SMALL HYDROELECTRIC POWER PROJECT
FROM LICENSING

- (1) West Dudley Power Company notifies the Federal Energy Regulatory Commission that the West Dudley Hydroelectric Power Project, a small hydroelectric power project as defined in 18 CFR §4.102, is exempt from licensing under the terms of 18 CFR §4.109 through §4.111.
- (2) The location of the project is
 - State: Massachusetts
 - County: Worcester
 - Town: Dudley
 - River: Quinebaug
 - River Basin: Thames
- (3) The exact name, business address, and telephone number of the filing party is:
 - West Dudley Power Company
 - c/o Boise Cascade Corporation
 - Specialty Paperboard Division
 - P.O. Box 498
 - Brattleboro, Vermont 05301
 - (802)257-0365
- (4) The project includes the following features:
 - (i) Dam: The Quinebaug River Pond Dam (also called the Rhode Island Cardboard Company Dam) was completed in 1919. It consists of two sections 55 feet in length and 144 feet in length, at the junction of which is located an existing powerhouse.

The dam, including existing flashboards 2 feet in height, averages about 17 feet in height above the streambed, and develops a gross head of 13 feet, between the tailrace elevation of 364.5 feet and the 377.5 foot elevation of the dam and flashboards. At elevation 377.5 feet, the related impoundment has a gross storage capacity of 201 acre feet.
 - (ii) Powerplant: The proposed powerplant will utilize the three existing open flumes in the existing powerhouse. The gross hydraulic head is 13 feet, and the proposed installed capacity at the site will be 350 kw. Average annual generation is expected to be 1,100,000 kwh.

- (iii) Average stream flow: The average annual stream flow is 268 cubic feet per second.
- (5) It is certified that the small hydroelectric power project conforms to the specifications set forth in §4.109(a) of the Commission's regulations and that West Dudley Power Company has complied with §4.112(b) of the Commission's regulations, including the following:
- (i) The Massachusetts Department of Environmental Quality Engineering Division of Water Pollution Control, has certified that the construction, operation, and maintenance of the project will not cause a violation of any applicable water quality standards.
 - (ii) The U.S. Fish and Wildlife Service, Office of Ecological Services; National Marine Fisheries Service; and the Massachusetts Department of Fisheries, Wildlife and Recreational Vehicles, Division of Fisheries and Wildlife have certified that there is not a significant existing population of migratory fish at any project dam.
 - (iii) The state Historic Preservation Officer has certified that the proposed small hydroelectric power project does not entail any construction that would adversely affect any site included in or eligible for inclusion in the National Register of Historic Places.
 - (iv) The U.S. Fish and Wildlife Service, Office of Ecological Services, has certified that there is not a significant existing population of migratory fish at any project dam.
 - (v) The U.S. Fish and Wildlife Service, Office of Ecological Services, and the Massachusetts Division of Fisheries and Wildlife have prescribed migratory fish restoration measures as a condition of the exemption, in the event that migratory fish are ever restored to the subject reach of the Quinebaug River in the future.
- (6) The undersigned does hereby submit this Notice of Exemption for the West Dudley Hydroelectric Power Project.

By



Alexander J. Albrecht, Jr.
Vice President

April , 1983

VERIFICATION

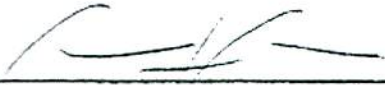
STATE OF VERMONT

COUNTY OF WINDHAM

I hereby certify that I am familiar with the contents and purpose of the Notice of Exemption herewith filed before the Federal Energy Regulatory Commission, that it is a full and true record in this matter to the best of my knowledge and belief, and further, that I have the full power and authority to execute the same for the purposes herein described.


In witness hereof, I have hereunto subscribed and set my hand on this th day of April, 1983.

WEST DUDLEY POWER COMPANY



Alexander J. Albrecht, Jr.
Vice President

Subscribed and sworn to before me, a Vermont Notary Public, this th day of April, 1983.



