

Project No. 2528-046

existing headgate structure with concrete plugs, and backfill an existing covered flume connected to the headgate. The project's operation, including minimum flow requirements will not be affected by this proposal.

AGENCY CONSULTATION

Before filing the amendment application, CMP consulted with various federal, state, and local agencies on the proposed amendment. Those agencies who provided written comments include: the U.S. Fish and Wildlife Service, Atlantic Salmon Federation, National Marine Fisheries Service, Maine State Planning Office, Maine Department Of Marine Resources, Maine Historic Preservation Commission, Maine Department of Environmental Protection, and the Maine Department of Conservation. None of these agencies object to the proposed action.

We issued a public notice of the license amendment application with March 17, 1997, as the last day to file comments, motions to intervene, or protests. No comments, protests or motions to intervene were filed.

DISCUSSION

In general, CMP proposes to delete the following features from the license: an existing powerhouse containing two generating units, existing penstocks, a new headgate structure, and appurtenant facilities. CMP indicates that the authorized headgate structure has not been constructed and that the existing NKL powerhouse has not been rehabilitated. As part of its proposal, CMP plans to backfill and seal an existing headgate structure at the site and abandon an existing covered flume connected to the headgate structure. Further, the licensee proposes to extend an existing fish attraction flow pipe between the flume and the intake for the headgate structure. This approximately 300-foot-long section of pipe would be installed within the covered flume and would ensure that authorized attraction flows continue after the subject project works are deleted from the license.

The licensee states the above generating units have not operated since the project license was issued on June 29, 1989, and the proposed amendment will not affect environmental resources or current project operations, including the project's

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minimum flow requirements. Further, the licensee indicates that the proposed amendment will not affect its ability to comply with license requirements.

In its previous filing for the extension of time for start of construction, CMP provided detailed economic analysis which showed the proposed rehabilitation would not be economically beneficial. In addition, CMP stated that a portion of flows that would have been used by the NKL powerhouse, are now used for generation at the project's East Channel powerhouse.

Environmental Findings

During the licensing proceeding, the Commission prepared an environmental assessment(EA) for the project.³ The EA evaluated the potential environmental effects of the project, including the addition of the NKL powerhouse and associated facilities. Given that the above project works were not rehabilitated and are not in operation as authorized in the project license, the environmental effects associated with these facilities are less than contemplated in the EA.

The licensee plans to seal the existing headgate structure with a concrete plug and 10 feet of granular fill and to extend an existing fish attraction flow pipe within the existing covered flume. The flume will remain covered in its present location. The proposed work will occur within the existing structures, will not involve any ground-disturbing activities and is expected to last only a short time. For these reasons, the environmental impact of the amendment proposal should be negligible.

SUMMARY

The deletion of the NKL powerhouse and associated facilities from the Cataract Project would not have any adverse environmental impacts. The proposed amendment would reduce the installed capacity of the Cataract Project from 7,550 kW to 6,650 kW.

Based on our review of the agency comments and our independent analysis, we conclude that approving this amendment doesn't materially affect the Commission's determination that the Cataract Project is best adapted to a comprehensive development

3 / Environmental Assessment, Cataract Hydroelectric Project, FERC No. 2528-003, Maine, issued June 9, 1989.

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for the waterway.

This order approves the amendment of license, and revises the annual charges of the project for the administration of Part I of the FPA, effective the first day of the month in which this order is issued.

The Director orders:

(A) The license for the Cataract Project, FERC No. 2528, is amended as provided in this order, effective the first day of the month in which this order is issued.

(B) Exhibits: The revised exhibit A, and the following exhibit F and G drawings, filed on November 19, 1996, conform to the Commission's Rules and Regulations, and are approved and made a part of the license:

Exhibit	FERC No.	Title	Superseding
F-3	2528-18	West Channel Dam Plan & Sections	2528-16
F-5	2528-19	NKL Powerhouse, Plans	2528-11
G-2	2528-20	Detail Map, Dams & Powerhouse Area	2528-17

(C) The old exhibit A, exhibit F-6 drawing (2528-12), and the superseded exhibit F and G drawings are deleted from the license.

