

LOW IMPACT HYDROPOWER INSTITUTE APPLICATION

Dexter Hydroelectric Project (FERC NO. 2695)



Prepared for:

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1.0 FACILITY DESCRIPTION

1.1 Project Description

1.1.1 Project Overview

The Dexter Hydroelectric Project (Dexter or Project) is located on the Black River in Jefferson County, New York and is owned and operated by Exemptee, Hydro Development Group Acquisition, LLC (HDG or Exemptee) (Photo 1). The Black River is located in the Black River Watershed and is 125 miles long. The Dexter dams were originally built around 1900 by the Dexter Sulphite Pulp and Paper Company and is located at river mile (RM) 1.5. Historic documentation¹ indicates that HDG acquired the project in 1978. In 1982, the Project was exempted from licensing by the Federal Energy Regulatory Commission (FERC) (No. 2695) by HDG. Since that time several changes in ownership have occurred:

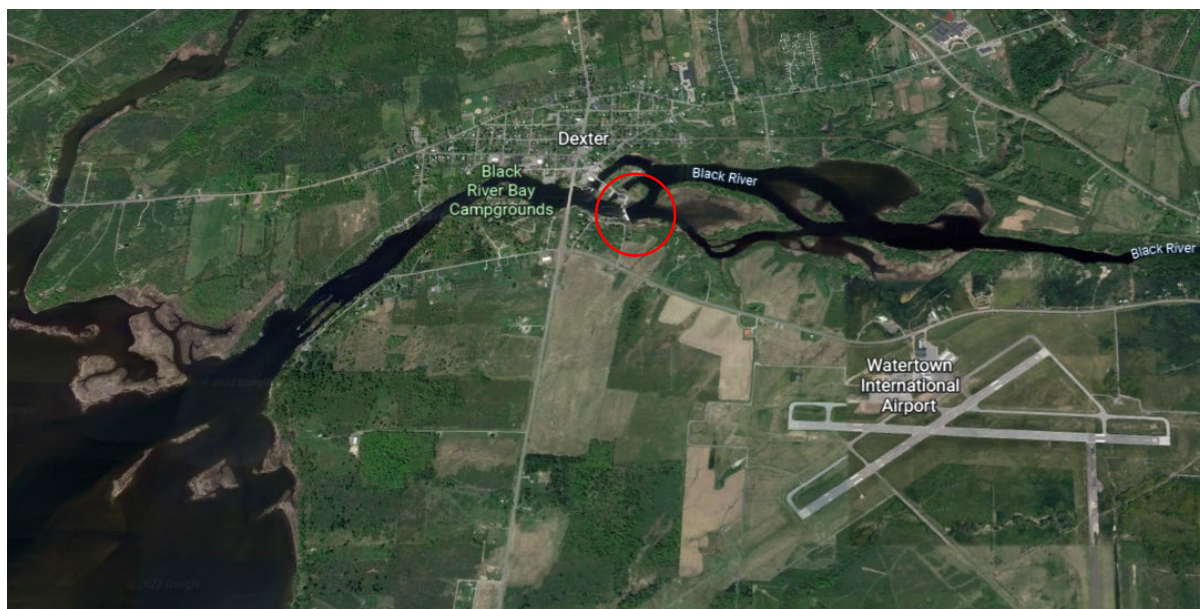
- Consolidated Hydro, Inc. (CHI) acquired HDG in 1995. CHI was reorganized as CHI Energy, Inc. in about 1998.
- CHI Energy, Inc. was acquired by Enel S.P.A. in December 2000, and renamed Enel North America, Inc. (ENA). ENA went through subsequent name changes over time, but remained the same company.
- The exemption transferred from HDG to Hydro Development Group Acquisition, LLC in March 2015 by “Merger of Transferor into Transferee with Transferee surviving” (150 FERC ¶ 62,210). This was part of a large reorganization of Enel Green Power North America, Inc.
- Central Rivers Power (CRP) acquired the Dexter Project (as part of a larger fleet of hydro assets) in January, 2020, but did not change the Exemptee name.
- LS Power acquired the majority of CRP’s hydropower assets in late December 2022, and formed Patriot Hydro, LLC to which HDG is a subsidiary.

The exemption was amended in 1985 to redevelop the project through retirement of three turbine units and installation of six new units, a new substation, a new transmission line, and relocation of the upstream fish ladder at Dam#18. In response to FERC’s

¹ [Village of Dexter Local Waterfront Revitalization Program](#) (1985)

Environmental Assessment², USFWS³ supported relocation of the fish ladder. The EA also cites telephone conversations with NYSDEC indicating that the project would not significantly affect resources (See Section 3.2).

The Project consists of: 1) three reinforced concrete gravity type dams, one 12-foot-high and 141.5-foot-long, one 8-foot-high and 145-foot-long, and one 12-foot-high and 433-foot-long, each surmounted with flashboards; 2) an impoundment covering 120 acres at elevation 262.5 feet (ft.) mean sea level (msl) and having a storage capacity of 120 acre-feet; 3) three existing powerhouses containing six turbine/generating units with a total capacity of 4,325 kW and all operating under a head of 14 feet; 4) a 2.3-kV, 450-foot-long transmission line, and 5) appurtenant facilities.



**Photo 1 Dexter Project Location, first dam on the Black River
(Source: Google Earth)**

² FERC issued a preliminary and [final Environmental Assessment](#).

³ [USFWS letter dated March 14, 1986](#).

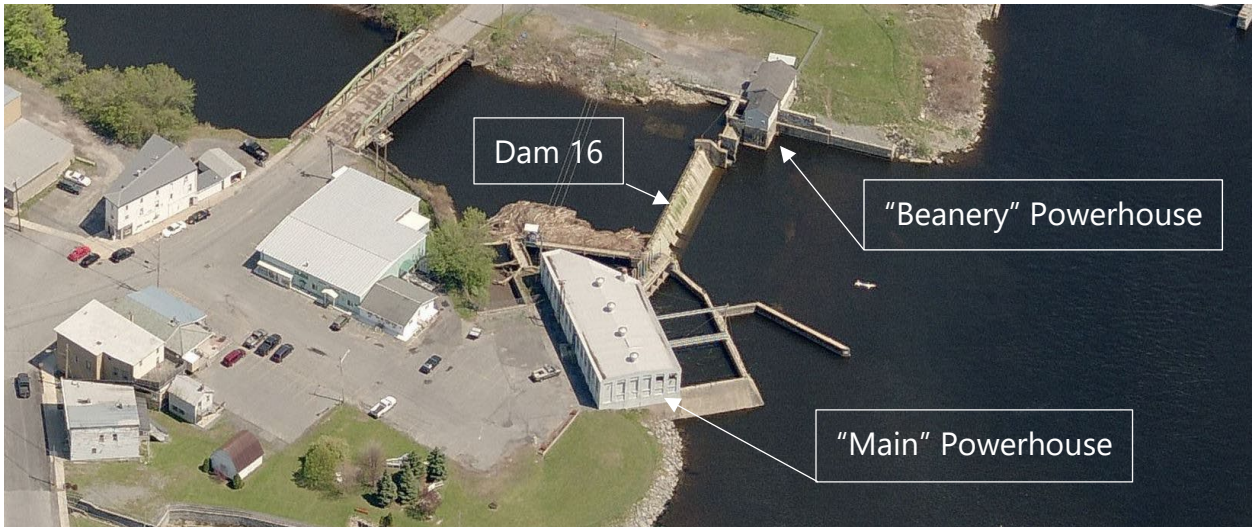


Photo 2 Aerial View of the Dexter Project's "Beanery" powerhouse and "Main" powerhouse



Photo 3 Dexter Project's "Beanery" Dam 16, spillway looking from "Main" powerhouse



Photo 4 Dexter Project's Dam 17



Photo 5 Aerial View of the Dexter Project's "Frontenac" powerhouse (river right of Dam 18) and Appurtenant Facilities



Photo 6 **Fish Ladder at Dam 18**

1.2 Facility Information – Dexter Project

Table 1 Facility Information

Item	Information Requested	Response (include references to further details)
Name of the Facility	Facility name (use FERC project name or other legal name)	Dexter Hydropower Project (FERC No. 2695)
Reason for applying for LIHI Certification	<ol style="list-style-type: none"> To participate in state RPS program To participate in voluntary REC market (e.g., Green-e) To satisfy a direct energy buyer’s purchasing requirement To satisfy the facility’s own corporate sustainability goals For the facility’s corporate marketing purposes Other (describe) 	<ol style="list-style-type: none"> To potentially participate in the New York RPS programs 100% of the facility production for RECs expected upon LIHI certification. To potentially participate in voluntary REC market. To possibly satisfy a direct energy buyer’s purchasing requirement. Also satisfy HDG’s goals.
	If applicable, amount of annual generation (MWh and % of total generation) for which RECs are currently received or are expected to be received upon LIHI Certification	N/A
Location	River name (USGS proper name)	Black River
	Watershed name - Select region, click on the area of interest until the 8-digit HUC number appears. Then identify watershed name and HUC-8 number from the map at: https://water.usgs.gov/wsc/map/index.html	Black - 04150101
	Nearest town(s), county(ies), and state(s) to dam	Village of Dexter, Town of Haunsfeld, Jefferson County, New York
	River mile of dam above mouth	River mile 1.5
	Geographic latitude and longitude of dam	Lat: 44.005 Long: -76.0441

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Item	Information Requested	Response (include references to further details)
Facility Owner	Application contact names	See Section 5.0
	Facility owner company and authorized owner representative name.	Hydro Development Group Acquisition, LLC
	For recertifications: If ownership has changed since last certification, provide the effective date of the change.	N/A
	FERC licensee company name (if different from owner)	N/A
Regulatory Status	FERC Project Number (e.g., P-xxxxx), issuance and expiration dates, or date of exemption	FERC P-2695 License exemption issued by FERC June 4, 1982 ⁴ and amended August 5, 1986 ⁵
	FERC license type (major, minor, exemption) or special classification (e.g., "qualified conduit", "non-jurisdictional")	Exemption
	Water Quality Certificate identifier, issuance date, and issuing agency name. Include information on amendments.	DEC #623-06-0252 May 19, 1980 New York State Department of Environmental Conservation Copy of the WQC is in Attachment C

⁴ [19 FERC 161,229](#)

⁵ [36 FERC 162,133](#)

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Item	Information Requested	Response (include references to further details)																
	Hyperlinks to key electronic records on FERC e-Library website or other publicly accessible data repositories ⁶	1982 Exemption Order 1986 Exemption Order Amendment 1997 Exemption Clarification Order 2015 Exemption Transfer from Enel to HDG																
Powerhouse	Date of initial operation (past or future for pre-operational applications)	<p>Information about historic configuration and operations is not readily available but the exemption references operations going back to the 1940s.</p> <p>Redeveloped by HDG as a result of 1986 amendment and operated in current configuration since completion of construction in 1988.</p>																
	Total installed capacity (MW)	<table border="0"> <tr><td>Frontenac 1</td><td>1400</td></tr> <tr><td>Frontenac 2</td><td>1400</td></tr> <tr><td>Beanery</td><td>225</td></tr> <tr><td>Main 4</td><td>450</td></tr> <tr><td>Main 5</td><td>450</td></tr> <tr><td>Main 6</td><td>200</td></tr> <tr><td>Main 7</td><td>200</td></tr> <tr><td>TOTALS</td><td>4325 kW</td></tr> </table>	Frontenac 1	1400	Frontenac 2	1400	Beanery	225	Main 4	450	Main 5	450	Main 6	200	Main 7	200	TOTALS	4325 kW
Frontenac 1	1400																	
Frontenac 2	1400																	
Beanery	225																	
Main 4	450																	
Main 5	450																	
Main 6	200																	
Main 7	200																	
TOTALS	4325 kW																	
	For recertifications: Indicate if installed capacity has changed since last certification	N/A																

⁶ For example, the FERC license or exemption, recent FERC Orders, Water Quality Certificates, Endangered Species Act documents, Special Use Permits from the U.S. Forest Service, 3rd-party agreements about water or land management, grants of right-of-way, U.S. Army Corps of Engineers permits, and other regulatory documents. If extensive, the list of hyperlinks can be provided separately in the application.

Item	Information Requested	Response (include references to further details)
	Average annual generation (MWh) and period of record used	10-year average annual generation is 16,244 MWh
	For recertifications: Indicate if average annual generation has changed since last certification	N/A
	<u>Mode of operation</u> (run-of-river, peaking, pulsing, seasonal storage, diversion, etc.)	Run-of-river
	For recertifications: Indicate if mode of operation has changed since last certification	N/A
	Number, type, and size of turbine/generators, including maximum and minimum hydraulic capacity and maximum and minimum output of each turbine and generator unit	Seven turbine/generating units with a total capacity of 4,325 kW Dam 16 "Beanery" powerhouse, 1 unit vertical. Dam 16 "Main" powerhouse, 4 units horizontal. Dam 18 "Frontenac" powerhouse, 2 units inclined.
	Trashrack clear spacing (inches) for each trashrack	Dam 16 Beanery – Space between bars is 2" Dam 16 Main Plant- Primary racks—Space between bars is 1 ¾" Auxiliary racks—Space between bars is 2" Dam 18 Frontenac – Space between bars is 1 1/3"
	Approach water velocity (ft/s) at each intake if known	unknown

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Item	Information Requested	Response (include references to further details)
	Dates and types of major equipment upgrades	-Unit 1 Full unit rebuild- 2022-2023 -Unit 2 full unit rebuild – 2022-2023 -Beanery Gearbox rebuild – 2021
	For recertifications: Indicate only those since last certification	N/A
	Dates, purpose, and type of any recent operational changes	No recent operational changes have occurred
	For recertifications: Indicate only those since last certification	N/A
	Plans, authorization, and regulatory activities for any facility upgrades or license or exemption amendments	<p>Beanery Intake retaining wall repairs, to extend the retaining wall an additional 6 feet upstream to further improve the existing stone retaining wall in this area. Approved June 27, 2022⁷.</p> <p>Height of flashboards increased from 30-inches to 3-foot, 2-foot-, and 3-foot for dams 16, 17, 18, respectively on May 7, 1997⁸.</p> <p>Fill abandoned canal at Beanery Plant with clean fill, construct new concrete retaining wall at head of canal, and regrade downstream end of abandoned canal. Approved by NYRO on August 2, 1994.⁹</p>

⁷ <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=C7085067-89F0-C6E3-9579-81A659B00000>

⁸ <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=000642D0-66E2-5005-8110-C31FAFC91712>

⁹ https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=19940822-0122

Item	Information Requested	Response (include references to further details)
<p>Dam or Diversion</p>	<p>Date of original dam or diversion construction and description and dates of subsequent dam or diversion structure modifications</p>	<p>Built in 1900; historic records do not indicate how the layout of the dams currently compare to those from 1900, but an Inventory and Analysis of the Village of Dexter Local Waterfront Revitalization Program¹⁰ (approved by the State in 1985) indicates that the dams historically provided water power to former pulp and paper mills.</p>
	<p>Dam or diversion structure length, height including separately the height of any flashboards, inflatable dams, etc. and describe seasonal operation of flashboards</p>	<p>Three (3) concrete gravity dams:</p> <ol style="list-style-type: none"> 1. Dam No. 16: 12-ft-high and 141.5-ft-long with crest El. 259.5 ft. msl. 2. Dam No. 17: 8-ft-high and 145-ft-long with crest El. 260.5 ft. msl. 3. Dam No. 18: 12-ft-high and 433-ft-long with crest El. 259.5 ft. msl. <p>All three dams include flashboards that maintain the elevation at 262.5ft. msl. As follows:</p> <ol style="list-style-type: none"> 1. Dam No. 16: 3-foot-high flashboards 2. Dam No. 17: 2-foot-high flashboards 3. Dam No. 18: 3-foot-high flashboards <p>Flashboards are installed year-round.</p>

¹⁰ https://dos.ny.gov/system/files/documents/2020/08/village-of-dexter_compressed-1.pdf

Item	Information Requested	Response (include references to further details)
	Spillway maximum hydraulic capacity	The project is operated at run-of-river. The spillway maximum hydraulic capacity is crest of flashboards.
	Length and type of each penstock and water conveyance structure between the impoundment and powerhouse	All powerhouses are integral to their respective dams (16 and 18; dam 17 has no associated powerhouse)
	Designated facility purposes (e.g., power, navigation, flood control, water supply, etc.)	Hydroelectric power generation
Conduit Facilities Only	Date of conduit construction and primary purpose of conduit	N/A
	Source water	N/A
	Receiving water and location of discharge	N/A
Impoundment and Watershed	Authorized maximum and minimum impoundment water surface elevations	Maximum 262.5 feet msl Minimum 259.5 feet msl
	For recertifications: Indicate if these values have changed since last certification	N/A
	Normal operating elevations and normal fluctuation range	262.5 feet msl
	For recertifications: Indicate if these values have changed since last certification	N/A
	Gross storage volume and surface area at full pool	Gross storage volume: 120 Acre-ft Surface area: 120 acres
	For recertifications: Indicate if these values have changed since last certification	N/A
	Usable storage volume and surface area	No useable storage, project is operated as run-of-river

Item	Information Requested	Response (include references to further details)
	For recertifications: Indicate if these values have changed since last certification	N/A
	Describe requirements related to impoundment inflow and outflow, elevation restrictions (e.g., fluctuation limits, seasonality) up/down ramping and refill rate restrictions.	Must operate as a ROR project and maintain 262.5-foot msl impoundment level
	Upstream dams by name, ownership (including if owned by an affiliate of the applicant’s company) and river mile. If FERC licensed or exempt, please provide FERC Project number of these dams. Indicate which upstream dams have downstream fish passage.	Please see Table 2 below for details.
	Downstream dams by name, ownership (including if owned by an affiliate of the applicant’s company), river mile and FERC number if FERC licensed or exempt. Indicate which downstream dams have upstream fish passage	The Dexter Project is the first dam on the Black River, there are no other dams downstream.
	Operating agreements with upstream or downstream facilities that affect water availability and facility operation	None
	Area of land (acres) and area of water (acres) inside FERC project boundary or under facility control. Indicate locations and acres of flowage rights versus fee-owned property.	Area of land within Project boundary: 49.08 acres Area of water within Project boundary: 278.50 acres Total area inside Project boundary: 327.58 acres

