

APPENDIX 1-6-1

FERC ORDER GRANTING EXEMPTION FROM LICENSING  
ISSUED FEBRUARY 19, 1985

(We apologize for the poor quality of the copy.  
This condition is the best quality that could be provided from FERC library)

- 2 -

conditions referred to in Article 4 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption. <sup>4/</sup>

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) The Hunts Pond Dam Project No. 8012 as described and designated in Mason & Parker Manufacturing Company, Inc.'s application filed on September 7, 1984, is exempted from all of the requirements of Part 1 of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12:

<sup>4/</sup> An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

SO ERCC 162, 181

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Mason & Parker Manufacturing Company, Inc. ) Project No. 8012-001

ORDER GRANTING EXEMPTION FROM LICENSING OF A  
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

( Issued February 19, 1985 )

The Applicant <sup>1/</sup> filed an application for exemption from all or part of Part 1 of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. <sup>2/ 3/</sup>

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and motions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and

<sup>1/</sup> Mason & Parker Manufacturing Company, Inc, Project No. 8012, filed September 7, 1984.

<sup>2/</sup> Pub. Law 96-294, 94 Stat. 411. Section 408 of the ESA amends ~~inter alia~~ Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

<sup>3/</sup> Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984) (Errata issued July 27, 1984), (to be codified at 18 C.F.R. §375.314). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

EO-3-4

LHM Certification Application

Hunts Pond Dam

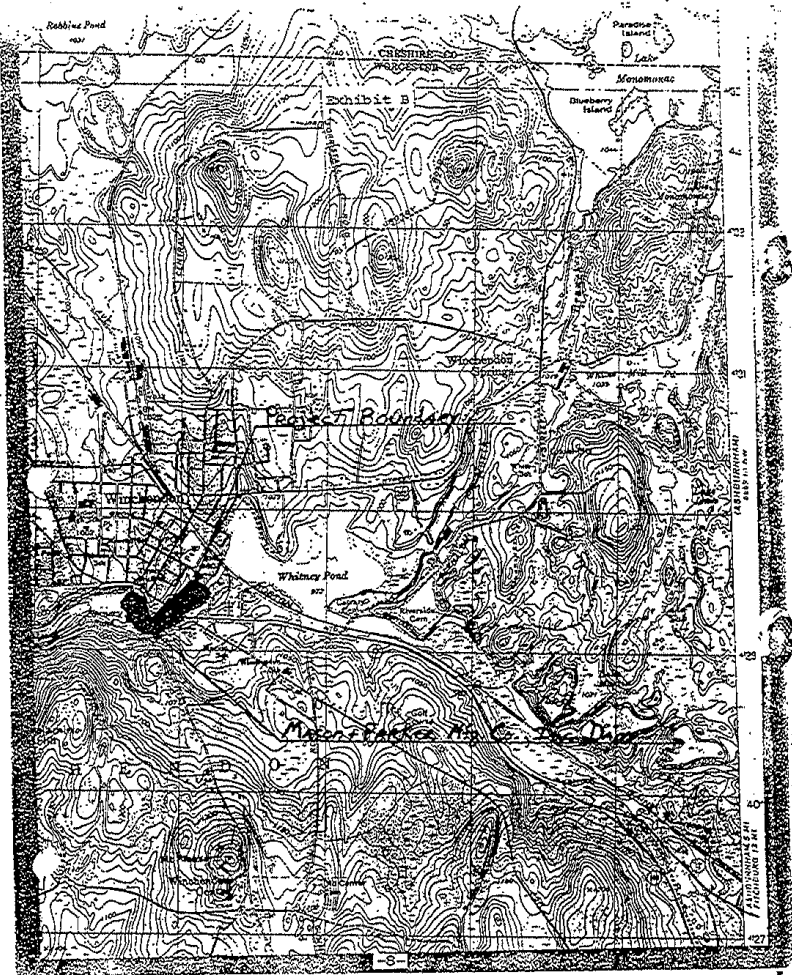
Submitted by Owner: Winchendon Hydroelectric LLC

Appendix 1 Page 8 of 72

3/11/2014

- D3a. Agency Comments - The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file 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 Fish 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.

Kenneth F. Plumb  
Secretary



UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Office of Application Filings with the Commission  
December 13, 1985

The notice that the Filing of Hydroelectric Application  
has been filed with the public inspection  
and is available for public inspection

- a. Type of Application: Exemption (30% or less)
- b. Project No: 8017-001
- c. Date filed: September 7, 1985
- d. Applicant: Mason & Parker Manufacturing Company, Inc.
- e. Name of project: Stone Pond Dam Project
- f. Location: On the Millers River, in the town of Hildesdon, Worcester County, Vermont.
- g. Filing Purpose: For Section 408 of the Energy Security Act of 1975 (Pub. Law 94-142).
- h. Owner: Hephart, Charles Andrew, Mason & Parker Manufacturing Company, 28 Front Street, Hildesdon, Massachusetts 01113
- i. Contact Name: Jack Ross
- j. Description of Project: The proposed project would consist of construction of a dam, 181-foot-long, concrete Stone Pond Dam (D) the height of 20 feet, and a 2,500-hp generator. The dam would be located on the Millers River, a tributary of the Connecticut River, in the town of Hildesdon, Worcester County, Vermont. The dam would be 120 feet long and 20 feet high. The dam would be constructed of concrete and would have a crest width of 12 feet. The dam would be constructed in accordance with the design of the applicant. The estimated cost of construction of the project would be \$3,450,000.
- k. Subject of Project: All hydroelectric projects would be subject to the Federal Energy Regulatory Commission's jurisdiction under the Federal Power Act, 16 U.S.C. 811-818.
- l. Authority: The dam is located on the following land: Map of Vermont, 1985, at 45° N, 72° W.
- m. Purpose of Filing: For exemption, if issued, giving the project priority of construction, from Section 408 of the Energy Security Act of 1975, for the purpose of the project. The project would not be subject to the requirements of the Energy Security Act of 1975. The project would not be subject to the requirements of the Energy Security Act of 1975.