Notary Public

My Commission expires:

2-12-87



ANTHONY D. CORTESE, Sc. D.
Commissioner

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Division of Water Pollution Control
One Winter Street, Boston 02108

April 26, 1983

Mr. George Lagassa
Mainstream Associates
40 Bridge Street
Portsmouth, Massachusetts 03801

Re: Proposed Hydroelectric Facility
Quinebaug River
Dudley

Dear Mr. Lagassa:

In response to your request of April 21, 1983, this Division has reviewed the preliminary description of your project to retrofit the existing powerhouse at the Quinebaug River Pond Dam in Dudley, MA with three turbine-generator units, and to install various mechanical and electrical equipment. The project as described to this Division will be operated as run-of-the-river off the top of the dam and involves no alteration of dam height, no change in pondage, no dredging, and no construction activities in the water.

On the basis of the preliminary description of the project, this Division anticipates no violation of applicable water quality standards.

Should inspection of the tailrace later reveal the need to remove accumulated sediments, application must be made to this Division for the necessary certificate.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas C. McMahon".

Thomas C. McMahon
Director

TQM/JP/wp

cc: Kimball Simpson, DWPC, Technical Services Branch, Westboro, MA 01581
William Febiger, Energy Facilities Siting Council, 100 Cambridge Street,
Boston, MA 02202



United States Department of the Interior

FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
P.O. BOX 1518
CONCORD, NEW HAMPSHIRE 03301

Mr. George K. Lagassa
Mainstream Associates
P.O. Box 4461
Portsmouth, New Hampshire 03801

APR 26 1983

Dear Mr. Lagassa:

We have reviewed the information which you gave us on April 21, 1983, regarding a categorical exemption from licensing for the West Dudley hydroelectric project, FERC No. 5120, located on the Quinebaug River in Dudley, Massachusetts.

Federal Energy Regulatory Commission Order No. 202 covering categorical exemptions requires that you obtain two certifications from us. These relate to the presence of significant populations of migratory fish at the project and to impacts on Federally designated endangered and threatened species and their critical habitat. Order No. 202 also requires that you include in the exemption any measures which we prescribe for the restoration of migratory fish through the project area.

Based on our knowledge of the project area, we can provide you with the necessary certifications for your notice of exemption. The Quinebaug River does not now contain significant populations of migratory fish at the West Dudley Dam, nor will the project adversely affect Federally designated endangered and threatened species or their critical habitats.

It is necessary, however, to include certain measures in the exemption which will facilitate restoration of migratory fish through the project area. Although there are no current plans for such restoration, the exemption will need to be conditioned now in order to ensure that fish-passage facilities will be provided by the Exemptee when they are needed.

The eventual restoration of migratory fish through your project area will require adequate instream flow releases. In order to maintain aquatic habitat conditions in the Quinebaug River as being suitable for fish restoration, instream flow releases should be at least 76 cfs or inflow to the project area, whichever is less. This flow is our approximation of the historical (unregulated) median August flow in the Quinebaug River, and it represents a discharge which we feel will adequately maintain downstream aquatic habitat.

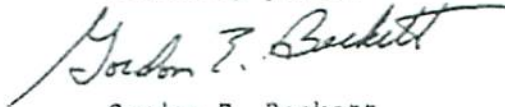
Summarizing, certifications pursuant to Sections 4.112(b)(2) and (4) of FERC Order No. 202 are provided. The following measures are to be included in their entirety in the exemption in accordance with Section 4.112(b)(5):

1. The Exemptee shall provide fish-passage facilities at this project when so prescribed by the U.S. Fish and Wildlife Service.

2. The Exemptee shall discharge from the project an instantaneous flow of at least 76 cfs or inflow to the project area, whichever is less.

Please let us know if you have any questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Gordon E. Beckett". The signature is written in dark ink and is positioned above the typed name.

Gordon E. Beckett
Supervisor,
New England Area



MASSACHUSETTS
HISTORICAL
COMMISSION

COMMONWEALTH OF MASSACHUSETTS
Office of the Secretary of State

294 Washington Street
Boston, Massachusetts
02108
617-727-8470

MICHAEL JOSEPH CONNOLLY
Secretary of State

February 1, 1982

Alex J. Albrecht, Liason Officer
Boise Cascade Specialty Paperboard Division
P.O. Box 498
Brattleboro, VT 05301

RE: West Dudley Hydroelectric Project

Dear Mr. Albrecht:

Thank you for supplying the Massachusetts Historical Commission with information with your letter of January 7. MHC staff have reviewed the proposed West Dudley Hydroelectric Project. MHC feels that this project is unlikely to affect significant historic or archaeological resources. No further review in compliance with Section 106 of the National Historic Preservation Act of 1966 is required.

