

APPENDIX 2-2

FERC License Amendment Order Issued May 3, 1988

Benton Falls Hydro Associates, Project No. 5073-010

Order Amending License Requiring the Project to Be Operated in a Run-of-River Mode

Footnote Continued)

with October 5, 1987, as the due date for motions to intervene.

¹ Application amended for clarification purposes.

² Application amended to change notice request from 10 days' notice to 5 days' notice due to additional clarifications required, mailing delays, and other time constraints.

¶ 62,122

Federal Energy Guidelines

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63,183

(Issued May 3, 1988)

J. Mark Robinson, Dir., Division of Project Compliance and Administration.

On May 8, 1987, Benton Falls Associates (licensee) filed a request to amend Article 29 of the license for the Benton Falls Project, as modified by the Order Approving Minimum Flow Releases dated February 11, 1987 [38 FERC ¶62,141]. The licensee requests that the requirement to release a minimum flow of 350 cubic feet per second and to file a plan to determine the maximum rate of change in river flow (ramping rate), be modified to require a run-of-river mode of operation. The licensee states that operating the project in a run-of-river mode is preferred from a economical and environmental standpoint. Further, any temporary modification to this mode of operation would be done in accordance with criteria established by the resource agencies.

Operating the project in an instantaneous run-of-river mode, where discharge from the project approximates inflow to the project reservoir, would preclude the need for a minimum flow requirement. Further, operating the project in an instantaneous run-of-river mode would minimize the fluctuations of the water level elevations above the project dam and below the project tailrace. Therefore, the need to develop a ramping rate for the project is unnecessary. In addition, operating the project in an instantaneous run-of-river mode would protect fish and wildlife resources of the Sebasticook River. The license should be amended to require the project to be operated in an instantaneous run-of-river mode. To ensure the project is operated in an instantaneous run-of-river mode, the licensee must develop a plan to monitor inflow to the project reservoir as well as outflow from the project.

The Director orders:

(A) Article 29 of the license for the Benton Falls Hydroelectric Project, as modified by the

Order Approving Minimum Flow Releases, issued February 11, 1987, is superseded by the following:

Article 29. The licensee shall operate the Benton Falls Hydroelectric Project in an instantaneous run-of-river mode for the protection of fish and wildlife resources of the Sebasticook River. In operating the project, the licensee shall at all times minimize the fluctuations of the reservoir surface elevation by maintaining sufficient discharge from the project so that the flow, as measured immediately downstream from the project tailrace, approximates the instantaneous sum of inflow to the project reservoir. Instantaneous run-of-river operation may be modified if required by operating emergencies beyond the control of the licensee and for short periods of time upon mutual agreement between the licensee and the Maine Department of Environmental Protection.

(B) Ordering Paragraph (B) of the Order Approving Minimum Flow Release, issued February 11, 1987, requiring ramping rate plan, is superseded by the following:

The licensee, after consultation with the Maine Department of Environmental Protection (DEP), shall develop a plan to monitor inflow to and outflow from the Benton Falls project. The plan must be filed with the Commission for approval within 3 months from the date of issuance of this order. Included in this filing must be comments from the DEP on the plan or a letter dated no later than 45 days from the date of this order requesting agency comments on the plan.

(C) This order is issued under the authority delegated to the Director and is final, unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.