(D) The project description found in paragraph (B)(2) of the license, is revised in part, as follows:

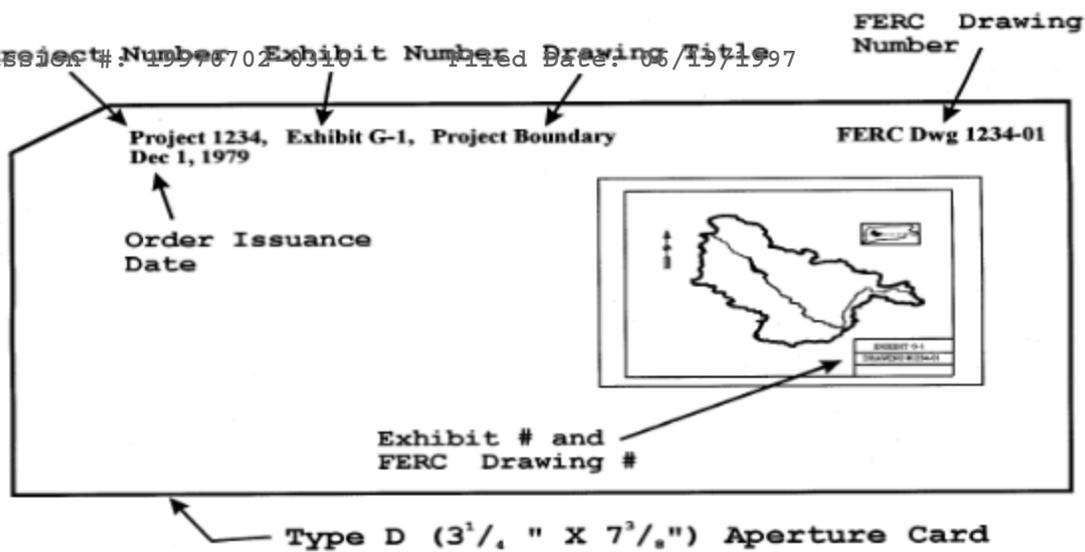
Section (B)(2)(f), which describes the NKL powerhouse is deleted.

Section (B)(2)(g) is revised to read "a concrete plugged and backfilled head gate structure and an abandoned 600-foot-long covered flume."

Section (B)(2)(i), which describes the electrical components and connections of the NKL powerhouse is deleted.

(E) License article 201, under paragraph (D) of the license is amended to read:

For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed



capacity for that purpose is 6,550 kilowatts.

(F) Within 90 days of the date of issuance of this order, the licensee shall file three original aperture cards of the approved drawing. All aperture cards should be reproduced on silver or gelatin 35 mm microfilm. All microfilm should be mounted on a Type D (3 1/4" x 7 3/8") aperture card.

Prior to microfilming, the FERC Drawing Number (2528-18 through 2528-20) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e. F-3, G-2), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

Two sets of aperture cards should be filed with the Secretary of the Commission. The remaining set of aperture cards should be filed with the Commission's New York Regional Office.

(G) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Kevin P. Madden
 Acting Director
 Office of Hydropower Licensing

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79 FERC • 62,187
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Maine Power Company) Project No. 2528-046

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES
(Issued June 19, 1997)

On November 19, 1996, Central Main Power Company (CMP), licensee for the Cataract Project, FERC No. 2528, filed an application to amend its license. 1/ The project is located on the Saco River, York County, Maine. In the filing, CMP is proposing to delete one of the project s generating stations known as the NKL powerhouse from the license.

BACKGROUND

The license for the Cataract Project authorized the addition and rehabilitation of the NKL powerhouse and associated facilities. The NKL powerhouse contains two generating units rated at 480 kW and 420 kW. CMP Article 301 of the license requires CMP to start construction within two years, and complete construction within four years, from the issuance date of the June 29, 1989 order. Due to unfavorable economic conditions, CMP requested and was granted a two-year extension of time until November 30, 1996, to start construction. 2/ In its filing, CMP explained the unfavorable economic conditions have not changed and has decided to delete the powerhouse from the license.

THE AMENDMENT

In its November 19, 1996, amendment application, CMP proposes the deletion of the NKL powerhouse and associated existing and proposed facilities from the license. This deletion would include: (1) an existing powerhouse near the West Channel Dam in mill building No.1 on the Factory Island housing two generating units, and (2) a proposed new headgate structure, two penstocks, and a surge chamber. CMP proposes to seal the existing headgate structure with concrete plugs, and backfill an existing covered flume connected to the headgate. The project s operation, including minimum flow requirements will not be affected by this proposal.