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Item	Information Requested	Response (include references to further details)																									
Hydrologic Setting	Average annual flow at the dam, and period of record used	<p>The average annual flow at the dam for the last 10 years (taken from the USGS 04260500 Black River at Watertown NY gage):</p> <table border="1" data-bbox="992 520 1300 1087"> <thead> <tr> <th>Water Year</th> <th>Discharge CFS</th> </tr> </thead> <tbody> <tr><td>2012</td><td>3,728</td></tr> <tr><td>2013</td><td>4,078</td></tr> <tr><td>2014</td><td>5,335</td></tr> <tr><td>2015</td><td>3,984</td></tr> <tr><td>2016</td><td>3,943</td></tr> <tr><td>2017</td><td>5,557</td></tr> <tr><td>2018</td><td>4,636</td></tr> <tr><td>2019</td><td>5,363</td></tr> <tr><td>2020</td><td>4,443</td></tr> <tr><td>2021</td><td>3,808</td></tr> <tr><td>2022</td><td>5,608</td></tr> </tbody> </table>	Water Year	Discharge CFS	2012	3,728	2013	4,078	2014	5,335	2015	3,984	2016	3,943	2017	5,557	2018	4,636	2019	5,363	2020	4,443	2021	3,808	2022	5,608	
	Water Year	Discharge CFS																									
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Average monthly flows and period of record used	<p>The mean monthly flows at the dam for the last 10 years (taken from the USGS 04260500 Black River at Watertown NY gage):</p> <table border="1" data-bbox="992 1297 1390 1837"> <thead> <tr> <th>Month</th> <th>CFS</th> </tr> </thead> <tbody> <tr><td>January</td><td>5237</td></tr> <tr><td>February</td><td>4607</td></tr> <tr><td>March</td><td>5820</td></tr> <tr><td>April</td><td>8737</td></tr> <tr><td>May</td><td>4714</td></tr> <tr><td>June</td><td>3890</td></tr> <tr><td>July</td><td>3031</td></tr> <tr><td>August</td><td>2292</td></tr> <tr><td>September</td><td>1623</td></tr> <tr><td>October</td><td>3625</td></tr> <tr><td>November</td><td>5243</td></tr> <tr><td>December</td><td>5375</td></tr> </tbody> </table>	Month	CFS	January	5237	February	4607	March	5820	April	8737	May	4714	June	3890	July	3031	August	2292	September	1623	October	3625	November	5243	December	5375
Month	CFS																										
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Item	Information Requested	Response (include references to further details)
	Location and name of closest stream gaging stations above and below the facility	USGS 04260500 BLACK RIVER AT WATERTOWN NY – which is located upstream of the project USGS Current Conditions for USGS 04260500 BLACK RIVER AT WATERTOWN NY
	Watershed area at the dam (in square miles). Identify if this value is prorated from gage locations and provide the basis for proration calculation.	4945.2 sq. miles
	Other facility specific hydrologic information (e.g., average hydrograph)	Run-of-river operation is achieved based upon headpond sensor and PLC such that units are ramped up, down, or taken off line to maintain impoundment level at the 262.5 elevation setpoint.
Designated Zones of Effect	Numbers and names of each zone of effect (e.g., "Zone 1: Impoundment")	Zone 1: Impoundment Zone 2: Left/North Bypass at Dam 16 Zone 3: Bifurcated Bypass at Dams 17 and 18 Zone 4: Tailwater/Downstream Reach
	River mile of upstream and downstream limits of each zone of effect (e.g., "Zone 1 Impoundment: RM 6.3 - 5.1")	Zone 1 Extent: RM 1.5 – 2.9 Zone 2 extent: RM 1.3 – 1.303 Zone 3 extent: RM 1.4 – 1.5 Zone 4 extent: RM 0 – 1.4

Table 2 Projects Upstream from the Dexter Project

Dam Name	Alternative Name	River Mile	Owner Name
Dexter Dam No. 16 (downstream fish passage; no upstream) (FERC No. 2695)	Dam No. 16	1.3	Hydro Development Group Acquisition, LLC
Dexter Dam No. 18 (Upstream and downstream fish passage) (FERC No. 2695)	Dam No. 18	1.5	Hydro Development Group Acquisition, LLC
Dexter Dam No. 17 (downstream fish passage; no upstream) (FERC No. 2695)	Dam No. 17	1.6	Hydro Development Group Acquisition, LLC
Glen Park (Upstream and downstream fish passage) (FERC No. 4796)		4.0	Eagle Creek Renewable Energy
Beebee Island (downstream fish passage; no upstream) (FERC No. 2538)		9.5	Erie Boulevard Hydropower, L.P.
Sewalls Island - Upper North Channel Dam (downstream fish passage; no upstream) (FERC No. 2569)	Upper North Channel Dam	10.2	Erie Boulevard Hydropower, L.P.
Sewalls Island - South Channel (downstream fish passage; no upstream) (FERC No. 2569)		10.3	Erie Boulevard Hydropower, L.P.
Diamond Island - North Dam		10.7	Niagara Mohawk Power Corp.
Diamond Island - South Dam		10.8	Niagara Mohawk Power Corp.
Delano Island		11.4	City of Watertown

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Dam Name	Alternative Name	River Mile	Owner Name
South Channel	Diversion Dam	11.8	City of Watertown
PUMP HOUSE DAM		11.8	CITY OF WATERTOWN
WATERTOWN DOSING STATION DAM		12.1	CITY OF WATERTOWN
Black River (downstream fish passage; no upstream) (FERC No. 2569)		15.9	Erie Boulevard Hydropower, L.P.
Kamargo (downstream fish passage; no upstream) (FERC No. 2569)		17.9	Erie Boulevard Hydropower, L.P.
FELTS MILLS DAM (downstream fish passage; no upstream)		19.4	FELTS MILLS ENERGY PARTNERS
Deferiet (downstream fish passage; no upstream) (FERC No. 2569)		27.6	Erie Boulevard Hydropower, L.P.
Herrings (downstream fish passage; no upstream) (FERC No. 2569)		29.3	Erie Boulevard Hydropower, L.P.
West End (downstream fish passage; no upstream)		32.8	James River II, Inc.
Tannery - Dam "A" (downstream fish passage; no upstream)		32.9	Tannery Island Power Co.
Spicer - Dam "C"	Big Spicer	33.0	Tannery Island Power Co.
CARTHAGE STATE DAM		33.2	NYS CANAL CORP
Lyons Falls - Mill 3 (downstream fish passage; no upstream) (FERC No. 2548)		76.6	Northbrook Lyons Falls, LLC

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Dam Name	Alternative Name	River Mile	Owner Name
Port Leyden Lower Dam (downstream fish passage; no upstream) (FERC No. 6447)	Port Leyden Lower Dam	79.1	Black River Hydro Associates
Rock Island (downstream fish passage; no upstream) (FERC No. 6380)		80.0	Black River Hydro Associates
Denley (downstream fish passage; no upstream) (FERC No. 5571)		83.2	Black River Hydro Associates
HAWKINSVILLE DAM		90.7	HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
Alder Pond		97.2	New York State Dept. of Transportation
Forestport		97.3	New York State Dept. of Transportation
Kayuta Lake (downstream fish passage; no upstream) (FERC No. 5000)		98.9	Apersand Kayuta Lake Hydro LLC
NORTH LAKE C DAM		122.2	NYS CANAL CORP
NORTH LAKE SPILLWAY (A) DAM		122.4	NYS CANAL CORP
NORTH LAKE B DAM		122.6	NYS CANAL CORP

Source: National Inventory of Dams, 2022; FERC Active License and Exemption lists.

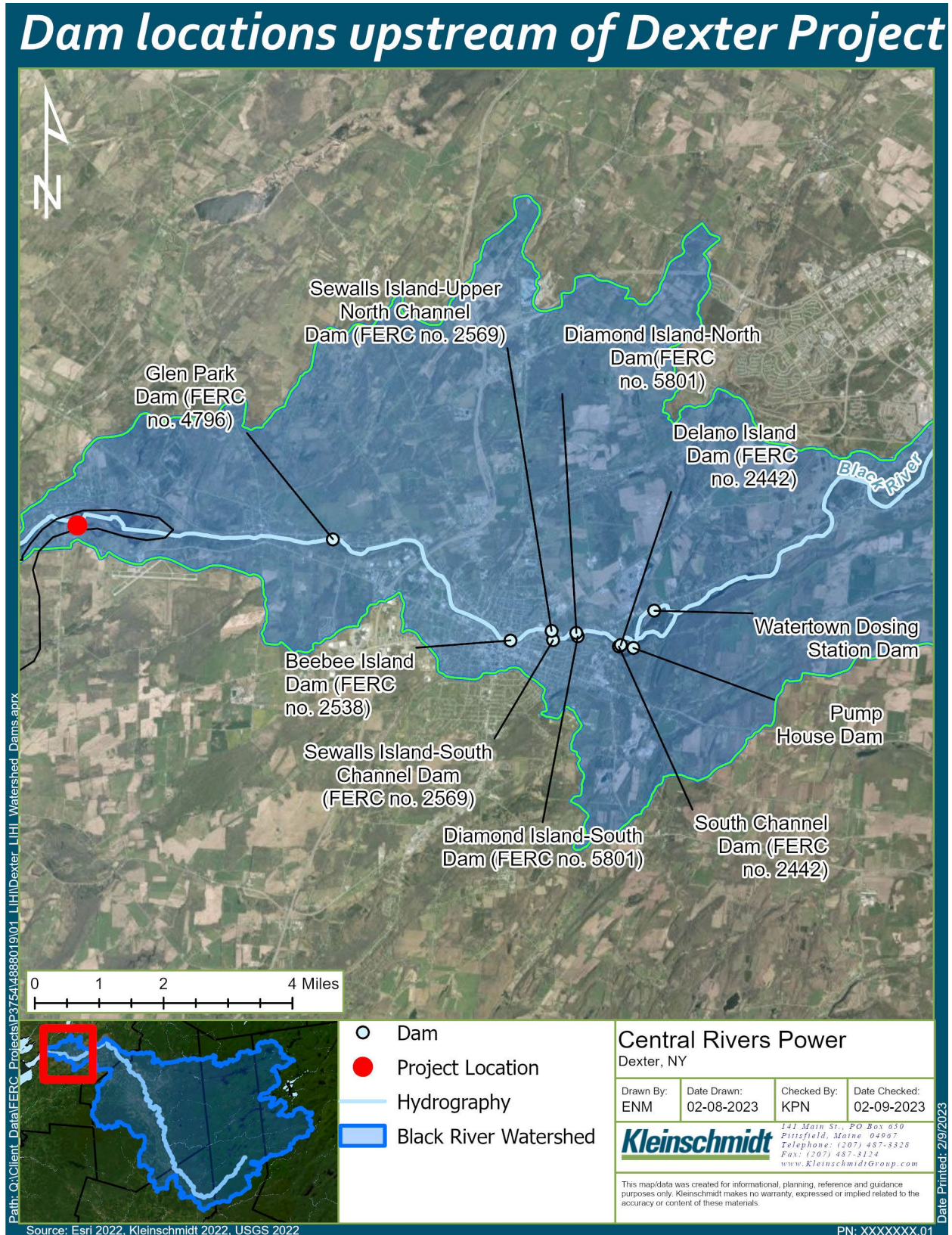


Figure 1 Projects Upstream from the Dexter Project

2.0 STANDARDS MATRICES

2.1 Zones of Effect

There are four zones of effect (ZOE) at the Dexter Hydroelectric Project (Table 3). Zone 1 is the impoundment, extending upstream to the confluence with Trout Creek. Zone 2 is the left/north bypass at dam 16, extending roughly 200 feet downstream to the tailrace. Zone 3 is the bifurcated bypassed reach at dams 17 and 18. Zone 3 includes the bypass created by dam 17 that extends approximately 400 feet downstream to the third powerhouse tailrace, as well as the bypassed reach created by dam 18, that extends roughly 450 feet downstream. Zone 4 is the tailwater/downstream reach where the three bypasses converge, extending to the Black River Bay (Figure 2).



Figure 2 Dexter Hydroelectric Project’s ZOE map. Yellow = ZOE 1, Red = ZOE 2, Purple= ZOE 3, and green = ZOE 4.

Table 3 Standards Matrix

		Zone:	ZOE 1: Impoundment	ZOE 2: Left/North Bypass Dam 16 at	ZOE 3: Bifurcated Bypass at Dams 17 and 18	ZOE 4: Tailwater/Downstream Reach
		Approximate River Mile (RM) at upper and lower extent of Zone	RM 1.5 – 2.9	RM 1.3 – 1.303	RM 1.4 – 1.5	RM 0 – 1.4
Criterion		Standard Selected				
A	Ecological Flows	1	1	1	1	
B	Water Quality	2	2	2	2	
C	Upstream Fish Passage	1	2	2	2	
D	Downstream Fish Passage	2	2	2	1	
E	Shoreline and Watershed Protection	1	1	1	1	
F	Threatened and Endangered Species	2	2	2	2	
G	Cultural and Historic Resources	1	1	1	1	
H	Recreational Resources	2	2	2	2	

3.0 SUPPORTING INFORMATION

3.1 Ecological Flows Standard

3.1.1 All ZOES

Criterion	Standard	Instructions
A	1	<p><u>Not Applicable / De Minimis Effect:</u></p> <ul style="list-style-type: none"> • Confirm the location of the powerhouse relative to any dam/diversion structures and demonstrate that there are no bypassed reaches in the designated Zone of Effect. • For run-of-river facilities, provide details on operations and describe how flows, water levels, and operations are monitored to ensure such an operational mode is maintained. In a conduit facility, identify the source waters, location of discharge points, and receiving waters for the conduit system within which the hydropower facility is located. This standard cannot be used for conduits that discharge to a natural waterbody. • For impoundment zones, explain water management (e.g., fluctuations, ramping, refill rates, restrictions) and how those requirements support fish and wildlife habitat within the ZOE.

Guidelines for operating Dexter are summarized from the Federal Energy Regulatory Commission (FERC) Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less, dated June 4, 1982, and the New York State Department of Environmental Conservation (NYSDEC) Water Quality Certificate dated May 19, 1980 (Attachment C).

Flow data for the Lower Black River sub-watershed is an annual mean of 140 cfs (New York Tug Hill Commission 2010). The Lower Black River sub-watershed flow is highly influenced by upstream hydro operations (NYSDEC 1980). The Project operates as a true run-of-river (ROR) facility, any water that approaches the dam is either released back into the Black River downstream of the dam over the spillway or through the powerhouse. The

Project maintains normal surface elevation for ZOE 1 Impoundment at 262.5 feet mean sea level (msl). Because the project is ROR there is no minimum flow requirement current required by resource agencies. No water from another body of water is collected or released as part of Project operations. No peaking occurs at this facility.

Run-of-river operation is achieved based upon headpond sensor and PLC such that units are ramped up, down, or taken offline to maintain impoundment level at the 262.5 elevation setpoint. Flashboards are in place year-round. In the event that flashboards need replacement HDG consults with agencies regarding temporary drawdown to allow safe access for work crews. The turbine generator units are operated to reduce water levels to the crest and all inflow is routed through the respective powerhouses. Upon completion of board replacement, PLC operations resumes.

FERC Exemption Operating Requirements

1. Compliance with any conditions that Federal or state fish and wildlife, agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources.
2. The NYSDEC reserves the right to require HDG to modify the Dexter Project accordingly to conform to any future minimum flow improvements.

NYSDEC nor USFWS have recommended any minimum flow requirements under Standard Article 2 of the exemption or the WQC.

3.1.2 Compliance

Based on the FERC eLibrary data base search there have not been any non-compliance issues and all necessary operational improvements to the project have been reported.

FERC records include a letter submitted to confirm compliance with minimum flow requirements. This letter was a filing was a blanket notification for multiple projects filed by HDG. Such reporting was suspended by FERC several years ago as a general policy change to only report deviations from minimum flow requirements or "normal" operations.

3.1.3 Ecological Flow Standards Conclusions

The Project operates as a ROR facility. It is not expected the facility has negative impacts on the flow of the river or fish and wildlife resources.

3.2 Water Quality Standard

3.2.1 All ZOES

Criterion	Standard	Instructions
B	2	<u>Agency Recommendation:</u> The facility is in compliance with all water quality conditions contained in a recent Water Quality Certification or science-based resource agency recommendation providing reasonable assurance that water quality standards will be met for all waterbodies that are directly affected by the facility. Such recommendations, whether based on a generally applicable water quality standard or one that was developed on a site-specific basis, must include consideration of all water quality components necessary to preserve healthy fish and wildlife populations, human uses, and recreation.

The Black River drains approximately 1.2 million acres of the western slopes of the Adirondack Mountains and the eastern edge of the Tug Hill Plateau before emptying into Lake Ontario near Watertown (Figure 3). The Black River watershed contains 114.7 miles of Class A streams and 31.8 miles of Class AA streams. Nineteen sub watersheds comprise the Black River watershed, with the Dexter Project located in the Lower Black River watershed (HUC 04150101180). The Lower Black River watershed receives an average annual of 38.0 inches of precipitation and has a total of 102.6 miles of stream length (New York Tug Hill Commission 2010).

The most recent Water Quality Certificate (WQC) for the Dexter Project is from May 19, 1980. Water quality is maintained through all elevations equaling 262.5-feet msl that was clarified by FERC on May 7, 1997, in an Order Amending Exemption from Licensing for Project No. 2695. On April 4, 1994, NYSDEC issued a letter stating the facility

was operating within the conditions set forth in the Certificate. There is no updated WQC for this Project.

In the Black River Watershed Management Plan, the Lower Black River sub-watershed was identified as a high priority sub-watershed (out of low, medium, or high). At the sub-watershed level, the Lower Black River sub-watershed has both the highest rate of urban area (18.5 percent) and the lowest rate of forest cover (16.5 percent). The Lower Black River sub-watershed is one of four sub-watersheds having less than 50 percent natural land cover, with 40.9 percent. Almost 19 percent of this sub-watershed is characterized by urban development, most of which is associated with the City of Watertown and its surrounding communities. This is the largest amount of urban development of all 19 sub-watersheds. Approximately 40 percent of the lands in this sub-watershed are in agricultural production, three-quarters of which are classified as hay or pasture lands. The Lower Black River sub-watershed has a total nitrogen load of 3.30 kilograms per acre (kg/ac), which is just below the impairment threshold of 3.49 kg/ac. Phosphorus within the watershed has a total load of 0.218 kg/ac, which is above the impairment threshold of 0.12 kg/ac (New York Tug Hill Commission 2010). Approximately 43 miles of the Lower Black River are classified as impaired due to priority organic contaminants (with other impairments as well) (New York Tug Hill Commission 2010). These potential impairments to water quality are not directly linked to the Project but are likely caused by the surrounding land use in the watershed. The Lower Black River sub-watershed has both the highest rate of urban area (18.5 percent) and the lowest rate forest cover (16.5 percent). Recommended fixes for these impairments include agricultural landowners implementing best management practices (BMP), improvements to stormwater management, improvements to stormwater and sediment control monitoring during construction, improvements to wastewater treatment systems, restoration to unstable streambanks, increase riparian areas throughout watershed, and work with local counties, municipalities, land trusts, and landowners to create conservation easements (New York Tug Hill Commission 2010). None of these recommendations have impacts on the operations of the Project, nor does the Project have negative impacts on the recommended BMPs.

The most recent final [Clean Water Act Section 303\(d\) impaired waters list for New York](#) is dated 2018 and include 26 segments within the Black River Drainage Basin on page 10, but does not specifically specify the Project area. The most recent Section 305(b) water

quality report is dated [2018¹¹](#) and identifies on page 19 that ambient ground water monitoring was conducted in the Black River in 2008, but makes no other reference to the Black River.

As part of the NYSDEC Rotating Integrated Basin Studies (RIBS), macroinvertebrate sampling has been completed upstream and downstream of the Project. The upstream monitoring site is 6.8 RM upstream of the Project, located in Watertown and outside of ZOE 1 by approximately 5.6 miles. The downstream monitoring sites are approximately 0.30 RM downstream of the Project within the ZOE 4 Tailwater/downstream reach. Macroinvertebrates can help assess water quality due to their sensitivity to environmental impacts and limited mobility. Biological Assessment Profile (BAP) scores are calculated for each stream site which indicates how severe the water quality is impacted. NYSDEC classifies the Lower Black River as Class C Fresh Water suitable for supporting fisheries and non-contact activities (New York Tug Hill Commission 2010a). Kelsey Creek, Philomel Creek, Trout Creek are tributaries contributing to the Lower Black River sub-watershed in between the two monitoring sites listed below as well as a hydroelectric timber crib dam located in the town of Brownville. Between the two monitoring sites are three wastewater facilities, one of them located within the ZOE 4 Tailwater/downstream reach just above the downstream macroinvertebrate monitoring site (NYSDEC 2022b).

Table 4 NYSDEC Rotating Integrated Basin Macroinvertebrate Studies¹² on the Black River from 1976 to 1991.

Location	NYSDEC Site ID	Date	BAP Score	Impact Score
Upstream	08-BLCK-8.0	08/12/1976	8.61	Non-impacted
		07/02/1991	6.77	Slightly impacted
Downstream	08-BLCK-1.2	08/12/1976	7.12	Slightly impacted
		07/02/1991	5.64	impacted

Source NYSDEC 2022

Based on the data described above, the Project does not show significant impacts to the water quality upstream or downstream of the Project. Since Dexter operates as ROR, there is not long-term storage of water that would result in adverse impacts on water quality. The Project does not actively contribute to erosion since there are no peaking operations.

¹¹ https://www.dec.ny.gov/docs/water_pdf/section305b2018.pdf

¹² [Fact Sheet on Assessment of Water Quality Impact in Streams and Rivers \(ny.gov\)](#)

When there is not enough inflow available to operate for power generation, all flows are directed over the spillway.