100-211

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

*Quentin A. Edson*  
Quentin A. Edson  
Director, Office of  
Hydropower Licensing

**§ 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:

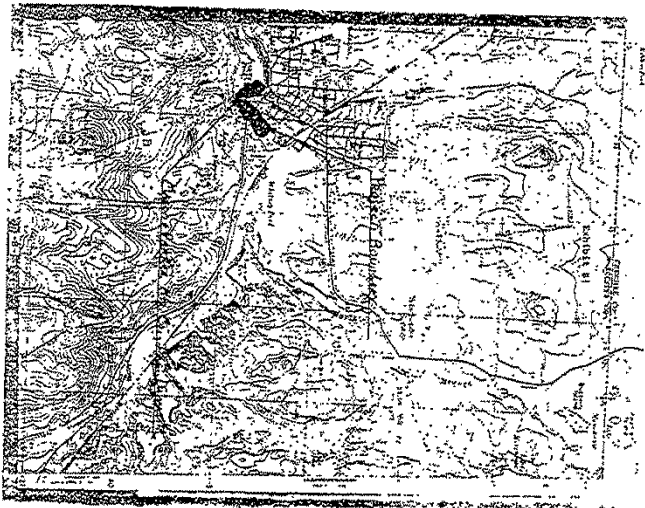
(a) **Article 1.** The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. 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 Z 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.

012. **FISH AND WILDLIFE COORDINATION ACT.** The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Wildlife Agencies are authorized to issue orders within 100 miles of the energy facility and to require any fish and wildlife resources or habitats to be protected or restored. Any fish and wildlife resources or habitats that are required to be protected or restored must be clearly identified in the agency's determination. The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Wildlife Agencies are authorized to issue orders within 100 miles of the energy facility and to require any fish and wildlife resources or habitats to be protected or restored. Any fish and wildlife resources or habitats that are required to be protected or restored must be clearly identified in the agency's determination. The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Wildlife Agencies are authorized to issue orders within 100 miles of the energy facility and to require any fish and wildlife resources or habitats to be protected or restored. Any fish and wildlife resources or habitats that are required to be protected or restored must be clearly identified in the agency's determination.

Yoneda K. Pihun  
Secretary



(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.

P-8012-001

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission  
(December 13, 1984)

Take notice that the following hydroelectric application  
has been filed with the Federal Energy Regulatory Commission  
and is available for public inspection:

FEDERAL ENERGY REGULATORY COMMISSION  
RECEIVED  
JAN - 7 1985  
NEW YORK, N. Y.

DC-A-21

- M.P.S.*
- a. Type of Application: Exemption (SMW or Less)
  - b. Project No: 8012-001
  - c. Date Filed: September 7, 1984
  - d. Applicant: Mason & Parker Manufacturing Company, Inc.
  - e. Name of Project: Bunts Pond Dam Project
  - f. Location: On the Millers River, in the Town of Winchendon, Worcester County, Massachusetts
  - g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. §§2705 and 2708 as amended.
  - h. Contact Person: Charles Andrews, Mason & Parker Manufacturing Company, 28 Front Street, Winchendon, Massachusetts 01475
  - i. Comment Date: JAN 28 1985
  - j. Description of Project: The proposed project would consist of: (1) the existing 16-foot-high, 184-foot-long, concrete Bunts Pond Dam; (2) the impoundment having a surface area of 13 acres, a storage capacity of 120 acre-feet, and a normal water surface elevation of 954.4 feet NGVD; (3) a proposed intake structure; (4) a proposed powerhouse containing two generating units having a total installed capacity of 120 kW; (5) a proposed 200-foot-long 4.16-kV transmission line; and (6) appurtenant facilities. The applicant estimates that the annual generation would be 593,663 kWh. The estimated costs of constructing this project would be \$250,000.
  - k. Purpose of Project: All project power generated would be sold to the Massachusetts Electric Company.
  - l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3A
  - m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, 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.

LHI Certification Application

Hunts Pond Dam

Submitted by Owner: Winchendon Hydroelectric LLC

Appendix 1 Page 13 of 72

3/11/2014

A1. Exemption for Small Hydroelectric Power Project under SMW Capacity -- Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A9. Notice of intent -- A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

LHI Certification Application

Hunts Pond Dam

Submitted by Owner: Winchendon Hydroelectric LLC

Appendix 1 Page 14 of 72

3/11/2014

B. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents - Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred S. Springer, Director, Division of Project Management Branch, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.