1/ 47 FERC •62,296 (1989).

2/ 59 FERC •62,263 (1992).

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AGENCY CONSULTATION

Before filing the amendment application, CMP consulted with various federal, state, and local agencies on the proposed amendment. Those agencies who provided written comments include: the U.S. Fish and Wildlife Service, Atlantic Salmon Federation, National Marine Fisheries Service, Maine State Planning Office, Maine Department Of Marine Resources, Maine Historic Preservation Commission, Maine Department of Environmental Protection, and the Maine Department of Conservation. None of these agencies object to the proposed action.

We issued a public notice of the license amendment application with March 17, 1997, as the last day to file comments, motions to intervene, or protests. No comments, protests or motions to intervene were filed.

DISCUSSION

In general, CMP proposes to delete the following features from the license: an existing powerhouse containing two generating units, existing penstocks, a new headgate structure, and appurtenant facilities. CMP indicates that the authorized headgate structure has not been constructed and that the existing NKL powerhouse has not been rehabilitated. As part of its proposal, CMP plans to backfill and seal an existing headgate structure at the site and abandon an existing covered flume connected to the headgate structure. Further, the licensee proposes to extend an existing fish attraction flow pipe between the flume and the intake for the headgate structure. This approximately 300-foot-long section of pipe would be installed within the covered flume and would ensure that authorized attraction flows continue after the subject project works are deleted from the license.

The licensee states the above generating units have not operated since the project license was issued on June 29, 1989, and the proposed amendment will not affect environmental resources or current project operations, including the project's minimum flow requirements. Further, the licensee indicates that the proposed amendment will not affect its ability to comply with license requirements.

In its previous filing for the extension of time for start of construction, CMP provided detailed economic analysis which showed the proposed rehabilitation would not be economically beneficial. In addition, CMP stated that a portion of flows that would have been used by the NKL powerhouse, are now used for generation at the project s East Channel powerhouse.

Environmental Findings

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During the licensing proceeding, the Commission prepared an environmental assessment(EA) for the project. 3/ The EA evaluated the potential environmental effects of the project, including the addition of the NKL powerhouse and associated facilities. Given that the above project works were not rehabilitated and are not in operation as authorized in the project license, the environmental effects associated with these facilities are less than contemplated in the EA.

The licensee plans to seal the existing headgate structure with a concrete plug and 10 feet of granular fill and to extend an existing fish attraction flow pipe within the existing covered flume. The flume will remain covered in its present location. The proposed work will occur within the existing structures, will not involve any ground-disturbing activities and is expected to last only a short time. For these reasons, the environmental impact of the amendment proposal should be negligible.

SUMMARY

The deletion of the NKL powerhouse and associated facilities from the Cataract Project would not have any adverse environmental impacts. The proposed amendment would reduce the installed capacity of the Cataract Project from 7,550 kW to 6,650 kW.

Based on our review of the agency comments and our independent analysis, we conclude that approving this amendment doesn't materially affect the Commission's determination that the Cataract Project is best adapted to a comprehensive development for the waterway.

This order approves the amendment of license, and revises the annual charges of the project for the administration of Part I of the FPA, effective the first day of the month in which this order is issued.

The Director orders:

(A) The license for the Cataract Project, FERC No. 2528, is amended as provided in this order, effective the first day of the month in which this order is issued.

(B) Exhibits: The revised exhibit A, and the following exhibit F and G drawings, filed on November 19, 1996, conform to the Commission's Rules and Regulations, and are approved and made a part of the license:

3/ Environmental Assessment, Cataract Hydroelectric Project, FERC No. 2528-003, Maine, issued June 9, 1989.

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Exhibit	FERC No.	Title	Superseding
F-3	2528-18	West Channel Dam Plan & Sections	2528-16
F-5	2528-19	NKL Powerhouse, Plans	2528-11
G-2	2528-20	Detail Map, Dams & Powerhouse Area	2528-17

(C) The old exhibit A, exhibit F-6 drawing (2528-12), and the superseded exhibit F and G drawings are deleted from the license.

(D) The project description found in paragraph (B) (2) of the license, is revised in part, as follows:

Section (B) (2) (f), which describes the NKL powerhouse is deleted.