HDG is requesting confirmation from NYSDEC that the Dexter Project's operations do not negatively impact the water quality within the Black River.

3.2.2 Compliance

There have been no compliance issues for the Dexter Project in relation to water quality.

3.2.3 Water Quality Standards Conclusions

Based on the available information, the Dexter Project operations do not show an impact on the water quality in Black River. The Dexter Project operates as a ROR facility which provides a stable flow suitable for fish and wildlife habitat as required by the Class C classification prescribed to the Black River.

3.3 Upstream Fish Passage

Standard Article 2 requires the Exemptee to comply with all conditions set by the state and federal resource agencies. USFWS, by letter dated October 30, 1981, and NYSDEC, by letter dated August 31, 1981, required the Exemptee to install and operate upstream fish passage facilities.

Upstream passage is provided via a fish ladder located at Dam 18. The Dexter development contains the first dams upstream from Lake Ontario. The Exemptee provides maintenance when requested by the NYSDEC but the ladder is operated by NYSDEC. The state resource agency management goal at the time of the ladder installation was to provide a sport fishery for chinook and steelhead salmon, not a self-supporting salmonid population. The ladder is able to provide a resting area for fish sampling or a possible trap and truck operation, if desired by the resource agencies (FERC 1998).

Per communication with NYSDEC, the agency has not actively managed the Dexter upstream fish ladder (Since 2018 retirement of R. McCullough and recent Covid pandemic) but runs the ladder "wide-open" year-round for maximal fish passage. Periodically NYSDEC will use the ladder for special projects like sampling and egg collection as needed, but with continuous operation no counts or other summary is available. The next project upstream of Dexter, Glen Park has upstream and downstream fish passage

measures, no other upstream projects have upstream fish passage facilities. NYSDEC does not currently have a specific management plan for migratory fisheries management for the Black River.

3.3.1 ZOE 1: Impoundment

Criterion	Standard	Instructions
C	1	<p><u>Not Applicable/De Minimis Effect:</u> The applicable Zone of Effect does not create a barrier to upstream passage, or there are no migratory fish in the vicinity of the facility. If such species were present historically, the facility did not contribute to the extirpation of such species.</p>

The most upstream ZOE for the Dexter Project is the impoundment zone. Once a fish migrates up the installed fish passage and into the impoundment there is unimpeded access to upstream river reaches from this zone, therefore there is no effect on upstream fish passage from ZOE 1.

3.3.2 ZOE 2: Left/North Bypass at Dam 16

Criterion	Standard	Instructions
C	2	<p><u>Agency Recommendation:</u></p> <ul style="list-style-type: none"> • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented. • Provide evidence that required passage facilities are being operated and maintained as mandated (e.g., meets seasonal operational requirements,

Criterion	Standard	Instructions
		coordination with agencies, effectiveness relative to performance targets).

There are no formal upstream fish passage facilities located in this ZOE, however, fish are able to swim upstream from the downstream ZOE 4, passing by this ZOE 2 entirely, and access the fish ladder in ZOE 3 to continue moving upstream (Figure 3). Please see §3.3.3 for details and agency recommendation related to upstream fish passage.

3.3.3 ZOE 3: Bifurcated Bypassed Reach at Dams 17 and 18 and ZOE 4: Tailwater/Downstream reach

Criterion	Standard	Instructions
C	2	<ul style="list-style-type: none"> • Agency Recommendation: • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented. • Provide evidence that required passage facilities are being operated and maintained as mandated (e.g., meets seasonal operational requirements, coordination with agencies, effectiveness relative to performance targets

In separate 1981 letters, the United States Fish and Wildlife Service (USFWS) and NYSDEC required installation of upstream fish passage facilities (FERC 1981) as well as a

requirement under the Section 401 Water Quality Certification (WQC)¹³ issued by the NYSDEC.

The upstream fish passage facility consists of a fish ladder which is operated to pass salmonid species, walleye, and other species upstream from Lake Ontario. The upstream passage facility has been in operation since 1993 and meets the state resource agency management goals of 1) providing a healthy sport fishery within the lower Black River (FERC 1993), and 2) facilitation of New York State's ongoing fisheries management program by constructing facilities to conserve and further develop fish and wildlife resources identified within the Dexter Project area (NYSDEC 1980).

Per communication with NYSDEC¹⁴, the agency has not actively managed the Dexter upstream fish ladder (Since 2018 retirement of R. McCullough and recent Covid pandemic) but runs the ladder "wide-open" year-round for maximal fish passage. Periodically NYSDEC will use the ladder for special projects like sampling and egg collection as needed, but with continuous operation no counts or other summary is available. NYSDEC and USFWS have required no additional upstream fish passage measures under Standard Article 2 of the exemption.

There are 84 documented species of fish that have been found within the Black River Watershed (NYSDEC No Date), 42 of which are native (NYSDEC 2010). Many of the non-native species were introduced as sport fishing species, or as releases from bait buckets, and now impact the fish fauna of lakes in the western New York watershed by outcompeting the native species and becoming more abundant (NYSDEC 2010). Four of the documented species are anadromous (Alewife, Atlantic salmon, Rainbow smelt, and Sea lamprey), two are catadromous (American eel¹⁵ and Freshwater eel), one is considered an estuarine species (White perch), and the remaining 77 species are non-migratory/potamodromous (NYSDEC No Date) (Table 6).

¹³ Issued May 19, 1980 – Identification #623-06-0252

¹⁴ Telephone call by S. Medford (HDGA) with L. Resseguie of NYDEC-Fisheries (315-785-2263), August 15, 2022

¹⁵ Historical observations only

The downstream most ZOE (ZOE 4) connects directly to the bifurcated bypass ZOE (ZOE 3), where fish are able to access the constructed fish ladder and pass upstream to the reservoir (Figure 3).

3.3.4 Compliance

In separate 1981 letters, the United States Fish and Wildlife Service (USFWS) and NYSDEC required installation of upstream fish passage facilities (FERC 1981), in addition to the same requirement written into the WQC.

The fish ladder minimum operating period is March 30 to May 31 annually, although it's exclusively operated by the local NYDEC regional fisheries office---they operate for longer/additional periods of time at their discretion.

Per recent communication¹⁶, NYDEC has not actively managed the Dexter upstream fish ladder (Since 2018 retirement of R. McCullough and recent Covid pandemic) but runs the ladder "wide-open" year-round for maximal fish passage. Periodically NYDEC will use the ladder for special projects like sampling and egg collection as needed, but with continuous operation no counts or other summary is available.

Ladder maintenance concerns of NYDEC are identified and completed on an as-needed basis; in 2022 the ladder headgate operation, lamprey barrier condition and ladder interior and floor condition were all noted (by NYDEC) and addressed (by HDGA).

USFWS annually installs sea lamprey traps at the Project as part of efforts to collect data on the relative abundance and biological characteristics that have been utilized since 1977. USFWS seeks annual concurrence from HDG to place traps downstream of the project from about April to June and conducts independent trap checks. The March 7, 2022 request is being provided with this application.

The most current Environmental Inspection Report (1998) indicates that HDG is in compliance with the upstream fish passage requirements set by the state and federal resource agencies (FERC 1998).

¹⁶ Telephone call by S. Medford (HDGA) with L. Resseguie of NYDEC-Fisheries (315-785-2263), August 15, 2022

3.3.5 Upstream Fish Passage Conclusion

The state resource agency’s management goal for the lower Black River is not necessarily to create a self-sustaining population of salmon, but instead to provide a local sport fishery (FERC 1981). HDG worked with state and federal resource agencies to develop adequate fish passage for the targeted species, has installed required facilities, and has maintained them as required. Despite upstream passage facilities only existing in ZOE 3, fish passing from ZOEs 4 and 2 are able to bypass all three powerhouses and Project facilities, access ZOE 3 directly, and have minimal barriers to moving upstream. Once access to ZOE 1 has been achieved, there are no further barriers to upstream fish migration at the Dexter Project.

NYSDEC and USFWS have required no additional upstream fish passage measures under Standard Article 2 of the exemption.

3.4 Downstream Fish Passage

3.4.1 ZOEs 1 through 3

Criterion	Standard	Instructions
D	2	<p><u>Agency Recommendation:</u></p> <ul style="list-style-type: none"> • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is part of a Settlement Agreement or not. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented. • Provide evidence that required passage facilities are being operated and maintained as mandated (e.g., meets seasonal operational requirements, coordination with agencies, effectiveness relative to performance targets)

The state resource agency management goal, at the time of the upstream ladder installation was to provide a sport fishery for chinook and steelhead salmon, not a self-supporting salmonid population; however, the resource agencies did not prescribe a downstream fishway for the Dexter Project. While the dams are barriers to downstream passage, close spaced trash racks limit entrainment potential entrainment. Exemption Condition 2 requires implementation of any fish passage related terms and conditions required by agencies but no such requirements have been required by agencies under this standard article and NYSDEC has not required passage measures under the WQC.

3.4.2 ZOE 4

Criterion	Standard	Instructions
D	1	<p><u>Not Applicable / De Minimis Effect:</u></p> <ul style="list-style-type: none"> • Explain why the facility does not impose a barrier to downstream fish passage in the designated ZoE, considering both physical obstruction and increased mortality relative to natural downstream movement (e.g., entrainment into hydropower turbines). Typically, tailwater/downstream zones will qualify for this standard since below a dam and powerhouse there is no additional facility barrier to further downstream movement. Bypassed reach zones must demonstrate that flows in the reach are adequate to support safe, effective, and timely downstream migration. • For riverine fish populations that are known to move downstream, explain why the facility in the designated ZoE does not contribute adversely to the species populations or to their access to habitat necessary for successful completion of their life cycles; or • Document available fish distribution data and the lack of fish species requiring passage in the ZoE; or • If migratory fish species have been extirpated from the area, explain why the facility is not or was not the cause of the extirpation.

3.4.3 Because access between ZoEs 3 and 4 are hydraulically connects there is unimpeded access from ZoE 4 do the downstream reach of the river. Compliance

There is no required downstream passage at the Project and therefore no compliance issues. Written as part of the WQC, NYSDEC can require HDG to construct and maintain fish passage facilities and comply with such modifications to the operation of the project to assure the conservation and development of fish and wildlife resources.

3.4.4 Downstream Fish Passage Conclusion

At this time there is no required downstream fish passage at the Dexter Project based on the lack of significant numbers of migratory fish species acknowledged by the resource agencies. Since there are no downstream fish passage facilities or fishway prescriptions, none of the ZOEs are impacted by the Dexter Project in regard to downstream fish passage. NYSDEC and USFWS have required no additional downstream fish passage measures under Standard Article 2 of the exemption.

3.4.5 Shoreline and Watershed Protection

All ZOES

Criterion	Standard	Instructions
E	1	<p><u>Not Applicable / De Minimis Effect:</u></p> <ul style="list-style-type: none"> • If there are no lands with significant ecological value associated with the designated ZoE, document and justify this (e.g., describe the land use and land cover within the FERC project or facility boundary, and absence of critical habitat for protected species). • Document that there have been no Shoreline Management Plans or similar protection requirements for the facility.

There is no Shoreline Management Plan for the Dexter Project. Since the Project operates as a ROR, erosion along the shoreline from Project operations is minimal. Out of the 19 sub-watersheds in the Black River watershed area, the Lower Black River sub-watershed is one of five that has the least erosion potential (New York Tug Hill Commission 2010).

The Black River watershed is comprised of 19 sub-watersheds, draining approximately 1.2 million acres of the western slopes of the Adirondack Mountains and the eastern edge of the Tug Hill Plateau before emptying into Lake Ontario (Figure 4). There are approximately 4,000 miles of rivers and streams within the watershed, as well as more than 500 lakes and ponds covering approximately 35,000 acres. The Lower Black River sub-watershed (HUC 04150101190) was identified as a high priority watershed (out of low, medium, and high) (New York Tug Hill Commission 2010). The Lower Black River sub-watershed receives the smallest amount of annual precipitation, 38.0 inches, out of all 19 sub-watersheds in the Black River watershed.

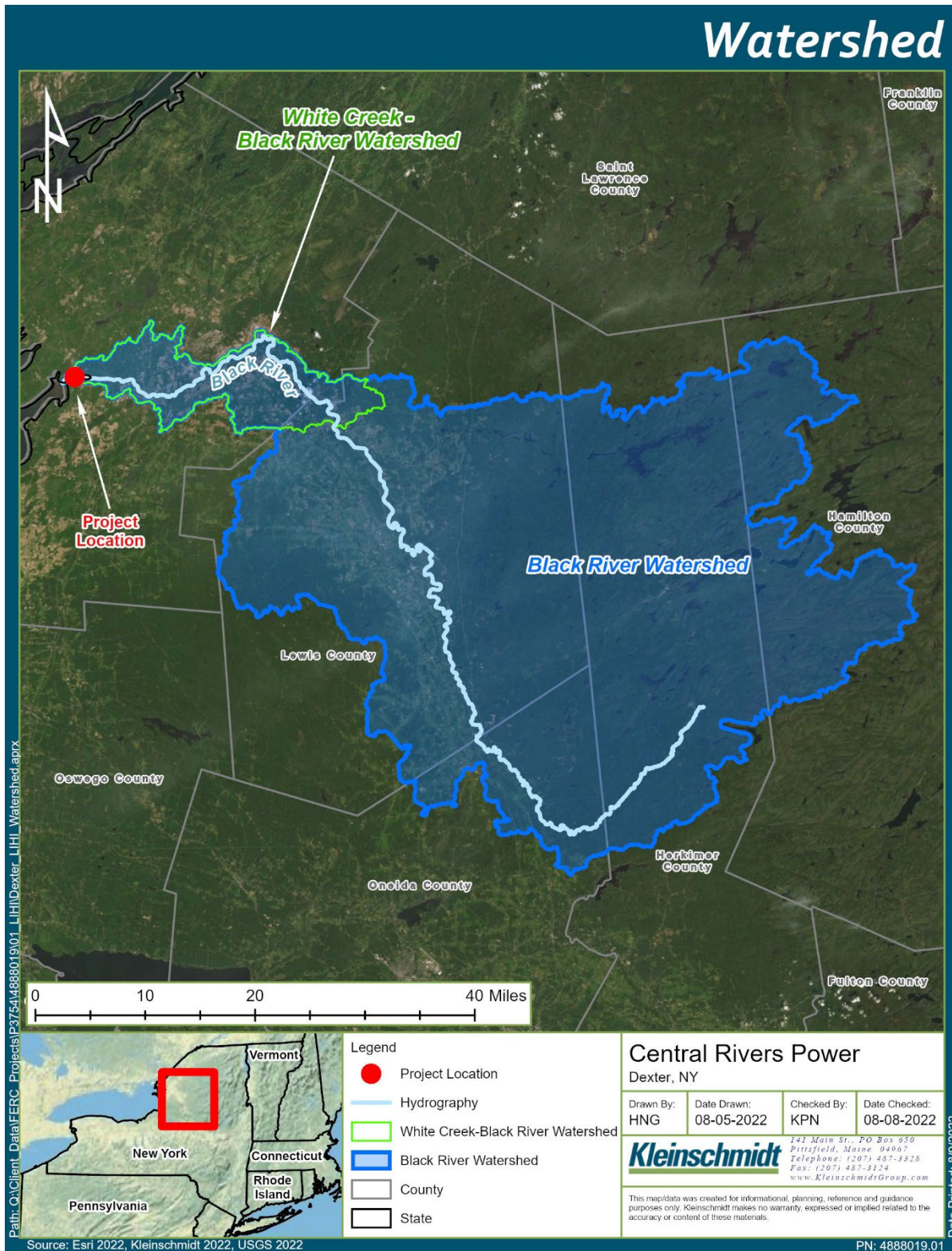


Figure 3 Map of the Black River Watershed

Land cover within the Project area includes open water, agriculture, urban, barren land, forest, grasslands/shrubs, and wetlands (Table 5). The majority of the land on the Project area is agriculture (40.3%), urban (18.5%), and forest (16.5%). The surrounding area of the Project is mostly urban and agriculture land cover (Figure 4).

Table 5 Land Cover within the Project Area

Land Cover	Acreage	Percentage
Open Water	948	2.4%
Agriculture	15,933	40.3%
Urban	7,308	18.5%
Barren Land (Rock/Sand/Clay)	166	0.4%
Forest	6,507	16.5%
Grassland/Shrub	3,934	10.0%
Wetlands	4,737	12.0%

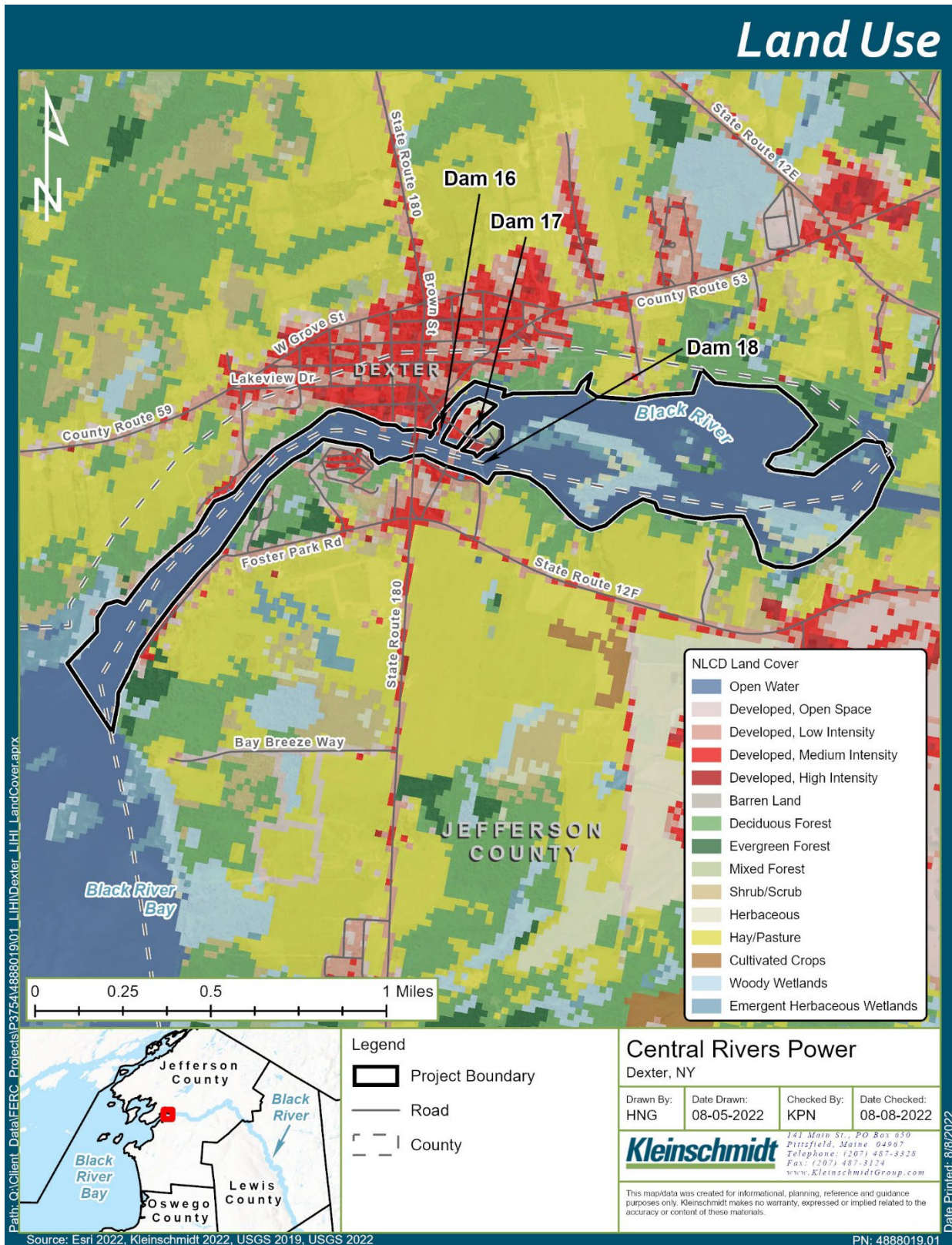


Figure 4 Map of Land Usage within the Dexter Project Area

Out of the 39,532 acres of Lower Black River sub-watershed, 12.0 percent is classified as wetlands. Fish Island is classified as a Class II freshwater wetland (NYSDEC 2022c). The impoundment is classified as lake habitat (L1UBHh), which is characterized by permanent flooding and was created by manmade barriers. ZOE 1 Impoundment also contains freshwater forested/shrub wetlands and freshwater emergent wetlands. The more dominate type of wetland at 30.45 acres is freshwater forested/shrub wetland (PFO1Ch), which is characterized as nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt and was created by manmade barriers. While 7.29 acres is freshwater emergent wetland (PEM1/UBFh), which is characterized as erect, rooted, herbaceous hydrophytes, excluding mosses and lichens, surface water persists throughout the growing season, and was created by manmade barriers. The river upstream and downstream from the Impoundment and dam are classified as riverine habitat. The specific classification of R2UBH indicates this river system has substrate of mainly sand and mud, oxygen deficits may occur, and the floodplain is well developed (USFWS 2022).