If you have any further questions, please feel free to call Eric Johnson of MHC staff.

Sincerely,

Patricia L. Weslowski
Patricia L. Weslowski
State Historic Preservation Officer
Executive Director
Massachusetts Historical Commission

PLW/ny

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FEB 4 1982

AJA



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Services Division
Habitat Protection Branch
7 Pleasant Street
Gloucester, MA 01903

April 25, 1983

Mr. George Lagassa
Mainstream Associates
40 Bridge Street
Portsmouth, New Hampshire 03801

Dear Mr. Lagassa:

This is in response to your telephone conversation of April 20, 1983, regarding the West Dudley Project in Worcester County, Massachusetts. We understand that the proposed project will be similar in size and operational mode to the West Dudley Project previously filed under FERC #5120. Therefore, at this time, it does not appear that the proposed hydroelectric project will significantly affect resources for which the National Marine Fisheries Service is responsible. However, should the project area be later identified as critical to an anadromous fish restoration effort in the Quinebaug River, we will require suitable fish passage facilities. We are likely to request that FERC include future construction of fish passage facilities as a condition to your exemption.

Sincerely,

Ruth Rehfus
Branch Chief





The Commonwealth of Massachusetts
Division of Fisheries and Wildlife
Field Headquarters, Westboro 01581

April 25, 1983

Mr. George K. Lagassa
Mainstream Associates
40 Bridge Street
Portsmouth, New Hampshire 03801

Dear Mr. Lagassa,

Regarding your recent inquiry concerning the passage of migratory fish at the West Dudley Water Power Project Site. There are presently no populations of fish within the site area that would require fish passage thru or around the facility. Additionally there are no immediate plans to restore runs of anadromous species to this part of the Quinebaug River. We do, however, reserve the right to require the construction of adequate fish passage facilities should the restoration of anadromous species to the watershed become feasible. from an economic and biological perspective.

Because the river is heavily stocked with trout we strongly recommend that your trash racks and/or screens be placed and spaced at a distance to adequately prevent stocked trout from passing thru tributaries. We would also prefer to see that public access to the river is assured on the site to the extent where safety is not jeopardized. Finally we would appreciate some advance notice regarding the dredging of the tailrace area if it is needed.

Should you have additional questions concerning our comments to your proposal phase please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Peter H. Oatis".

Peter H. Oatis
Assistant Director
Fisheries

PHO/mp

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on the following state and federal agencies as required by Section 4.112 of the Commission's regulations.

Mr. Thomas C. McMahon
Director
Department of Environmental Quality Engineering
Division of Water Pollution Control
One Winter Street
Boston, Massachusetts 02108

Mr. Gordon E. Beckett
Fish and Wildlife Service
United States Department of the Interior
P.O. Box 1518
Concord, New Hampshire 03301

Ms. Patricia L. Weslowski
State Historic Preservation Officer
Massachusetts Historical Commission
294 Washington Street
Boston, Massachusetts 02108

Ms. Ruth Rehfus
National Oceanic and Atmospheric Administration
United States Department of Commerce
7 Pleasant Street
Gloucester, Maine 01903

Mr. Peter H. Oatis
Assistant Director
Division of Fisheries and Wildlife
Field Headquarters
Westboro, Massachusetts 01591

Dated at Washington, D.C. this 1st day of May, 1983.



Amy S. Koch
Reid & Priest
1111 19th Street, N.W.
Washington, D.C. 20036
(202) 828-0100

Of Counsel for:
The West Dudley Power Company

2: FEB 162,336

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

West Dudley Power Company)

Project No. 7254-000

NOTICE OF EXEMPTION FROM LICENSING

(June 10, 1983)

A notice of exemption from licensing of a small hydroelectric project known as West Dudley, ~~Project No. 7254~~, was filed on May 2, 1983, by the West Dudley Power Company. The ~~proposed hydroelectric project would have an installed capacity of 350 kW~~ and would be located on the Quinebaug River in Worcester County, Massachusetts.

Pursuant to Sections 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of June 1, 1983.

Lawrence R. Anderson
Director, Office of Electric
Power Regulation

DC-A-23

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FERC - DOCKETED

JUN 10 1983