Section (B) (2) (g) is revised to read a concrete plugged and backfilled head gate structure and an abandoned 600-foot-long covered flume.

Section (B) (2) (i), which describes the electrical components and connections of the NKL powerhouse is deleted.

(E) License article 201, under paragraph (D) of the license is amended to read:

For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 6,550 kilowatts.

(F) Within 90 days of the date of issuance of this order, the licensee shall file three original aperture cards of the approved drawing. All aperture cards should be reproduced on silver or gelatin 35 mm microfilm. All microfilm should be mounted on a Type D (3 1/4" x 7 3/8") aperture card.

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G-2), Drawing Title, and date of this order should be typed in the upper left corner of each aperture card. See Figure 1.

Figure 1. Sample Aperture Card Format

Two sets of aperture cards should be filed with the Secretary of the Commission. The remaining set of aperture cards should be filed with the Commission's New York Regional Office.

(G) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. • 385.713.

Kevin P. Madden
Acting Director
Office of Hydropower Licensing

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Maine Power Company)

Project No. 2528-046

ORDER AMENDING LICENSE AND REVISING ANNUAL CHARGES

JUN 19 1997

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1/ 47 FERC ¶62,296 (1989).

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for
JUN 19 1997

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Before filing the amendment application, CMP consulted with various federal, state, and local agencies on the proposed amendment. Those agencies who provided written comments include: the U.S. Fish and Wildlife Service, Atlantic Salmon Federation, National Marine Fisheries Service, Maine State Planning Office, Maine Department Of Marine Resources, Maine Historic Preservation Commission, Maine Department of Environmental Protection, and the Maine Department of Conservation. None of these agencies object to the proposed action.

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This order approves the amendment of license, and revises the annual charges of the project for the administration of Part I of the FPA, effective the first day of the month in which this order is issued.

The Director orders:

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^{3/} Environmental Assessment, Cataract Hydroelectric Project, FERC No. 2528-003, Maine, issued June 9, 1989.

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(B) Exhibits: The revised exhibit A, and the following exhibit F and G drawings, filed on November 19, 1996, conform to the Commission's Rules and Regulations, and are approved and made a part of the license:

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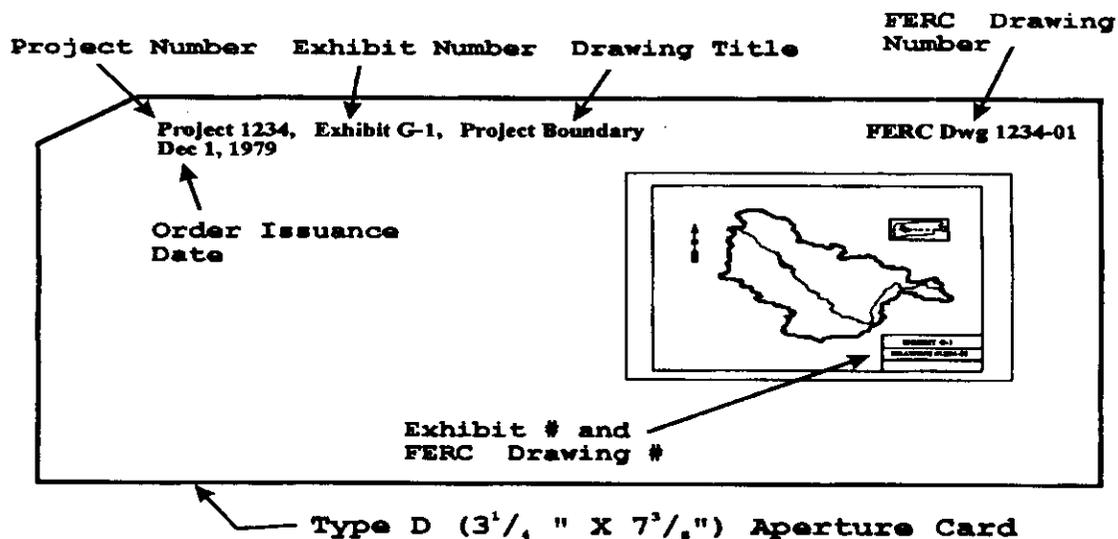


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Joseph P. Madden

Kevin P. Madden
Acting Director
Office of Hydropower Licensing

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