3.4.6 Compliance

There have been no compliance issues for the Dexter Project in relation to Shoreline and Watershed Protection Standards and no Shoreline Management Plan has been requested or developed.

3.4.7 Shoreline and Watershed Protection Standards Conclusion

The Dexter Project operates as a ROR facility and therefore has little impacts on the surrounding lands. There are no sensitive habitats impacted by the Project.

3.5 Threatened and Endangered Species

3.5.1 All ZOEs

Criterion	Standard	Instructions
F	2	<p><u>Finding of No Negative Effects:</u></p> <ul style="list-style-type: none"> Identify all federal and state listed species that are or may be in the immediate area of the designated ZoE based on current data from the appropriate

Criterion	Standard	Instructions
		state and federal natural resource management agencies. <ul style="list-style-type: none"> • Provide documentation that there is no demonstrable negative effect of the facility on any listed species in the area from an appropriate natural resource management agency; or provide documentation that habitat for the species does not exist within the designated ZoE or is not impacted by facility operations.

Federal Species

Federally listed endangered and threatened species that could potentially occur within the Project’s ZOEs were identified using the USFWS Information for Planning and Consultation (IPaC) website on August 11, 2022 (Attachment B), as well as the NYSDEC environmental resource mapper on September 1, 2022. Attachment B includes screenshot images from the NYSDEC Environmental Resource Mapper.

Mammals

One federally listed endangered species, the Indiana Bat (*Myotis sodalist*) and one federally listed threatened species, the Northern Long-eared Bat (*Myotis septentrionalis*), may be found within the Project’s vicinity (USFWS 2022a). The State of New York lists the Indiana Bat as state endangered and the Northern Long-eared Bat as state threatened (NYSDEC 2022d and NYSDEC 2022e).

It is possible these bats feed near the Project, though no critical habitat is located in the Project vicinity for either species (USFWS 2022). The ROR operation of the Projects are not anticipated to negatively impact either of the bats that may transiently utilize the area.

Insects

The Monarch Butterfly (*Danaus plexippus*) is a candidate species for federal listing that was identified as potentially occurring within all the Project ZOEs. The Monarch butterfly is a large butterfly with bright orange wings surrounded by a black border and covered with black veins. During breeding season, monarch lay their eggs on milkweed and larvae

emerge after two to five days to feed on the plant. In northern climates, such as New York, this species undergoes a long-distance southbound migration beginning in the fall. These species may be found flying over the Project or on milkweed located near or on Project lands. There are no section 7 requirements under the Endangered Species Act (ESA) for this candidate species but opportunities to protect the monarch are encouraged (USFWS 2022b). The Project does not use any pesticides at the facility, and only uses herbicides periodically.

Fishes

No federally endangered or threatened fish species were found during the IPaC review. Lake sturgeon (*Acipenser fulvescens*), a state threatened species, can be found in the mouth of the Black River up to the Dexter Dam (NYSDEC 2010), as well as other fish species of concern, such as salmon, and the federally listed species of special concern Bridle shiner (NYSDEC 2022g).

Federal Species Conclusion

The Indiana bat, Northern Long-eared Bat and Monarch Butterfly may be found (Attachment B) within the project boundary; however, the Exemptee is not aware of critical habitat designated for any of the species within the project boundary. It is not expected that Project operations will impact these species.

State Species

A New York Environmental Resources Mapper (NYERM) was used on September 1, 2022, to review State rare, threatened, and endangered species with the potential to occur in the Project vicinity. This resource indicated state fauna and flora, as well as significant natural communities that may occur in or near the Project boundary (NYSDEC 2022g). Table 6 and Table 7 provide a summary of the NYERM generated information. HDG will be consulting with the NYSDEC on the generated species information and will provide the consultation and additional information from consultation in the final LIHI certificate application.

Table 6 NYERM Identified Species

Common Name	State Status	Last documented
Short-eared owl	Endangered	1985
Bat species	Not available	Not available
Bridle shiner	Not available	Not listed
Plant species	Not available	Not available
Lake sturgeon	Threatened	Not available

NYSDEC identifies six species of cave bats (Northern bat, little brown bat, Indiana bat, Eastern Pipistrelle, big brown bat, and small footed bat) and three species of tree bats (red bat, hoary bat, and silver-haired bat). All species have potential to utilize trees in the project area, however have not specifically been documented at the project. HDG does not conduct tree clearing activities at the project that would be anticipated to have adverse effects on bats that could transiently occupy the project area.

Table 7 NYERM Natural Communities identified in the vicinity of the Dexter Project

Community	Location	Significance	Distance from project
Alvar pavement grassland	Limerick Game Farm Road	Rare Community Type	Approximately 1.53 miles
Alvar woodland	Limerick Game Farm Road	High Quality Occurrence of Rare Community Type	Approximately 1.53 miles
Significant waterfowl winter concentration area	Not available	Not available	Not available

Current Measures in Place by Resource Agency

As required by the WQC, and in collaboration with the state and federal resource agencies, a fish ladder to pass migratory fish species upstream from Lake Ontario has been installed. The fish passage facility is operated by the NYSDEC and provides upstream passage for fish species.

Additionally, HDG has participated in a sea lamprey management program in partnership with the USFWS. USFWS annually installs sea lamprey traps at the Project as part of efforts

to collect data on the relative abundance and biological characteristics that have been utilized since 1977. USFWS seeks annual concurrence from HDG to place traps downstream of the project from about April to June and conducts independent trap checks. The sea lamprey is a parasitic fish species that attaches to a host fish, draining the fluids from the host's body, often killing the host fish (NYIS 2019). The sea lamprey prefers to prey on salmon and lake trout due to their thinner skin, but have also been found to prey on walleye, lake whitefish, burbot, northern pike, and the threatened lake sturgeon (NYIS 2019). Management of this species consists of monitoring and trapping the sea lamprey at the fish ladder before it can make its way upstream, in an effort to control the population and protect sensitive species (NYSDEC 1998).

3.5.2 Compliance

There have been no compliance issues for the Dexter Project in relation to threatened and endangered species standards.

3.5.3 Threatened and Endangered Species Conclusion

The Project has been operating in accordance with the FERC exemption and has not had any incidental takes of any state or federally threatened or endangered species. It is not anticipated that the continued operation of the project would negatively impact Federal, or State listed wildlife species.

3.6 Cultural and Historic Resources

3.6.1 All ZOES

Criterion	Standard	Instructions
G	1	<p><u>Not Applicable / De Minimis Effect:</u></p> <ul style="list-style-type: none"> • Document that there are no cultural or historic resources located on facility lands associated with the designated ZoE that can be affected by construction or operations of the facility; or • Document that the facility construction and operation have not in the past, nor currently adversely affect any cultural or historic resources that are present on facility lands in the designated ZoE; and • Provide a letter from the state and tribal (if applicable) historic preservation office that confirms no effect (this may be newly obtained)

HDG is not aware of any known sites or structures that are eligible for inclusion on the National Register of Historic Places (NRHP). The NRHP¹⁷ lists the Dexter Universalist Church as a listed structure as of September 19, 2003, which is managed by the Dexter Historical Society, but the property roughly a quarter of a mile from the project and outside any potential area of effect. The New York Cultural Resource Information System (CRIS) identifies a submittal for repair work at Beanery in 2015¹⁸ but does not indicate whether any determination was necessary or needed. Considering the project status is identified as “closed” HDG assumes the SHPO did not determine any formal historic protections or plans were necessary. Further, by letter dated September 3, 2015, FERC approved HDG repair plans and specifications for the Beanery concrete repairs, finding no major deficiencies.

The Inventory and Analysis section of the Village of Dexter Local Waterfront Revitalization Program¹⁹ (page 25) characterizes Dexter as having very few buildings of significance most old buildings having been significantly remodeled and archeological resources disturbed and buried during long ago demolition of mill buildings.

¹⁷ <https://www.nps.gov/subjects/nationalregister/upload/national-register-listed-20230119.xlsx>

¹⁸ The submittal was assigned Project Number 15PR03374

¹⁹ https://dos.ny.gov/system/files/documents/2020/08/village-of-dexter_compressed-1.pdf

FERC's final EA for the 1986 amendment to the exemption cites a letter dated March 5, 1985 from the New York State Preservation Officer (not listed on eLibrary) that the proposed redevelopment would have no effect on cultural resources. There is no cultural resource management plan required by FERC or SHPO for the Project.

Prior to any construction or development, HDG would consult and cooperate with the State Historic Preservation Office to determine if any archeological or historic resource surveys and any mitigating measures may be necessary. HDG will notify SHPO if any items of historical significance are discovered during operations or any construction activities.

3.6.2 Compliance

There have been no compliance issues for the Dexter Project in relation to Cultural and Historic Resource Standards.

3.6.3 Cultural and Historic Resource Standards Conclusion

The Project has not had any impacts on archeological or historic resources in the past and will continue to communicate with SHPO before any construction activity occurs.

3.7 Recreational Resources

3.7.1 All ZOE

Criterion	Standard	Instructions
H	2	<u>Agency Recommendation:</u> <ul style="list-style-type: none">• Document any resource agency recommendations and any enforceable recreation plan that is in place for recreational access or accommodations.• Document that the facility in the designated ZOE is in compliance with all such recommendations and plans.

The lands surrounding the Dexter Project do not provide exceptional recreational opportunities, however, fishing, hunting, and some whitewater recreation activities occur (FERC Environmental Inspection Report, December 1998²⁰).

²⁰ <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=0005D4AB-66E2-5005-8110-C31FAFC91712>

There are no formal requirements for recreational facilities at the Dexter Project, and the Project is not subject to 18 CFR, Part 8, Section 8.2(a), therefore no recreational signage is required, however, the Exemptee must comply with Standard Article 2 of the exemption order²¹, providing for compliance with all conditions set by state and federal resource agencies (FERC 1998). In separate 1981 letters the U.S. Fish and Wildlife Service (USFWS) and NYSDEC both required HDG to provide free and open access to project lands for anglers (FERC 1998).

The Exemptee has worked with state and federal resource agencies to ensure adequate facilities and access to the river are provided for the current level of recreational use (FERC 1998). Despite no formal requirements for recreational facilities, HDG provides extensive shoreline access for angling opportunities at the request of NYSDEC and USFWS. Unrestricted access to the river for angling is provided along the left bank, downstream of Dam No. 18, and the tailrace wall and shoreline near the small powerhouse provides access for bank fishing (FERC 1998). Additionally, bank fishing is permitted on the right bank near the powerhouse (Figure 5). Although the gate is locked at night, recreationists can park nearby and walk to the site (FERC 1998). The public also has recreational access via the Fish Island Path (a non-project recreation feature).

²¹ 19 FERC ¶61,229 Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts of Less. Issued June 4, 1982.



Figure 5 Recreational Access in the Project Vicinity and Boat Barrier Locations

Finally, HDG has permitted the installation of boat ramps, installed by the Village of Dexter, due to the popularity of boat fishing in the area of the Project (FERC 1998). One concrete boat ramp is installed in the reservoir, just upstream of Dam No. 16, and a second ramp is installed downstream of the Project (FERC 1998).



Photo 7 Boat Ramp Upstream of Dam 16 (Fish Island Ramp)



Photo 8 Shoreline Access at Dam 18 (Machine Shop)



Photo 9 Shoreline Access at Dam 18 (Beanery)



Photo 10 Downstream Village of Dexter Boat Launch

HDG maintains a public safety plan for the project. An updated plan was filed with FERC on December 27, 2022²², which included field verification of all signage, fencing, barriers, alarms, cameras, and all other applicable devices. The public safety plan is classified as

²² <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=1A6DFFF2-A3E2-C8C9-9164-855588D00000>

CELL because it identifies security measures in addition to public safety measures, such as boat barriers (Figure 5).

3.7.2 Compliance

As written in the WQC, HDG shall consult closely with Fish and Wildlife staff, Office of Parks and Recreation Staff, and local authorities before implementing any recreational access and/or facilities at the Project (NYSDEC 1980). The Exemptee has complied with the forestated requirement, and is in compliance with all recreational access requirements (FERC 1998).

No new recreational measures have been recommended by agencies under Standard Article 2 or the WQC.

3.7.3 Recreational Resources Conclusion

The Dexter Project operates in accordance with its exemption and provides free access to the Project waters and adjacent lands for extensive shoreline access, unrestricted access to the river for angling is provided along the left bank, downstream of Dam 18, and the tailrace wall and shoreline near the small powerhouse provides access for bank fishing. There have been no requests for new or enhanced recreational facilities.

4.0 REFERENCES

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[Watersheds - NYS Dept. of Environmental Conservation Fish Atlas Maps of New York - NYS Dept. of Environmental Conservation](#)

5.0 CONTACTS FORMS

5.1 Applicant Contact Information

Project Owner:	
Name and Title	John Robichaud, Asset Manager
Company	Hydro Development Group Acquisition, LLC
Phone	603-617-6165
Email Address	jrobichaud@lspower.com
Mailing Address	670 N. Commercial St., Ste 204, Manchester, NH 03101
Consulting Firm / Agent for LIHI Program (if different from above):	
Name and Title	Kayla Hopkins, Regulatory Coordinator
Company	Kleinschmidt Associates
Phone	207-416-1271
Email Address	Kayla.Hopkins@KleinschmidtGroup.com
Mailing Address	P.O. Box 650, Pittsfield, ME 04967
Compliance Contact (responsible for LIHI Program requirements):	
Name and Title	Curt Mooney, Manager, Regulatory Compliance
Company	Hydro Development Group Acquisition, LLC
Phone	603.744.0846
Email Address	cmooney@centralriverspower.com
Mailing Address	670 N. Commercial St., Ste 204, Manchester, NH 03101
Party responsible for accounts payable:	
Name and Title	Stacey Blair, AP Manager
Company	Hydro Development Group Acquisition, LLC
Phone	978-604-0920
Email Address	accounting@centralriverspower.com
Mailing Address	670 N. Commercial St., Ste 204, Manchester, NH 03101 (do not mail – please email only)

5.2 State, Federal, Provincial, and Tribal Resource Agency Contacts

Agency Contact		Area of Responsibility
Agency Name	New York Natural Heritage Program	<input type="checkbox"/> Flows <input type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input type="checkbox"/> Watershed <input checked="" type="checkbox"/> T & E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title		
Phone	518.402.8935	
Email address	NaturalHeritage@dec.ny.gov	
Mailing Address	656 Broadway, 5 th floor Albany, NY 12233	

Agency Contact		Area of Responsibility
Agency Name	New York State Department of Environmental Conservation	<input checked="" type="checkbox"/> Flows <input checked="" type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input checked="" type="checkbox"/> Watershed <input checked="" type="checkbox"/> T & E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	Christopher Balk Biologist	
Phone	315-785-2252	
Email address	christopher.balk@dec.ny.gov	
Mailing Address	New York State Department of Environmental Conservation, Region 6 317 Washington Street, Watertown, NY 13601	

Agency Contact		Area of Responsibility
Agency Name	U.S. Fish and Wildlife Service	<input checked="" type="checkbox"/> Flows <input checked="" type="checkbox"/> Water Quality <input checked="" type="checkbox"/> Fish/Wildlife <input checked="" type="checkbox"/> Watershed <input checked="" type="checkbox"/> T & E Species <input type="checkbox"/> Cultural/Historic <input type="checkbox"/> Recreation
Name and Title	John Wiley, Fish and Wildlife Biologist	
Phone	607-753-9334	
Email address	John_wiley@fws.gov	
Mailing Address	U.S. Fish and Wildlife Service NY Region 5 Field Office 3817 Luker Road Cortland, NY 13045	

Low Impact Hydropower Institute Application
 Dexter Hydroelectric Project (FERC No. 2695)

Agency Contact		Area of Responsibility
Agency Name	New York State Historic Preservation Office	<input type="checkbox"/> Flows
Name and Title	Daniel McEneny, Division Director	<input type="checkbox"/> Water Quality
Phone	518-268-2171	<input type="checkbox"/> Fish/Wildlife
Email address	Daniel.McEneny@parks.ny.gov	<input type="checkbox"/> Watershed
Mailing Address	OPRHP PO Box 189 Waterford, NY 12188	<input type="checkbox"/> T & E Species
		<input checked="" type="checkbox"/> Cultural/Historic
		<input type="checkbox"/> Recreation

6.0 SWORN STATEMENT

As an Authorized Representative of Hydro Development Group Acquisition, LLC, the Undersigned attests that the material presented in the application is true and complete.

The Undersigned acknowledges that the primary goal of the Low Impact Hydropower Institute's certification program is public benefit, and that the LIHI Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions.

The Undersigned further acknowledges that if LIHI Certification of the applying facility is granted, the LIHI Certification Mark License Agreement must be executed prior to marketing the electricity product as LIHI Certified®.

The Undersigned further agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications, from any consequences of disclosing or publishing any submitted certification application materials to the public, or on any other action pursuant to the Low Impact Hydropower Institute's certification program.

Hydro Development Group Acquisition, LLC

Authorized Representative:

Name: John Robichaud

Title: Asset Manager

Authorized Signature: _____

Date: _____

ATTACHMENT A

AGENCY CONSULTATION



MEMORANDUM OF TELEPHONE CONVERSATION

Date: January 11, 2006 **Time:** 1330
By: S. Medford
To/From: Russ McCullough
Of: NYS-DEC, WTN Fisheries
Phone: 315.785.2262 **Extension:**
Subject: Dexter Project fish ladder

Returning my call requesting info on 2005 fish passage through the Dexter project's fish ladder, Russ provided the info and some other recent statistics. In 2005, 141 chinook, 11 steelhead and 7 brown trout were counted in the fish trap before being allowed to swim upstream. No taking of fish for research or stock enhancement occurred in 2005. The number of fish observed passing in 2005 was relatively small, due to high-water conditions in the Black River which made the trap ineffective for long periods. Thus, many fish could have passed upstream uncounted. In 2004, a total of 788 salmon were passed upstream through the ladder, while in 2002 about 1171 salmon (highest since 1993) passed through the ladder.

Overall, the DEC is very pleased with ladder condition and operation, which they primarily control through the ladder headgate. Maintenance and availability of the headgate and its hydraulic operating system appears essential to satisfactory provision of fish passage at the site.

In 2006 and perhaps future years, DEC is considering the Dexter fish ladder as a potential site of a grow-out program for smolts. As the program would occur during periods of normal ladder operation, no additional water would be used for the program. Additionally, this potential program should not result in any other costs to the project, as all aspects of the grow-out program would be undertaken by DEC.

