

UNITED STATES OF AMERICA 53 ferc 62, 177  
FEDERAL ENERGY REGULATORY COMMISSION

Niagara Mohawk Power Corporation      Project No. 2424-001  
New York

ORDER GRANTING EXEMPTION FROM LICENSING  
(CONDUIT)  
(Issued November 27,1990)

On April 21, 1989, Niagara Mohawk Power Corporation filed an application to exempt the Hydraulic Race Project from the licensing requirements set forth in Part I of the Federal Power Act. The Hydraulic Race Project is currently operated under the terms of license issued December 9, 1964. The small hydropower project is described in the attached public notice. The comments of interested agencies and individuals, including the U.S. Fish and Wildlife Service and the state fish and wildlife agency, have been fully considered in determining whether to issue this exemption from licensing.

Article 2 of this exemption requires compliance with the terms and conditions prepared by federal or state fish and wildlife agencies to protect fish and wildlife resources. These mandatory terms and conditions are contained in any attached letters commenting on the exemption application. If contested, the Commission will determine whether any mandatory term or condition is outside the scope of article 2.

Preparation of an environmental assessment or an environmental impact statement is not required for this project pursuant to 380.4(a)(14) of the regulations. Nonetheless, we have considered the mandatory terms and conditions designed to protect fish and wildlife resources, the environmental information in the exemption application and other public comments and find that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The Hydraulic Race Project is exempted, effective July 1, 1991, which is the day following the expiration of the current license, from the licensing requirements of Part I of

the Federal Power Act, subject to the attached standard articles. See section 4.94 of the Commission's regulations.

(B) Article 2 of this exemption is amended to include the National Marine Fisheries Service as a fish and wildlife agency that can provide terms and conditions.

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(C) The exemptee shall serve copies of any Commission filing required by this order on any entity specified in this order to be consulted on matters related to that filing. Proof of service on these entities must accompany the filing with the Commission.

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

Dean L. Shumway  
Director, Division of  
Project Review

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission

(August 13, 1989)

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

- a. Type of Application: Conduit Exemption
- b. Project No.: 2424-001
- c. Date Filed: April 21, 1989
- d. Applicant: Niagara Mohawk Power Corporation
- e. Name of Project: Hydraulic Race
- f. Location: On the New York State Barge Canal, in the City of Lockport, Niagara County, New York
- g. Filed Pursuant to: Federal Power Act, Section 3016 U.S.C. 791 (a) 825(r)
- h. Applicant Contact: Jerry Sabattis  
300 Erie Boulevard West  
Syracuse, NY 13202  
(315) 428-5582
- i. FERC Contact: Charles T. Raabe (tag) (202) 357-0811
- j. Comment Date: September 24, 1990
- k. Description of Project: The existing, operating project consists of: (1) a concrete-lined, horseshoe-shaped, 140-foot-long, 12-foot-wide, 12.5-foot-high tunnel; (2) a 100-foot-long, 13-foot-diameter steel penstock; (3) a 54-foot-long, 46-foot-wide, 50-foot-high steel and brick powerhouse containing a generating unit rated at 4,687-kW; (4) a 500-foot-long tailrace; and (5) appurtenant facilities.

The New York State Department of Transportation is responsible for the operation of Locks 34 and 35 and for maintaining operating water levels in the downstream section of the canal. Control of water release and the resulting generation from the project is achieved by the Barge Canal Lock Operator adjusting the discharge of water from the barge canal.

Although the single adjustable blade Kaplan unit has a rated capacity of 4687-kW at 46 feet head, the maximum capability is 3400-kW at a flow of 1080 cfs due to hydraulic limitations in the conduit system. An average of between 600 to 800 cfs has been utilized for generation in recent years. The project's average annual generation is 11,000,000-kWh.

Generation is limited to the navigation season which is from approximately May 1 to December 1 each year. During the non-navigation season, the canal is dewatered. Energy produced by the project is used by applicant within its

distribution system.

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1. This notice also consists of the following standard paragraphs: B, C, and D3b.