View Submitted Resource

Submitted Resource

Criteria Spatial

Building USNs (2)

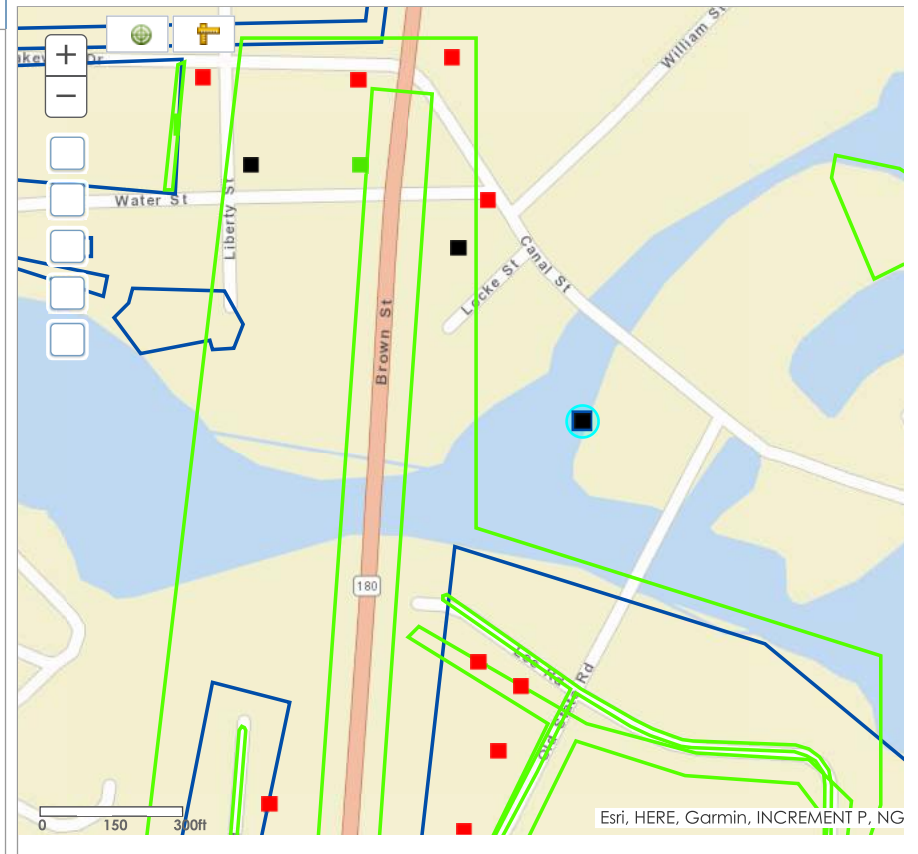
View	Zoom	USN
<input type="checkbox"/>	<input type="checkbox"/>	04551.000062
<input type="checkbox"/>	<input type="checkbox"/>	04551.000062

Projects (2)

Zoom	Project Number
<input type="checkbox"/>	22PR06751
<input type="checkbox"/>	15PR03374

Overview Building Inventory Form Photos (2) Attachments (0)

Name: Dexter Hydroelectric Project
Location: 300 Locke st, Dexter NY
Type: Building
Class: Building
USN: 04551.000062
Location Status: Completed
Location Result: USN Created
Processed By: Anthony Opalka
Processed Date: 06/29/2015
Reconciled By:
Reconciled Date:
Comment: No Comment Given



From: [Balk, Christopher J \(DEC\)](#)
To: [Sydney Robinson](#)
Cc: [Kayla Hopkins](#)
Subject: RE: Dexter Hydroelectric Project - LIHI Application
Date: Friday, February 10, 2023 10:13:24 AM
Attachments: [image002.png](#)
[image003.png](#)

Hi Sydney,

It was my intention that my previous email was the confirmation you were looking for. I hope this helps?

Best regards,

Christopher Balk

he/him/his

Regional Ecosystem Health Manager

New York State Department of Environmental Conservation

Region 6

317 Washington Street, Watertown, NY 13601

P: 315-785-2252 | Christopher.balk@dec.ny.gov

www.dec.ny.gov |  |  | 

From: Sydney Robinson <Sydney.Robinson@Kleinschmidtgroup.com>

Sent: Thursday, February 9, 2023 10:38 AM

To: Balk, Christopher J (DEC) <christopher.balk@dec.ny.gov>

Cc: Kayla Hopkins <Kayla.Hopkins@KleinschmidtGroup.com>

Subject: RE: Dexter Hydroelectric Project - LIHI Application

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Christopher,

We (Kleinschmidt Associates) are reviewing everything for the Dexter Hydroelectric LIHI certification submittal, and I just wanted to confirm with you that you have confirmed that the terms and conditions of the WQC are valid and in effect. There was a little bit of confusion on our end about your statement at the end of your email below, and we weren't sure if you meant you were confirming it with that email, or you meant it as a future task that you would be looking into.

We appreciate your attention to this, and apologize for any confusion.

Thank you,

Sydney Robinson

Staff Licensing Coordinator

Kleinschmidt

O: 207-548-0037

C: 207-651-3303

From: Balk, Christopher J (DEC) <christopher.balk@dec.ny.gov>
Sent: Thursday, November 17, 2022 3:13 PM
To: Sydney Robinson <Sydney.Robinson@Kleinschmidtgroup.com>
Cc: Kayla Hopkins <Kayla.Hopkins@KleinschmidtGroup.com>; Andy Qua <Andy.Qua@KleinschmidtGroup.com>; Skip Medford <smedford@centralriverspower.com>
Subject: RE: Dexter Hydroelectric Project - LIHI Application

Hi Sydney,

I did get to figure everything out and you guys are all set concerning the Water Quality Certification for Dexter Hydro mentioned below. I will confirm that the terms and conditions set forth in the original WQC are still valid and in effect.

Best regards,

Christopher Balk

he/him/his

Regional Ecosystem Health Manager

New York State Department of Environmental Conservation

Region 6

317 Washington Street, Watertown, NY 13601

P: 315-785-2252 | Christopher.balk@dec.ny.gov

www.dec.ny.gov |  |  | 

From: Sydney Robinson <Sydney.Robinson@Kleinschmidtgroup.com>
Sent: Wednesday, November 16, 2022 3:23 PM
To: Balk, Christopher J (DEC) <christopher.balk@dec.ny.gov>
Cc: Kayla Hopkins <Kayla.Hopkins@KleinschmidtGroup.com>; Andy Qua <Andy.Qua@KleinschmidtGroup.com>; Skip Medford <smedford@centralriverspower.com>
Subject: RE: Dexter Hydroelectric Project - LIHI Application

You don't often get email from sydney.robinson@kleinschmidtgroup.com. [Learn why this is important](#)

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Hello Christopher,

Just to clarify, the document you are looking for is the Water Quality Certification for the Dexter Hydroelectric Project?

If that is the case, I have attached it to this email. I hope this is helpful, please let me know if anything additional is needed.

Thank you,
Sydney

From: Balk, Christopher J (DEC) <christopher.balk@dec.ny.gov>
Sent: Wednesday, November 16, 2022 3:17 PM
To: Sydney Robinson <Sydney.Robinson@Kleinschmidtgroup.com>
Cc: Kayla Hopkins <Kayla.Hopkins@KleinschmidtGroup.com>; Andy Qua <Andy.Qua@KleinschmidtGroup.com>; Skip Medford <smedford@centralriverspower.com>
Subject: RE: Dexter Hydroelectric Project - LIHI Application

Hello Sydney




I have been unable to find a copy of that document here in the office or in E-files. I have to do some additional research and other contacts to check with. I'll keep you posted.

Best regards,

Christopher Balk

he/him/his
Regional Ecosystem Health Manager

New York State Department of Environmental Conservation

Region 6
317 Washington Street, Watertown, NY 13601
P: 315-785-2252 | Christopher.balk@dec.ny.gov
www.dec.ny.gov |  |  | 

From: Sydney Robinson <Sydney.Robinson@Kleinschmidtgroup.com>
Sent: Monday, October 17, 2022 11:02 AM
To: Balk, Christopher J (DEC) <christopher.balk@dec.ny.gov>
Cc: Kayla Hopkins <Kayla.Hopkins@KleinschmidtGroup.com>; Andy Qua <Andy.Qua@KleinschmidtGroup.com>; Skip Medford <smedford@centralriverspower.com>
Subject: Dexter Hydroelectric Project - LIHI Application

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Hello Christopher,

ATTACHMENT B

2022 USFWS INFORMATION FOR PLANNING AND CONSULTATIONS (IPAC)



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov
<https://www.fws.gov/northeast/NYFO/>

In Reply Refer To:
Project Code: 2022-0073824
Project Name: Dexter Hydroelectric Project

August 11, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Project Code: 2022-0073824
Project Name: Dexter Hydroelectric Project
Project Type: Dam - Operations
Project Description: Dexter Hydroelectric Project
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.00301745,-76.04628271750853,14z>



Counties: Jefferson County, New York

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

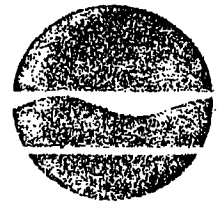
IPaC User Contact Information

Agency: Kleinschmidt Associates
Name: Sydney Robinson
Address: 6 Fundy Road
Address Line 2: Suite 500
City: Falmouth
State: ME
Zip: 04105
Email: sydney.robinson@kleinschmidtgroup.com
Phone: 2075480037

ATTACHMENT C

REFERENCE DOCUMENTS

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Robert F. Flacke
Commissioner

May 19, 1980

Mr. Mark E. Quallen
Hydro Development Group Inc.
250 Thompson Boulevard
Watertown, NY 13601

Re: Small Hydroelectric Power
Project at Dexter, New York,
Black River, Jefferson Co.
DEC #623-06-0252.

Dear Mr. Quallen:

We have reviewed your application of October 30, 1979 for a Water Quality Certificate pursuant to Section 401 of the Clean Water Act of 1977 (PL 95-217) for Hydro Development Group's existing hydroelectric power project on the Black River, Village of Dexter, County of Jefferson, New York. This certificate is being issued for continuance of the existing mode of operation only.

Public notice of the application has been duly given pursuant to Part 621.7(b) of the Uniform Procedures Act (UPA) of the Environmental Conservation Law, Article 70-0107, and to Part 617.10(b) of the State Environmental Quality Review Act (SEQR) of the Environmental Conservation Law, Article 8-0113.

Based upon the foregoing, the Department of Environmental Conservation (DEC) hereby certifies that Hydro Development Group, Inc. (HDG) will comply with all applicable provisions of Sections 301, 302, 303, 306 and 307 of the Act, provided that:

- I. No future changes in the construction and/or changes in the operation of the facility occur without prior approval of the DEC.
- II. The applicable provisions of State laws and regulations are complied with, and

Mr. Mark E. Quallen

2.

III. The following requirements, which shall become conditions on any Federal Energy Regulatory Commission (FERC) license for the Dexter Project, pursuant to Section 401(d) of the Act, are complied with:

- a. Copies of any environmental and/or dam safety reports which HDG submits to any federal, state, or local agency shall also be submitted concurrently to DEC.
- b. All reports which HDG provides to DEC pursuant to this certificate shall be submitted to the Director of Regulatory Affairs in Albany and to the Regional Supervisor of Regulatory Affairs in Watertown.
- c. DEC reserves the right to require the Hydro Development Group to implement temporary modifications to the project, if required by emergencies beyond the control of the licensee, to assure the protection of the quality of the water and its biota. The DEC also reserves the right to require the Hydro Development Group to prepare studies and make whatever reasonable modifications are necessary to alleviate any future adverse impacts upon the resource that can be directly attributed to the existence and operation of the project.

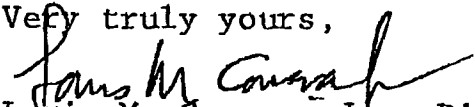
IV. The Hydro Development Group shall, as directed by the DEC, construct and maintain such fish passage facilities and comply with such reasonable modifications to the operation of the project as may be required to assure the conservation and development of fish and wildlife resources that have been identified with this project.

This certificate is issued solely for the purpose of Section 401 of the Act.

If any condition of this certificate is declared invalid, DEC shall reconsider the entire certificate and may make appropriate amendments or modifications as a result of such reconsiderations.

A copy of this certificate is being forwarded to the Secretary of the Federal Energy Regulatory Commission.

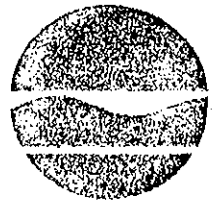
Very truly yours,


Louis M. Concra, Jr., Director
Division of Regulatory Affairs

cc: K. Plumb, J. Kenna.

Dexter 40.5.1

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233



Robert F. Flacke
Commissioner

May 19, 1980

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Hydro Development Group Inc.
250 Thompson Boulevard
Watertown, NY 13601

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Mr. Mark E. Quallen

2.

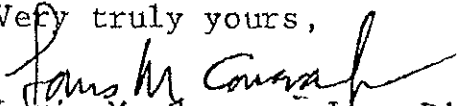
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 - c. DEC reserves the right to require the Hydro Development Group to implement temporary modifications to the project, if required by emergencies beyond the control of the licensee, to assure the protection of the quality of the water and its biota. The DEC also reserves the right to require the Hydro Development Group to prepare studies and make whatever reasonable modifications are necessary to alleviate any future adverse impacts upon the resource that can be directly attributed to the existence and operation of the project.
- IV. The Hydro Development Group shall, as directed by the DEC, construct and maintain such fish passage facilities and comply with such reasonable modifications to the operation of the project as may be required to assure the conservation and development of fish and wildlife resources that have been identified with this project.

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Very truly yours,


Louis M. Conera, Jr., Director
Division of Regulatory Affairs

cc: K. Plumb, J. Kenna.

NEGATIVE DECLARATION

Notice of Determination of No Significance

January 28, 1980

Pursuant to Section 617.10(b) of 6NYCRR 617 (State Environmental Quality Review) pertaining to Article 8 of the Environmental Conservation Law, notice is hereby given that it has been determined that the action described below will not have a significant effect on the environment.

Description of Action

Hydro Development Group Inc. has made application to the Federal Energy Regulatory Commission for a license to continue operating an existing run-of-stream, 1740 kw hydroelectric generating station on the Black River. Pursuant to Section 401 of the Clean Water Act of 1977 (PL 95-217) the NYS Department of Environmental Conservation proposes to certify that the proposed action will not violate federal or state water quality standards.

Location

Village of Dexter, Town of Haunsfeld, County of Jefferson.

Reasons for Determination


The continued operation and maintenance of the existing facility is compatible with the established environment. No physical alterations or changes in the present mode of operation are proposed.

Identification Number

#623-06-0252

For Further Information Contact

Mr. Richard L. England, Bureau of Project Review, Division of Regulatory Affairs, NYS Dept. of Environmental Conservation, 50 Wolf Road, Albany, NY 12233; telephone 518-457-2300.


Terence P. Curran, Director
Division of Regulatory Affairs

cc: Central Office DRA
J. Wilson
J. Kenna
E. Cobb, Supervisor
M. Quallen
R. Corso

NEGATIVE DECLARATION

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January 28, 1980

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Terence P. Curran, Director
Division of Regulatory Affairs

cc: Central Office DRA
J. Wilson
J. Kenna
E. Cobb, Supervisor
M. Quallen
R. Corso

Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Dam Safety

The location is in an area of high seismic risk. Its zone 3 designation indicates the possibility of major damage in the event of an earthquake. The problem of seismic hazard was not addressed in the document. Earthquake resistance should be considered in the design and construction of the dam and powerhouse.

Transformers

The report and application should indicate the types of coolants or fluids to be used in the power transformers, circuit breakers, and switches. If fluids other than water are to be used, mitigation of groundwater or surface water effects of leaks and spills from the equipment or from related storage, handling, and processing facilities, such as containment basins, should be discussed.

Recommendations

We recommend that the following special articles be included in any license the Commission issues for this project:

1. The Licensee shall, for the conservation and development of existing fish and wildlife resources, operate the project in a run-of-the-river mode, such that the instantaneous downstream flow from the project, including spillage, releases, and/or leakage, is equal to the inflow to the project impoundment.
2. The Licensee shall, at its own expense, design and make operative structures and procedures to enable anadromous fishes to migrate upstream and downstream past the project works, if so notified by the U.S. Fish and Wildlife Service and approved by the Commission.
3. The Licensee shall ensure that the design, location, installation, maintenance, repair and operation of structures and screens, necessary for the upstream and downstream migration of fishes past the project, conform to the specifications of and are satisfactory to the Fish and Wildlife Service.
4. The Licensee shall install and make operative the aforementioned structures and procedures within two years of approval by the Commission.
5. The Licensee shall permit personnel of the Fish and Wildlife Service or its representatives to inspect all of the aforementioned fishways and project records pertaining to the construction, operation and maintenance thereof, for the purpose of determining compliance with the aforementioned prescriptions and their effectiveness in protecting, restoring and enhancing fish populations, provided such inspections do not pose a significant threat of injury or damage to personnel or property at the project.
6. The Licensee shall investigate and document in a report the effectiveness of the aforementioned structures and procedures in providing for the safe and efficient passage of

Honorable Kenneth F. Plumb

3

anadromous fishes. Licensees shall provide said report to the Fish and Wildlife Service and the Commission within two years of installation.

Thank you for the opportunity to comment on this application.

Sincerely,


Bruce Blanchard, Director
Environmental Project Review

cc: Mr. Fred E. Springer
Mr. David R. Bristol

P-2695-002

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(January 23, 1986)

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

DC-A-16

- a. Type of Application: Amendment of Exemption from Licensing -
1MW or less
- b. Project No.: 2695-002
- c. Date Filed: October 22, 1985
- d. Applicant: Hydro Development Group Inc.
- e. Name of Project: Dexter
- f. Location: Black River, Jefferson County, New York
- g. Filed Pursuant to: Section 608 of the Energy Security Act of
1980 (16 U.S.C. §§ 2705 and 2708, as amended)
- h. Contact Person: Mr. John T. Redard
Hydro Development Group Inc.
Box 58
Dexter, New York 13634 phone (315) 639-6700
- i. Comment Date: **MAR 5 1986**
- j. Description of Project: The project consists of: (1) three existing concrete gravity dams, one 12 feet in height and 142 feet in length, one 8 feet in height and 145 feet in length, and one 12 feet in height and 433 feet in length, each with 30-inch flashboards; (2) an existing 120 acre reservoir at an elevation of 262 feet mean sea level; (3) three existing powerhouses containing six existing turbine generators having a combined capacity of 2320 kW operating at a hydraulic head of 14 feet. The proposed improvements consist of: (1) proposed structural modification to two existing flumes; (2) the proposed retirement of three existing turbine/generator units with a total capacity of 1600 kW; (3) six proposed turbine/generator units with a total capacity of 3750 kW, operating under 14-foot hydraulic head; (4) a proposed 4500 kVA, 2.4kV/24kV electrical substation; (5) three proposed 2.4kV transmission lines, two of 550-foot length and one of 50-foot-length; and (6) appurtenant facilities.
- k. Purpose of Project: Project power will continue to be sold to Niagara Mohawk Power Corporation.
- l. This notice also consists of the following standard paragraphs: B, C, D3a.

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, 19 C.F.R. §§ 210.211, 210.214. 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 the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 225 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-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.

DJA. Agency Comments - The U.S. Fish and Wildlife 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

THIS DRAWING IS PART OF THE
 APPLICATION FOR AN EXEMPTION
 MADE BY THE UNDERSIGNED
 THIS 27th DAY OF ~~APRIL~~ 1981
 HYDRO DEVELOPMENT GROUP, INC.

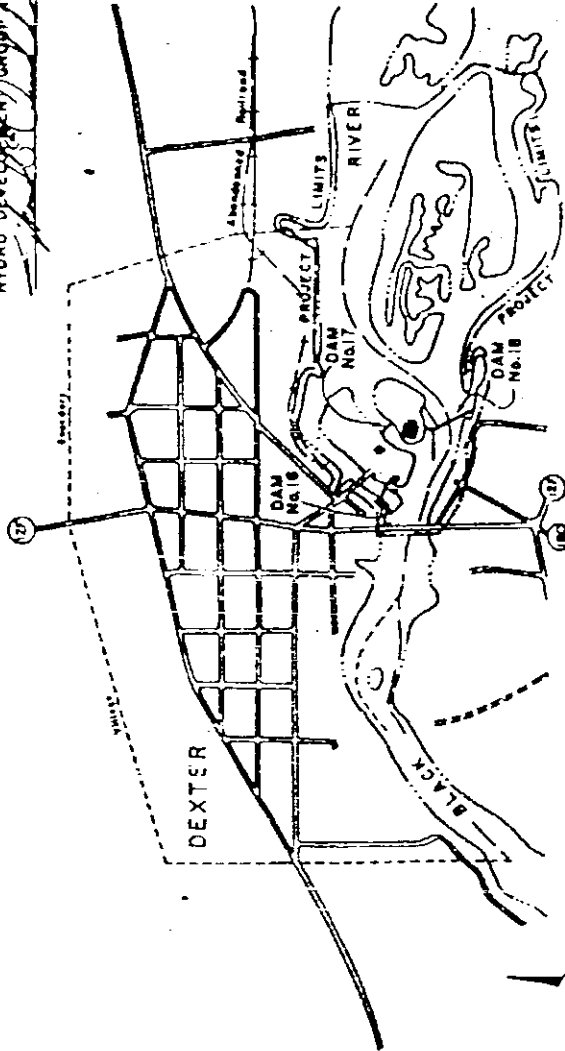


EXHIBIT B

DATE: W.L.D.	DATE: R.N.F.	SCALE: 1" = 1000'	DATE: MAR. 1981	PROJECT NO: 3117-03
MIST-ROBT, ASSOCIATES CONSULTING ENGINEERS BLANCKFALLS, ILLINOIS			PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION	
			B1	



United States Department of the Interior

OFFICE OF ENVIRONMENTAL PROJECT REVIEW
WASHINGTON, D.C. 20240



1986 DEC 13

ER 86/1327

DEC 12 1986

Honorable Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, N.E.
Washington, D.C. 20426

Dear Mr. Plumb:

We have reviewed the Application for License, Woods Falls Hydropower Project, FERC No. 2763, Jefferson County, New York. The following comments and recommendations are provided for your consideration.

Fish and Wildlife Resources

The Lower Black River supports a resident warmwater fishery, with smallmouth bass, walleye, and northern pike as important gamefish. The New York State Department of Environmental Conservation annually stocks chinook salmon, coho salmon, and steelhead trout in the Black River. Atlantic salmon, extirpated from the region in the mid-1800's, will likely be reintroduced to the Black River in the future.

The Fish and Wildlife Service's (FWS) major concern is the passage of anadromous fish. At present, salmonids are being passed over the first dam on the river at Dexter by a temporary fish ladder. The status of fish passage facilities upstream from the most downstream dam):

<u>Name</u>	<u>FERC No.</u>	<u>Status</u>
Dexter	2695	Exempted. Temporary fish ladder is operational. Permanent passage facility required.
Brownville	4939	Awaiting Commission action on license. FWS prescribed fish passage.
Glen Park	4796	Licensed. Fish passage required. Passage facility in planning stage.

The applicant, Power Mining, Inc., has agreed to provide fish passage at the Woods Falls Project, after fish have been successfully passed at downstream plants.

Threatened and Endangered Species

Except for occasional transient individuals, no federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area.

8701050178

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(January 21, 1985)

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: Amendment of Exemption from Licensing - 5MW or less
- b. Project No.: 2693-002
- c. Date Filed: October 21, 1983
- d. Applicant: Hydro Development Group Inc.
- e. Name of Project: Dexter
- f. Location: Black River, Jefferson County, New York
- 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: Mr. John T. Bedard
Hydro Development Group Inc.
Box 58
Dexter, New York 13634 phone (315) 679-6700

- i. Comment Date: **MAR 5 1985**
- j. Description of Project: The project consists of: (1) three existing concrete gravity dams, one 12 feet in height and 142 feet in length, one 8 feet in height and 145 feet in length, and one 12 feet in height and 133 feet in length, each with 30-inch flowboards; (2) an existing 120 acre reservoir at an elevation of 392 feet mean sea level; (3) three existing powerhouse containing six existing turbine generators having a combined capacity of 2320 kW operating at a hydraulic head of 14 feet. The proposed improvements consist of: (1) proposed structural modification to two existing flumes; (2) the proposed retirement of three existing turbine/generator units with a total capacity of 1600 kW; (3) six proposed turbine/generator units with a total capacity of 3750 kW, operating under 14-foot hydraulic head; (4) a proposed 4500 kVA, 2.4kV/24kV electrical substation; (5) three proposed 2.4kV transmission lines, two of 550-foot length and one of 30-foot-length; and (6) appurtenant facilities.
- k. Purpose of Project: Project power will continue to be sold to Niagara Mohawk Power Corporation.
- l. This notice also consists of the following standard paragraphs: B, C, D1a.

DC-A-16

- 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. §§201.210, .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 the number of 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: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 303-BB, 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.

- D1a. Agency Comments - The U.S. Fish and Wildlife 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 Conservation 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

Hydro Development Group, Inc.

Project No. 2695-002

ORDER AMENDING EXEMPTION FROM LICENSING
(5 MW OR LBSS)
(Issued August 5, 1986)

On October 22, 1985, Hydro Development Group, Inc. filed an application to amend the exemption from licensing for the Dexter Project as set forth in Part I of the Federal Power Act. ^{1/} The proposed changes to the small hydropower project are 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 order.

Article 2 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 the attached letters commenting on the amendment of exemption application. If contested, the Commission will determine whether any mandatory term or condition is outside the scope of article 2.

After considering the mandatory terms and conditions designed to protect fish and wildlife resources, the environmental information in the amendment of exemption application, the staff's independent assessment ^{2/}, and other public comments, the Director finds that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

-
- ^{1/} Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less, 19 FERC ¶ 61,229 (1982).
- ^{2/} Environmental Assessment, Dexter Project, FERC Project No. 2695-002 - New York, Federal Energy Regulatory Commission, July 17, 1986. This document is available in the Commission's public file associated with this proceeding.

The Director orders:


(A) The exempted Dexter Project is amended as provided by this order and as described in the attached notice.

(B) The following special article is added to the order issuing exemption:

Article 9. Before commencing any ground-disturbing or spoil-producing activities, the Exemptee, in consultation and cooperation with the appropriate Federal, state, and local agencies (including the Soil Conservation Service and any Federal agency with managerial authority over any part of the project lands), shall prepare a plan to control erosion and dust, stabilize slopes, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review.

The Exemptee may commence ground-disturbing or spoil-producing activities 30 days after submitting the final plan to the consulted agencies, or sooner if the plan is approved by the Soil Conservation Service and any Federal agency with managerial authority over any part of project lands. Any consulted agency that objects to the Exemptee's final plan should notify the Commission, specify the objection, and recommend alternative measures. The Commission reserves the right to modify the final plan.

(C) 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.


Richard T. Hunt
Director, Office of
Hydropower Licensing

THIS DOCUMENT CONTAINS
PUBLIC NOTICE PAGES

86 FERC ¶ 62,133

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group, Inc.

Project No. 2695-002

ORDER AMENDING EXEMPTION FROM LICENSING
(5 MW OR LESS)

(Issued August 5, 1986)

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^{1/} Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less, 19 FERC ¶ 61,229 (1982).

^{2/} Environmental Assessment, Dexter Project, FERC Project No. 2695-002 - New York, Federal Energy Regulatory Commission, July 17, 1986. This document is available in the Commission's public file associated with this proceeding.

8608070323

DC-A-21

FERC - DOCKETED

AUG 5 1986

The Director orders:

(A) The exempted Dexter Project is amended as provided by this order and as described in the attached notice.

(B) The following special article is added to the order issuing exemption:

Article 9. Before commencing any ground-disturbing or spoil-producing activities, the Exemptee, in consultation and cooperation with the appropriate Federal, state, and local agencies (including the Soil Conservation Service and any Federal agency with managerial authority over any part of the project lands), shall prepare a plan to control erosion and dust, stabilize slopes, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review.

The Exemptee may commence ground-disturbing or spoil-producing activities 30 days after submitting the final plan to the consulted agencies, or sooner if the plan is approved by the Soil Conservation Service and any Federal agency with managerial authority over any part of project lands. Any consulted agency that objects to the Exemptee's final plan should notify the Commission, specify the objection, and recommend alternative measures. The Commission reserves the right to modify the final plan.

(C) 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.

APPROVED
Richard T. Hunt
Director, Office of
Hydropower Licensing



IN REPLY REFER TO:
(ER 86/154)

POOR
United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Project Review
1500 Custom House
165 State Street
Boston Massachusetts 02109

MAR 17 4 38 04

U.S. DEPARTMENT OF THE INTERIOR

March 14, 1986

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 N. Capitol Street, N.E.
Washington, DC 20426

Dear Mr. Plumb:

The Department of the Interior has reviewed the January 23, 1986 Notice of Application for Amendment of Exemption from Licensing by Hydro Development Group, Inc., for the Dexter Hydro Project, FERC #2695-002, located on the Black River in Jefferson County, New York.

The Amendment would relocate the fishway to Dam #18, providing a more stable attraction flow for upstream fish migration. We support this modification, and we have no objection to the proposed Amendment.

We further prescribe the following terms and conditions relating to the fishway:

1. The Exemptee shall, at its expense, design and make operative structures and procedures to enable anadromous fishes to migrate upstream and, if necessary, downstream past the project works; and
2. The Exemptee shall ensure that the design, location, installation, maintenance, repair and operation of structures necessary for the upstream and, if necessary, downstream migration of fishes past the project conform to the specifications of and are satisfactory to the U. S. Fish and Wildlife Service.

Sincerely,

William Patterson
Regional Environmental Officer

FERC - DOCKETED

MAR 17 1986

03240200

THIS DOCUMENT CONTAINS
POOR QUALITY PAGES

ENVIRONMENTAL ASSESSMENT
FOR EXEMPTION FROM LICENSING

Dexter
(Name of Project)

FERC No. 2695 - 002

New York
(State)

Division of Environmental Analysis
Office of Hydropower Licensing
Federal Energy Regulatory Commission
825 N. Capitol Street, NE
Washington, D.C. 20426

July 15, 1986
(Date)

8607240457

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ENVIRONMENTAL ASSESSMENT
DIVISION OF ENVIRONMENTAL ANALYSIS, OFFICE OF HYDROPOWER LICENSING
FEDERAL ENERGY REGULATORY COMMISSION

Date: July 15, 1986

Project name: Dexter FERC No. 2695 - 002

A. APPLICATION

1. Application type: Amendment of Exemption Date filed: 10 / 22 / 85

2. Applicant: Hydro Development Group, Inc.

3. Water body: Black River River basin: Black

4. Nearest city or town: Dexter

5. County: Jefferson State: NY

6. Federal lands affected:
 No Yes: _____; acreage = _____
(land management agency)

B. PURPOSE AND NEED FOR ACTION

1. Purpose.

Project power will continue to be sold to Niagara Mohawk Power Corporation.

2. Need for power.

The project is a qualifying facility under the Public Utilities Regulatory Policies Act (PURPA). Under § 213 of PURPA, the authority of the FERC to grant an exemption from licensing is not limited by a determination of the need for power.

C. PROPOSED PROJECT AND ALTERNATIVES

1. Description of the proposed action. The existing project consists of: (1) three concrete gravity dams, one 12 feet in height and 142 feet in length, one 8 feet in height and 145 feet in length, and one 12 feet in height and 433 feet in length, each with 30-inch flashboards; (2) a 120-acre reservoir at an elevation of 262 feet mean sea level; and (3) three powerhouses containing six turbine generators having a combined capacity of 2,320 kilowatts (kW) operating at a hydraulic head of 14 feet. The proposed improvements consist of: (1) structural modification to two existing flumes; (2) retirement of three existing turbine/generator units with a total capacity of 1,500 kW; (3) addition of six turbine/generator units with a total capacity of 3,750 kW, operating under 14-foot hydraulic head; (4) a 4,500 KVA, 2.4kV/24kV electrical substation; (5) three new 2.4kV transmission lines, two of 550-foot length and one of 50-foot length; and (6) appurtenant facilities. The exemptee would also construct a permanent fish ladder at Dam #18 to replace the temporary fish passage facility.

2 Applicant's proposed mitigative measures.

a. Construction. The exemptee proposes to construct a fish ladder, as approved by the U.S. Fish and Wildlife Service (FWS), to allow for upstream passage of chinook and coho salmon at Dam #18. The fish ladder would be located at Dam #18 because approved modification of the dam will result in the most attractive flows for the migrating anadromous fish.

b. Operation. The exemptee proposes to operate the project in a run-of-river mode. The proposed fish ladder would be monitored by both the exemptee and the New York State Office of Environmental Conservation (DEC) to determine a facility operating scheme that is sensitive to migrating fish. The exemptee would also work with FWS and DEC to minimize adverse impacts to a downstream juvenile run associated with low flow operating regimes.

3. Terms and conditions for exemptions from licensing [18 CFR §4.106(b) or 4.94(b)].

- None of the fish and wildlife agencies have provided terms and conditions.
[X] The agencies listed below have provided terms and conditions for the proposed project.

Table with 3 columns: Agency, Attachment, Date of letter. Row 1: U.S. Fish and Wildlife Service, A, 3 / 14 / 86.

4. Alternatives to the proposed project.

a. [X] No other reasonable action alternatives have been found.

Action alternative.

b. Alternative of no action.

No action would prohibit the exemptee from making the proposed modifications or constructing the proposed facilities. No action would involve no alterations to the existing project and would preclude the applicant from constructing a permanent fish ladder.

D. AFFECTED ENVIRONMENT

1. Descriptions of the resources that would be impacted by the proposed project.

a. Geology and Soils. Alfisol soils are usually moist during the warm season of the year but may be intermittently dry in some horizons for short periods. Primarily used for row crops, small grains, and pasture.

b. Streamflow.

low flow: 1200 cfs; flow parameter: exceeded 95% of the time
 high flow: 8700 cfs; flow parameter: exceeded 10% of the time
 average flow: 3,000 cfs; flow parameter: exceeded 50% of the time
 Remarks. Period of record is 1981.

c. Water quality. The water quality of the Black River has been improved in the last several years due to upstream installation of pollution abatement facilities. DEC, by telephone call of 11-6-85, said the project would not significantly affect existing water quality standards. Low flow dissolved oxygen levels of approximately 8.5 mg/l (98% saturation) were recorded at the Watertown gage (1983).

d. Fisheries.

Anadromous: None. X species include: steelhead trout and Pacific salmon.

Resident: None. X Species include: walleye, northern pike, rock bass, black bass, bullhead, yellow perch, and brown trout.

Remarks. The DEC is attempting to introduce Pacific salmon into the Black River to provide an expanded Great Lakes Sport fishery.

e. Vegetation.

<u>Cover type</u>	<u>Dominant species</u>
<u>shallow marsh</u>	<u>cattail, marshgrass</u>
<u>forested river bank</u>	<u>willow, poplars, oaks, maples, hemlock, elm, red pine, and gray birch.</u>

Remarks. _____

f. Wildlife.

Species inhabiting the project area include: pigeon, red-wing black bird, crow, red tail hawk, blue jay, robin, muskrat, raccoon, beaver, mice, rabbits, skunk, and wood chuck.

Remarks. _____

g. Cultural.

There are properties listed on or eligible for listing on the National Register of Historic Places in the area of the project's potential environmental impact.

Description. _____

X national Register (listed and eligible) properties have not been recorded.

Remarks. By letter dated March 5, 1985, the New York State Preservation Officer stated that the project would have no effect on the cultural resources.

h. Visual quality. The dominant visual features of the project area are the three existing reservoirs.

i. Recreation. Fishing has become a particularly popular recreational activity since the inception of the salmon stocking program. In response to this increased use the Village of Dexter recently completed a boat ramp and parking area just west of the project. The applicant, in coordination with DEC and FWS, is nearing completion of a public picnic and boat access area on Fish Island.

j. Land use. Residential developments from the Village of Dexter, are located on the northern side of the project area.

k. Socioeconomics. The economic and social well being of the area is influenced by industry and dairy farming.

l. Ambient noise. Fair because of moderate development adjacent to the project area.

m. Ambient air quality. Fair because of moderate development adjacent to the project area.

n. Other resources. None

E. CONSULTATION AND COMPLIANCE

1. Fish and wildlife consultation (Fish & Wildlife Coordination Act).

(a) Fish & Wildlife Service (FWS): Yes No (b) State(s): Yes No
(c) National Marine Fisheries Service (NMFS): Yes No

Remarks. NYSDEC and FWS were consulted and commented on the design and location of both the temporary and permanent fish ladder as well as an adequate flow regime.

2. Section 7 consultation (Endangered Species Act).

(a) Listed species: _____

(b) Not required. Required; completed (date): / / .

Remarks. DEC, by telephone call on July 11, 1985, indicated no effect on any endangered or threatened species. FWS letter of 7-3-85 also determined no effect.

3. Cultural resource consultation (Historic Preservation Act).

(a) Register status: None. Potentially eligible. Eligible or listed.

(b) State Historic Preservation Officer (SHPO): Yes No

(c) National Park Service (NPS): Yes No

(d) Council: Not required. Completed (date): / / .

(e) Further consultation: Not required Required.

Remarks. See Section D.g.

4. Recreation consultation [Federal Power Act, §10(a)].

(a) U.S. Owners Yes No (b) NPS: Yes No

(c) State(s): Yes No Remarks. DEC, in a letter dated 7-1-85,

stated that the provision of recreational amenities included in the exemption from licensing, was still relevant to the amended project.

5. Wild and scenic rivers (Wild and Scenic Rivers Act).

Status: None. Listed. Determination completed: / / .

Administering agency: _____
Remarks: _____

6. LWCF lands and facilities affected (Land and Water Conservation Fund Act).

Status: None. Designated. Determination completed: / / .

Administering agency: _____
Remarks: _____

F. COMMENTS

The following entities provided comments on the application in response to the public notice dated 1 / 23 / 86 .

<u>Commenting entity</u>	<u>Date of letter</u>
<u>Department of the Interior</u>	<u>3 / 14 / 86</u>
<u> </u>	<u> / / </u>
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<u> </u>	<u> / / </u>

* indicates a petition to intervene.

G. RECOMMENDED MITIGATION

1. Staff recommends the following mitigative measures for the proposed project in addition to the applicant's proposed mitigative measures, identified in Section C(2), and any requirements identified in Section C(3).

Staff recommends no additional mitigative measures for the proposed action.

H. ENVIRONMENTAL IMPACTS

1. Impacts of the no-action alternative.

Under the no-action alternative, there would be no construction of any additional facilities or changes to the existing physical, biological, or cultural components of the area. Additional electrical power that would be generated by the attended hydroelectric project would have to be generated from other available sources or offset by conservation measures.

2. Assessment of adverse and beneficial impacts expected from the project as proposed by the applicant (P); the proposed project with the staff's recommended mitigation (Ps) [Section G]; and any other alternative considered (A). *

Resource	Impact			Remarks
	P	Ps	A	
a. Geology/Soils	0			
b. Streamflow	0			
c. Water quality:				
Temperature	0			
Dissolved oxygen	0			
Turbidity and sedimentation	0			
Other:	-			
d. Fisheries:				
Anadromous	0			d.&i. The designated impact levels for fish and wildlife resources assumes that the mandatory terms and conditions set by the federal and state fish and wildlife agencies would protect these resources [see Section C(3)].
Resident	0			
e. Vegetation	0			
f. Wildlife	0			
g. Cultural:				
Archeology	0			
History	0			
h. Visual quality	0			
i. Recreation	IBL			i. & j. Completion of the permanent fish ladder would enhance fishing opportunities in the project area.
j. Land use	IBL			
k. Socioeconomics	0			
l. Ambient noise	0			
m. Ambient air quality	0			

* The assessments reflect any terms and conditions set by the agencies, in addition to the applicant's proposed mitigation. Assessment symbols indicate the following impact levels:

0 = No Impact; 1 = Minor Impact; 2 = Substantial Impact; 3 = Major Impact;
 A = Adverse; B = Beneficial; L = Long-term Impact; S = Short-term Impact.

(e.g., IBL = Minor, Beneficial, long-term Impact)

3. Recommended alternative (including proposed, required, and recommended mitigative measures): X Proposed action Alternative action. No action.

4. Reason(s) for selecting the preferred alternative.

The proposed project is preferred over the no-action alternative because the purpose of the project can be achieved without significant environmental impacts.

I. SUMMARY OF UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

The proposed capacity addition to the project would have potential adverse impacts on the downstream migration of steelhead trout juveniles and eventually Atlantic salmon because of low flows. The periods of low flow would not be extensive since the fish runs do not include the lowest flow months of July and August. Minor impacts of turbine mortality on juvenile fish would also occur. Installation and removal of the cofferdam would result in minor impacts of erosion and increased turbidity.

J. CONCLUSION

X Finding of No Significant Impact. Approval of the recommended alternative [H(3)] would not constitute a major Federal action significantly affecting the quality of the human environment, therefore, an environmental impact statement (EIS) will not be prepared.

Intent to Prepare an EIS. Approval of the recommended alternative [H(3)] would constitute a major Federal action significantly affecting the quality of the human environment; therefore, an EIS will be prepared.

K. LIST OF PREPARERS

<u>Name</u>	<u>Position title</u>
<u>Reed Snyder</u>	<u>Environmental Protection Specialist (Coordinator)</u>
<u>John Novak</u>	<u>Supervisory Fishery Biologist</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

L. LITERATURE CITED

1. Hydro Development Group, Inc. 1985. Application for an amendment of exemption from licensing, FERC No. 3695, New York. October 22, 1985.

2. The National Atlas, U.S. Geological Survey. 1970. Washington, D.C.



IN REPLY REFER TO
(ER 96/154)

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Project Review
1500 Custom House
165 State Street
Boston Massachusetts 02109

March 14, 1986

FILED
OFFICE OF THE SECRETARY
1986 MAR 17 PM 3:21
FEDERAL ENERGY
REGULATORY COMMISSION

Mr. Kenneth F. Plumb, Secretary
Federal Energy Regulatory Commission
825 N. Capitol Street, N.E.
Washington, DC 20426

Dear Mr. Plumb:

The Department of the Interior has reviewed the January 23, 1986 Notice of Application for Amendment of Exemption from Licensing by Hydro Development Group, Inc., for the Dexter Hydro Project, FERC #2695-002, located on the Black River in Jefferson County, New York.

The Amendment would relocate the fishway to Dam #18, providing a more stable attraction flow for upstream fish migration. We support this modification, and we have no objection to the proposed Amendment.

We further prescribe the following terms and conditions relating to the fishway:

1. The Exemptee shall, at its expense, design and make operative structures and procedures to enable anadromous fishes to migrate upstream and, if necessary, downstream past the project works; and
2. The Exemptee shall ensure that the design, location, installation, maintenance, repair and operation of structures necessary for the upstream and, if necessary, downstream migration of fishes past the project conform to the specifications of and are satisfactory to the U. S. Fish and Wildlife Service.

Sincerely,

William Patterson
Regional Environmental Officer

THIS DOCUMENT CONTAINS
PUBLIC NOTICE PAGES

86 FERC ¶ 62,138

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group, Inc.

Project No. 2695-002

ORDER AMENDING EXEMPTION FROM LICENSING
(5 MW OR LESS)

(Issued August 5, 1986)

On October 22, 1985, Hydro Development Group, Inc. filed an application to amend the exemption from licensing for the Dexter Project as set forth in Part I of the Federal Power Act. ^{1/} The proposed changes to the small hydropower project are 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 order.

Article 2 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 the attached letters commenting on the amendment of exemption application. If contested, the Commission will determine whether any mandatory term or condition is outside the scope of article 2.

After considering the mandatory terms and conditions designed to protect fish and wildlife resources, the environmental information in the amendment of exemption application, the staff's independent assessment ^{2/}, and other public comments, the Director finds that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

^{1/} Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less, 19 FERC ¶ 61,229 (1982).

^{2/} Environmental Assessment, Dexter Project, FERC Project No. 2695-002 - New York, Federal Energy Regulatory Commission, July 17, 1986. This document is available in the Commission's public file associated with this proceeding.

8608070323

DC-A-21

FERC - DOCKETED

AUG 5 1986

The Director orders:

(A) The exempted Dexter Project is amended as provided by this order and as described in the attached notice.

(B) The following special article is added to the order issuing exemption:

Article 9. Before commencing any ground-disturbing or spoil-producing activities, the Exemptee, in consultation and cooperation with the appropriate Federal, state, and local agencies (including the Soil Conservation Service and any Federal agency with managerial authority over any part of the project lands), shall prepare a plan to control erosion and dust, stabilize slopes, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review.

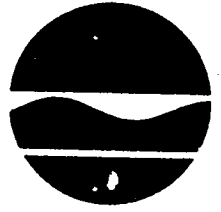
The Exemptee may commence ground-disturbing or spoil-producing activities 30 days after submitting the final plan to the consulted agencies, or sooner if the plan is approved by the Soil Conservation Service and any Federal agency with managerial authority over any part of project lands. Any consulted agency that objects to the Exemptee's final plan should notify the Commission, specify the objection, and recommend alternative measures. The Commission reserves the right to modify the final plan.

(C) 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.

APPROVED
Richard T. Hunt
Director, Office of
Hydropower Licensing

Dex 401

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-0001
Division of Regulatory Affairs, Room 514



Robert F. Flacke
Commissioner

October 30, 1981

Kenneth Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol, N.E.
Washington, D.C. 20426

RE: Application for Exemption,
Hydro Development Group Inc.
(T) Dexter, Jefferson County,
NY. FERC Project #2695-001,
DEC Project #623-06-0252.

Dear Secretary Plumb:

The New York State Department of Environmental Conservation (DEC)* has reviewed the referenced hydroelectric proposal pursuant to the applicable provisions of the NYS Environmental Conservation Law (ECL).

DEC, as the accepted lead agency in New York State, also coordinated its review with the New York State Public Service Commission, the New York State Office of Parks and Recreation (Central Planning Office and Historic Preservation Officer), the U.S. Fish and Wildlife Service and the Corps of Engineers.

DEC has determined that development of the proposed project in accordance with the following recommendations will minimize to the maximum extent practicable the adverse environmental conflicts that are expected to occur during the construction and operation of the station.

1. Water Quality

The DEC has determined that proposed project no. 2695-001, which includes units nos. 1, 2, 3, 4, 5, and 6 will not

- *Division of Fish and Wildlife
- Division of Water
- Division of Regulatory Affairs
- Division of Lands and Forests

contravene the water quality standards of the Black River. The Commission's attention is directed to the conditions and recommendations included with the Section 401 water quality certification issued by DEC to Hydro Development Group Inc. on May 19, 1980 for units nos. 1, 2, 5, and 6; project no. 2695-000.

2. Fish Passage

Upon the completion of its review of the Dexter Project no. 2695, the DEC recommended the inclusion of a fish passage structure to facilitate New York State's ongoing fisheries management program for the Lower Black River. The applicant's agreement to construct such a facility is contained on Page 2 of "Exhibit E" of the application for exemption. This agreement will provide the DEC the opportunity to expand salmonid fishing opportunities in the Lower Black River when the need is firmly established. The applicant should also be required to provide the flows necessary to accommodate fish passage. Such flow requirements will be finalized once the design of the passage structure is completed.

3. The DEC recognizes that the proposed run-of-river (instantaneous inflow=instantaneous outflow) operation at Dexter and numerous other similar stations on the Lower Black River are strongly influenced by certain upstream hydro operations that are beyond the scope of this review. It is anticipated, however, that the ongoing Federal licensing progress will eventually provide the opportunity to evaluate these operations and if necessary, readjust current minimum flows to improve upon existing conditions. The DEC, therefore, reserves the right to require the Hydro Development Group Inc. to modify the Dexter operation accordingly to conform to any future minimum flow improvements.

4. The DEC understands that the 30-inch flashboards mentioned in the environmental report currently exist and that no further inundation will occur to riparian or wetland areas affected by the project.

5. The DEC's Division of Fish and Wildlife has determined that no apparent conflicts with endangered species or significant fish and wildlife habitats will occur as a result of this project.

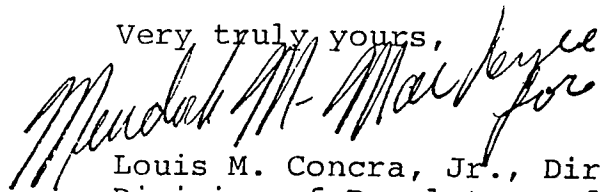
Kenneth Plumb, Secretary

3.

6. The Commission's attention is directed to the applicant's agreement to provide "extensive shoreline access to anglers" on the project property. The DEC recommends close consultation with Fish and Wildlife staff, Office of Parks and Recreation staff, and local authorities prior to and during the development of any recreational access and/or facilities.

The opportunity for review is appreciated; please do not hesitate to contact this office if we can be of further assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Louis M. Concra, Jr.", with a checkmark at the end of the signature.

Louis M. Concra, Jr., Director
Division of Regulatory Affairs

LMC/MMK:ssf

cc: Mark Quallen ✓
Fred Springer

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

19 FERC 161,229

-2-

Project No. 2695-001

Before Commissioners: C. M. Butler III, Chairman;
Georgiana Sheldon, J. David Hughes
and A. G. Sousa.

Hydro Development Group, Inc.) Project No. 2695-001

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

(Issued June 4, 1982)

The Hydro Development Group, Inc. (HDG) has filed 1/ an application for exemption from Part I of the Federal Power Act (FPA) for the proposed Dexter Project No. 2695-001. The application was filed pursuant to the Commission's regulations, 18 C.F.R. §§4.101-4.108 (1981), implementing Section 408(b) of the Energy Security Act (ESA) of 1980. 2/ The project is to be located on the Black River in Jefferson County, New York.

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations. 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 petitions to intervene that were filed have been considered. No agency has any objection relevant to the issuance of this exemption.

On September 2, 1981, the Brownville Power Company 3/ (Brownville) filed a petition to intervene. In its petition, Brownville alleged that operation of the Dexter Project with 30-inch flashboards would potentially interfere with the operation of its proposed Brownville Project, to be located 2.5 miles upstream. HDG responded on September 16, 1981 (supplemented September 29, 1981), denied the allegation, and claimed that for many years both projects had operated with no interference. HDG also points out that neither Brownville nor its predecessors made any objection to Dexter's long use of the flashboards. Subsequently, both parties filed supplemental pleadings to further explain and support their positions.

1/ HDG filed its application for exemption for Project No. 2695-001 on May 11, 1981.

2/ Pub. Law No. 96-294, 94 Stat. 611. 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).

3/ The Brownville Power Company (Brownville) had filed an application for preliminary permit for Project No. 4939-000 on June 22, 1981, and revised it on July 23, 1981.

DC-1-16

The center of the controversy is the historical tailwater elevation of the Brownville Project versus the historical headwater elevation of the Dexter Project. Both parties agree that the Dexter and Brownville Projects operated for years without interference. Brownville, however, maintains that the Brownville Project historically operated under normal conditions at a tailwater elevation of 260.5 msl, while HDG asserts that the Dexter Project historically operated at a headwater elevation of 262 msl with flashboards in place. The parties dispute each others' elevation figures, with Brownville claiming in particular, and Dexter disputing, that the Dexter Project was historically operated without flashboards. 4/

4/ HDG's initial response included affidavits that reveal that on 3 recent occasions "white water" condition existed at the base of Brownville Dam and persisted for about 250 feet downstream. At these times Dexter's flashboards were in place. Thus, HDG concludes that no possible interference could occur at Brownville Dam because there was no pondage or backwater built up there. HDG also provided the results of an engineering survey at the two sites showing elevations of 262 msl at the top of the flashboards at Dexter and water surface elevations of 266 and 267 msl at 2 locations in the tailrace at Brownville. In addition, HDG provided eleven affidavits from persons concerning the long established use of flashboards at the Dexter Project including two photographs of the site published in the local newspaper in 1949 and 1963 clearly showing flashboards in place.

At the request of the Secretary of the Commission, Brownville filed a response to HDG's submissions. Brownville states that its records show that the generation facilities utilized a 21 foot head between elevations 281.5 feet and 260.5 feet. Brownville provided an affidavit from a long time employee stating that from 1956 to 1971 the project operated at maximum capacity and at no time did excess water elevation in the tailrace interfere with maximum operations. Brownville also provided an engineering report concluding that (1) prior to 1957 there were 21 feet of head "extending from a probable headwater elevation of 281.5 + to a tailwater elevation 260.5 + under normal flow conditions"; and (2) after 1957 there is sufficient data to suggest that no permanent change in tailwater conditions occurred up to 1966. (No data is available for the post-1966 period.)

HDG responded that this report is suspect because it is based on a variety of assumptions and derived elevations. HDG asserts that Brownville commissioned its own engineering surveys that were taken on October 27, 1981 and January 12, 1982. These surveys were never submitted to the Commission by Brownville but the results (which assertedly are known to HDG and reported in affidavits) confirm HDG's own survey, namely that the tailrace at Brownville Dam is significantly higher than that claimed by Brownville.

DCX 404

Project No. 2695-001

Under Section 4.104(e)(1) of the Commission's regulations, 18 C.F.R. 4.104(e)(1), an exemption application is favored over a mutually exclusive preliminary permit application. Therefore, if there was a mutually exclusive permit application here, the exemption application would be favored.

Turning to the matter of requisite ownership of property rights, Brownville alleges that Dexter "has not shown that it owns all the property rights necessary to develop the project as proposed." Brownville does not state, however, which property rights are allegedly absent, nor does it in any way substantiate its claim. Our inspection of the application reveals that Dexter does possess the necessary property rights to qualify for an exemption for the Dexter Project.

As demonstrated by the discussion herein, there is no significant dispute over requisite property interests in this case and no colorable showing has been made by Brownville that the exemption may not be granted under our regulations. HDG has rebutted each of Brownville's allegations. 5/ It would be in the public interest to grant the exemption under the circumstances of this case.

The documents filed by HDG and Brownville show that the two projects have operated without interference for many years. It is entirely appropriate, therefore, that an exemption for the Dexter Project and a preliminary permit for the Brownville Project both be granted. 6/ Moreover, as we have already found in other circumstances, granting an exemption does not preclude the issuance of a permit for another project that is in whole or in part inconsistent with the development authorized under an exemption. The Metropolitan District of Hartford, Connecticut, Project No. 4297-001, 16 FERC ¶61,254 (1981); Wells River Hydro Associates, Project No. 4770-000, 18 FERC ¶61,157 (1982). Thus, even if there were some conflict between the two projects, the Commission could later take action in the public interest.

Standard Article 2 included in this exemption requires compliance with any 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 conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to HDG in conjunction with this exemption.

5/ See, Fluid Energy Systems, Inc., Kern County Water Agency, V. W. & L. W. Page; Project Nos. 3592, 4125, 4805-001, 19 FERC ¶61,040 (1982).

6/ By virtue of our conclusion in this order, it follows that the Director, Office of Electric Power Regulation, has sufficient delegated authority to act on the application for a preliminary permit by Brownville Power Company for Project No. 4939-000.

Project No. 2695-001

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.

The Commission orders

(A) The Dexter Project No. 2695-001 as described and designated in Hydro Development Group's application filed on May 11, 1981, is exempted from all of the requirements of Part I 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 (1981).

(B) This order is final unless an application for rehearing is filed within 30 days from the date of its issuance, as provided in Section 313(a) of the Act. The filing of an application for rehearing does not operate as a stay of the effective date of this order, except as specifically ordered by the Commission. Failure to file an application for rehearing shall constitute acceptance of this order.

By the Commission.

(S E A L)

Kenneth F. Plumb

Kenneth F. Plumb,
Secretary.

§ 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.

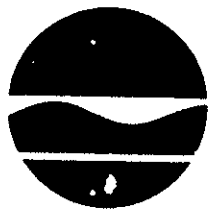
(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit 2 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.

(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.

Dex 401



Robert F. Flacke
Commissioner

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-0001
Division of Regulatory Affairs, Room 514

October 30, 1981

Kenneth Plumb, Secretary
Federal Energy Regulatory Commission
825 North Capitol, N.E.
Washington, D.C. 20426

RE: Application for Exemption,
Hydro Development Group Inc.
(T) Dexter, Jefferson County,
NY. FERC Project #2695-001,
DEC Project #623-06-0252.

Dear Secretary Plumb:

The New York State Department of Environmental Conservation (DEC)* has reviewed the referenced hydroelectric proposal pursuant to the applicable provisions of the NYS Environmental Conservation Law (ECL).

DEC, as the accepted lead agency in New York State, also coordinated its review with the New York State Public Service Commission, the New York State Office of Parks and Recreation (Central Planning Office and Historic Preservation Officer), the U.S. Fish and Wildlife Service and the Corps of Engineers.

DEC has determined that development of the proposed project in accordance with the following recommendations will minimize to the maximum extent practicable the adverse environmental conflicts that are expected to occur during the construction and operation of the station.

1. Water Quality

The DEC has determined that proposed project no. 2695-001, which includes units nos. 1, 2, 3, 4, 5, and 6 will not

*Division of Fish and Wildlife
Division of Water
Division of Regulatory Affairs
Division of Lands and Forests

contravene the water quality standards of the Black River. The Commission's attention is directed to the conditions and recommendations included with the Section 401 water quality certification issued by DEC to Hydro Development Group Inc. on May 19, 1980 for units nos. 1, 2, 5, and 6; project no. 2695-000.

2. Fish Passage

Upon the completion of its review of the Dexter Project no. 2695, the DEC recommended the inclusion of a fish passage structure to facilitate New York State's ongoing fisheries management program for the Lower Black River. The applicant's agreement to construct such a facility is contained on Page 2 of "Exhibit E" of the application for exemption. This agreement will provide the DEC the opportunity to expand salmonid fishing opportunities in the Lower Black River when the need is firmly established. The applicant should also be required to provide the flows necessary to accommodate fish passage. Such flow requirements will be finalized once the design of the passage structure is completed.

3. The DEC recognizes that the proposed run-of-river (instantaneous inflow=instantaneous outflow) operation at Dexter and numerous other similar stations on the Lower Black River are strongly influenced by certain upstream hydro operations that are beyond the scope of this review. It is anticipated, however, that the ongoing Federal licensing progress will eventually provide the opportunity to evaluate these operations and if necessary, readjust current minimum flows to improve upon existing conditions. The DEC, therefore, reserves the right to require the Hydro Development Group Inc. to modify the Dexter operation accordingly to conform to any future minimum flow improvements.

4. The DEC understands that the 30-inch flashboards mentioned in the environmental report currently exist and that no further inundation will occur to riparian or wetland areas affected by the project.

5. The DEC's Division of Fish and Wildlife has determined that no apparent conflicts with endangered species or significant fish and wildlife habitats will occur as a result of this project.

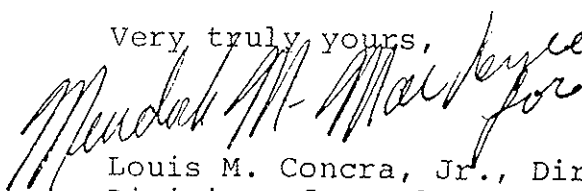
Kenneth Plumb, Secretary

3.

6. The Commission's attention is directed to the applicant's agreement to provide "extensive shoreline access to anglers" on the project property. The DEC recommends close consultation with Fish and Wildlife staff, Office of Parks and Recreation staff, and local authorities prior to and during the development of any recreational access and/or facilities.

The opportunity for review is appreciated; please do not hesitate to contact this office if we can be of further assistance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Louis M. Concra, Jr.", written over the typed name.

Louis M. Concra, Jr., Director
Division of Regulatory Affairs

LMC/MMK:ssf

cc: Mark Quallen ✓
Fred Springer

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

-2-

Hydro Development Group, Inc. Project No. 2695-001

NOTICE OF APPLICATION FOR EXEMPTION FROM LICENSING
OF A SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

(July 23, 1981)

Take notice that the Hydro Development Group, Inc. filed with the Federal Energy Regulatory Commission on May 11, 1981, an application for exemption for its Dexter Project No. 2695 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980. ^{1/} The proposed project would be located on the Black River in Jefferson County, New York. Correspondence with the Applicant should be directed to: Mr. Mark E. Quallen, Hydro Development Group, Inc., P.O. Box 58, Dexter, New York 13634.

Project Description - The expanded run-of-river project would consist of: 1) three reinforced concrete gravity type dams, one 12 feet high and 141.5 feet long, one 8 feet high and 145 feet long, and one 12 feet high and 433 feet long, each surmounted by 30-inch flashboards; 2) an impoundment covering 120 acres at elevation 262 feet m.s.l. and having a storage capacity of 120 acre-feet; 3) three existing powerhouses containing four existing turbine/generating units with a total capacity of 1820 kW and two proposed units with a total capacity of 500 kW, all operating under a head of 14 feet; 4) a new 2.3-kV, 450-foot long transmission line and 5) appurtenant facilities.

^{1/} Pub. Law 96-294, 94 Stat. 611. 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).

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.

Agency Comments - Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications - Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before September 2, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than December 31, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 C.F.R. §4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. §4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene - Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. §1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 2, 1981.

FEDERAL ENERGY REGULATORY COMMISSION
New York Regional Office

ENVIRONMENTAL AND PUBLIC USE INSPECTION REPORT

For the period Initial to May 17, 1993

Exemptee Hydro Development Group Project No. 2695-NY

Project Name Dexter

Location Black River Jefferson New York
(Waterway or reservation) (County) (State)

Exemption issued June 2, 1982 Expires N/A Type Case Specific

Date of last Environmental/Recreation amendment None

Inspected by Joseph Enrico Date May 17, 1993

Parts of project inspected Public Safety, Environmental and
Recreational Resources

Weather Mostly cloudy, mild, high 60s°F

Accompanied by Messrs. Thomas E. Ward, Construction Manager;
Leonard Olivett, Conservation Biologist, New York State
Department of Environmental Conservation; and Peter Puglese,
Environmental Protection Specialist, NYRO

Summary

There are no formally developed recreational facilities at the project. The project does have a fish ladder and informal fishing takes place mainly below the dam. Boaters do have a tendency to fish very close to project structures. The project has three dams, for which only one has a boat barrier. It was requested that the barrier be moved further upstream. It was also requested that more buoys be placed at Dam No. 18.

Submitted July 27, 1993

Joseph G. Enrico
Joseph G. Enrico
Environmental Protection Specialist

9308190368

A. General Description of the Project1. Project Area Description

The Dexter project is located on the Black River, in the Village of Dexter, Jefferson County, New York. The project is the first one upstream of Lake Ontario. Migratory fish species such as Atlantic salmon pass through the project via a fishway. The immediate land around the project is fairly well developed since it is located in the Village proper. There are no appreciable aesthetic values of the project area. The project topography is fairly flat with adjacent rolling hills.

2. Description of the Development

The reservoir splits into three channels because of two islands and therefore the project encompasses three dams. Pondage is relatively small although an area of 120 acres of marsh land is flooded which provides fine fishing and duck hunting. The project is operated run-of-river. Because of the industrial history of the Black River, water quality is fair but is improving. The adjacent lands surrounding the project provide little recreational value, and includes mostly fishing, hunting and some white water activities.

B. Project Resources and Facilities1. Public Use Resources and Facilitiesa. Description of Facilities

The project has no formally developed recreational facilities. Since there is a good fishery in this stretch of the river, the project has several areas where informal fishing access is permitted. The tailrace wall and shoreline near the small powerhouse provide a good site for bank fishing (Photo 1). A gravel parking area is provided for anglers (Photo 2). Near the new powerhouse, a popular local fishing area exists on the right bank (Photo 3). Although the gate is locked at night, anglers can park and walk to the site. There is also unrestricted access along the left bank, downstream of dam No. 18 (Photo 4).

The Village of Dexter has constructed a concrete boat ramp on the reservoir, near dam No. 16 (Photo 5). There is ample parking for this facility. Boat fishing is also very popular immediately downstream of the project dams.

b. Compliance with Requirements/Exhibits

The project is not subject to Part 8, Section 8.2(a), therefore, no recreation signs are required. Standard Article 2 requires the Exemptee to comply with all conditions set by the

state and federal resource agencies. The U.S. Fish and Wildlife Service (USFWS), by letter dated October 30, 1981, and the New York State Department of Environmental Conservation (NYSDEC), by letter dated August 31, 1981, required the Exemptee to allow free, open use of project lands for anglers. The Exemptee was in compliance with this requirement at the time of inspection.

c. Adequacy of Public Use Resources and Facilities

The project provides adequate facilities for the present level of recreational use.

2. Cultural Resources and Facilities

a. Cultural Resources

None.

b. Compliance with Conditions/Orders

Nothing to report.

c. Adequacy of Cultural Resources Plan and Facilities

Nothing to report.

3. Fish and Wildlife Resources and Facilities

a. Description of Resources/Facilities

The Exemptee operates a fish ladder to pass salmonids from Lake Ontario, upstream (Photo 6). The state resource agency management goal, at this time, is to provide a sport fishery, not a self supporting salmonid population. Although operational at the time of inspection, the upstream fish run was almost complete. The ladder was to be closed after inspection of the sea lamprey traps by the USFWS (See Section 4.).

b. Compliance with Conditions and Orders

Standard Article 2 requires the Exemptee to comply with all conditions set by the state and federal resource agencies. USFWS, by letter dated October 30, 1981 and NYSDEC, by letter dated August 31, 1981, required the Exemptee to install and operate upstream fish passage facilities, as directed. The ladder is being operated in compliance with this requirement. The Exemptee closely coordinates the operation of the facility with the state and federal resource agencies.

c. Adequacy of Fish and Wildlife Resources/Facilities

The fish ladder is experiencing an operational problem

when the tailwater levels are very high. Apparently, the two lower baffles become submerged at a certain tailrace elevation and the ladder may not provide the necessary attraction to migrating fish (See Photo 6). NYSDEC and the Exemptee are coordinating on the resolution of this matter.

4. Miscellaneous Environmental Facilities, Resources, Requirements

a. Description of Other Resources

USFWS maintains traps for sea lampreys (Photo 7). The lamprey is a parasitic fish species that attaches itself to salmonids and other fish. It also migrates upstream to spawn and because of the disastrous effects that it can have on certain species, upstream fish ladders are designed to restrict passage by them. The traps were set to obtain samples for study.

b. Compliance with Requirements and/or Conditions

The Exemptee cooperates with the USFWS in its efforts to monitor and trap the sea lamprey.

c. Adequacy of Miscellaneous Facilities/Resources

Nothing to report.

C. Public Safety

1. Description of Facilities

There are three open spillways at the project. At Dam No. 16, an upstream warning sign is in place on a bridge over the channel (Photo 8). At Dam No. 17, a boat barrier is in place since it is adjacent to the village boat ramp (See Photo 5). There are also upstream warning signs as well. Upstream of Dam No. 18, the Village places several buoys to warn of the dam. An additional warning sign is in place on the intake racks.

There are several tailrace warning signs in place at various locations at the project (See Photos 1 and 4). A cable and warning sign are in place across the tailrace at the new powerhouse (Photo 9). Fencing and signs are also used to prevent access to the powerhouse and intake structures (Photo 10).

2. Compliance with Requirements

The Public Safety Plan was submitted on October 23, 1992. The plan sufficiently describes the existing safety measures at the project except for the existence of the buoys upstream of Dam No. 18. The Licensee complies with public safety requirements at the project except as noted below.

3. Adequacy of Public Safety Measures

The three dams associated with the project require different levels of boater protection. The North Channel of the river, at Dam No. 16, has a low bridge with a warning sign. This area and that of the South Channel, near Dam No. 18, do not have any significant boating. The area above Dam No. 18 is very shallow with numerous tree stumps. Regardless, the Exemptee was advised to add more buoys in this area. The Middle Channel, near Dam No. 17 has a boat barrier since it is adjacent to the village boat ramp. It is, however, too close to the spillway.

There is a fair amount of boating on the downstream side of the project. It was noted that boaters come very close to the spillway at Dam No. 16 (Photo 11). According to the Exemptee, because of the large spillway area and low flow, a complete powerhouse trip would not put a significant increase in flow over any one spillway. The Exemptee also stated that boating in this area has historically occurred. This fact is reflected in the original Application for Exemption. The Exemptee was advised to discourage boaters from getting too close to any project structure. This will be done verbally by plant personnel. No other measures appear to be necessary at this time.

With these recommendations, the public safety measures at the project should protect the public from hazards due to project operations or from project features.

D. Recommendations and Follow-Up Actions

The Licensee was sent a letter dated June 4, 1993 outlining the following recommendations:

- * The boat barrier at Dam No. 17 should be moved further upstream, closer to the warning signs. Additionally, the vegetation should be cleared from the left bank sign so that it is visible from the village boat ramp.
- * Although the area upstream of Dam No. 18 is shallow and generally prohibitive to boaters, several buoys should be added to discourage any attempts to boat near the dam.
- * It was noted that some anglers tend to approach project structures for access. Mr. Ward and Mr. Olivett stated that this is a long held practice at the project. While this may be true, anglers should be discouraged from getting too close to spillways, tailraces and other structures.
- * The lower baffle on the fish ladder needs improvement since its function was diminished during high tailwater elevations.

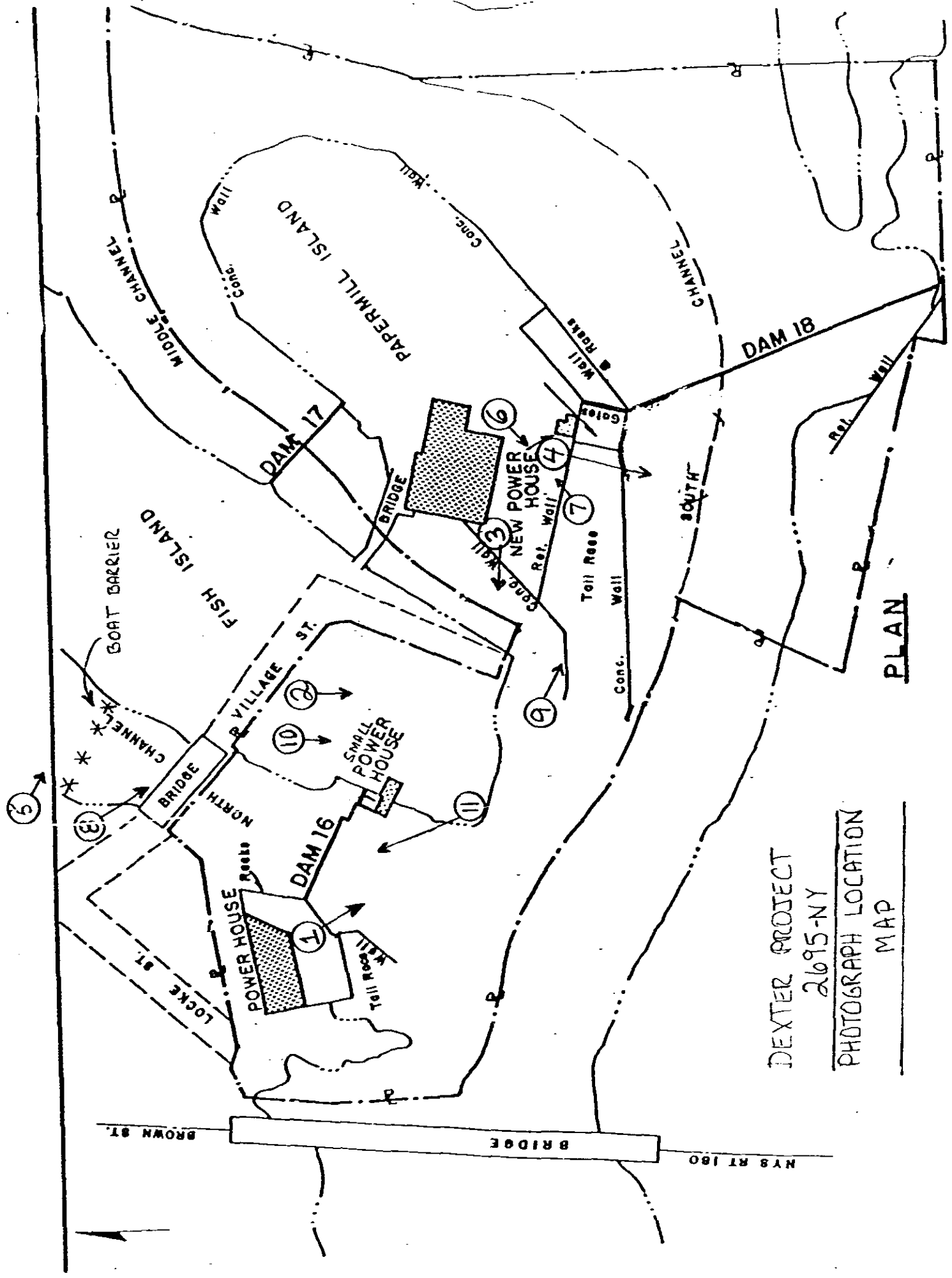
Project No. 2695-NY

6

E. Photographs and Exhibits (as noted)

Attached 11 photographs and photograph location map.

cc: Director, D2SI
RIMS
FERC-NYRO
Enrico, J./jm
07/29/93



DEXTER PROJECT
 2695-NY
 PHOTOGRAPH LOCATION
 MAP

PLAN

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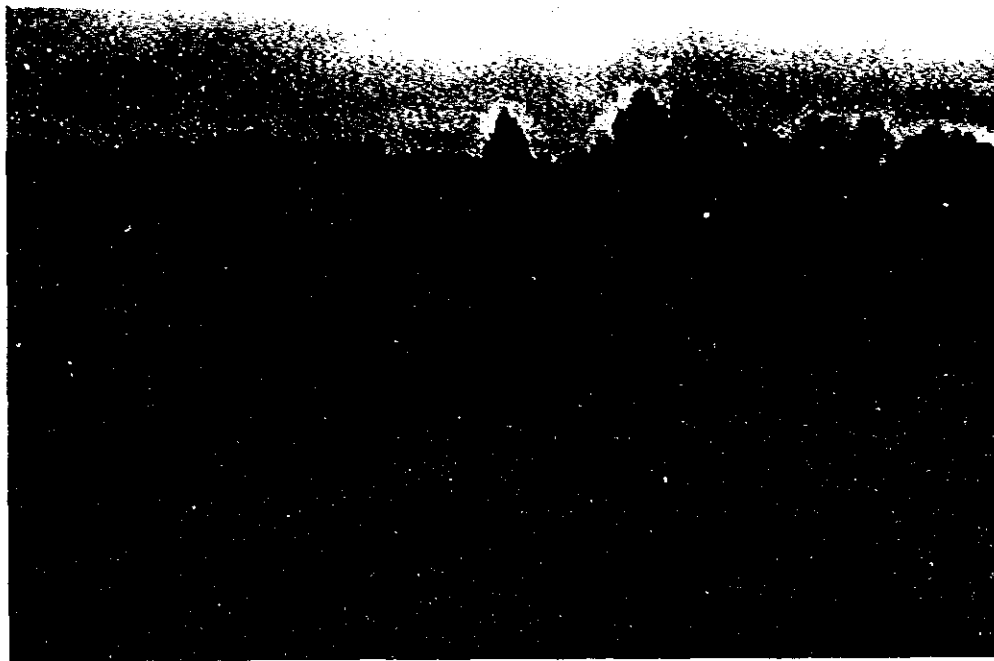


Photo 1 - Informal bank fishing adjacent to tailrace wall at the small powerhouse. Arrow indicates boater warning sign.

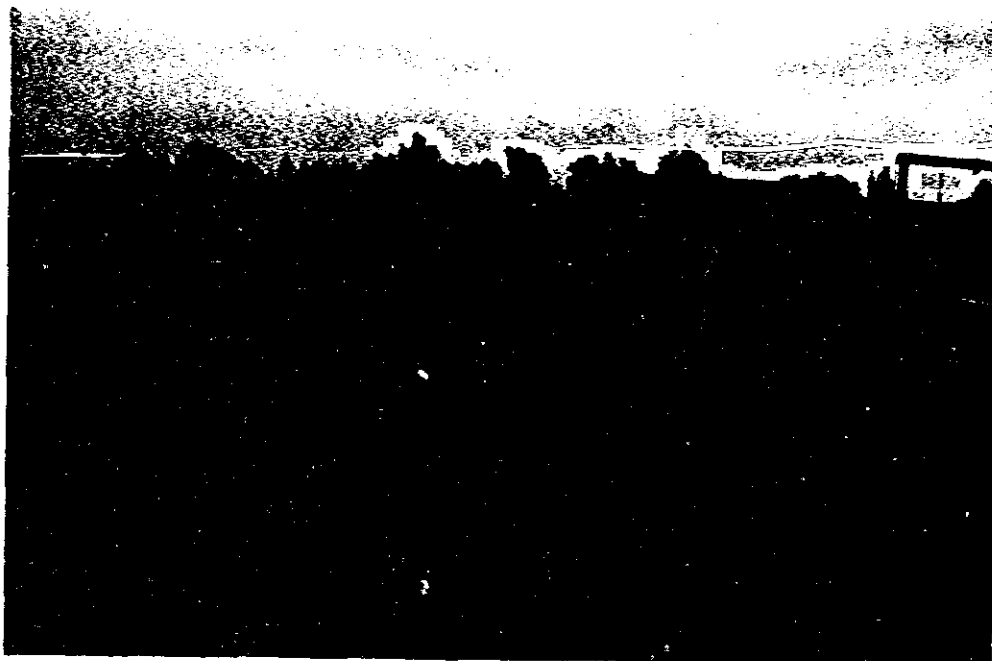


Photo 2 - Gravel parking lot for bank fishing area.



Photo 3 - Informal fishing area from wall along tailrace of new powerhouse.

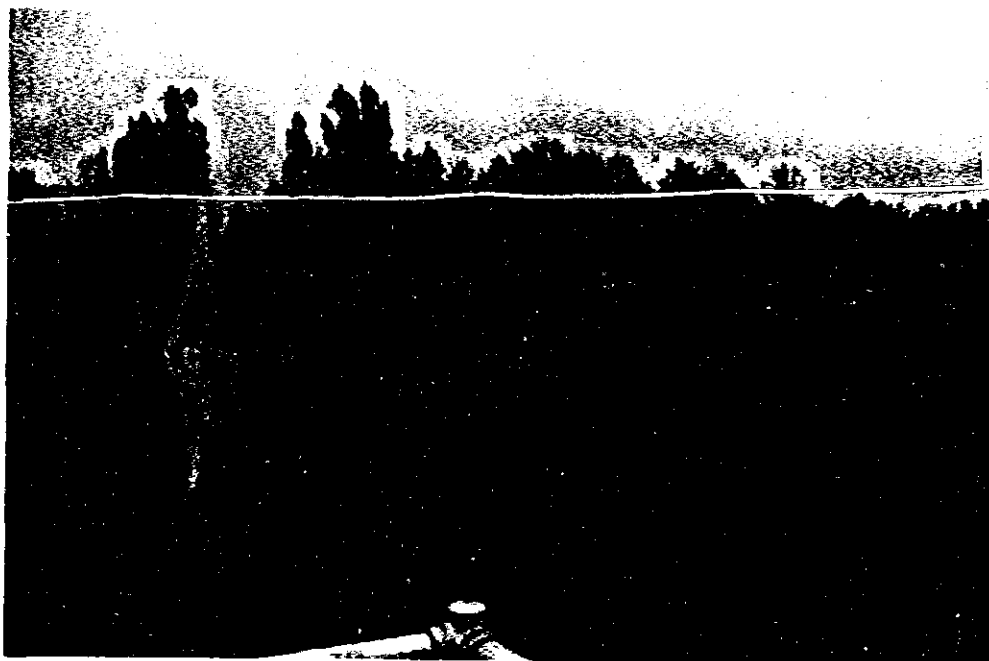


Photo 4 - Informal, unrestricted shoreline access along left bank, downstream of Dam No. 18.

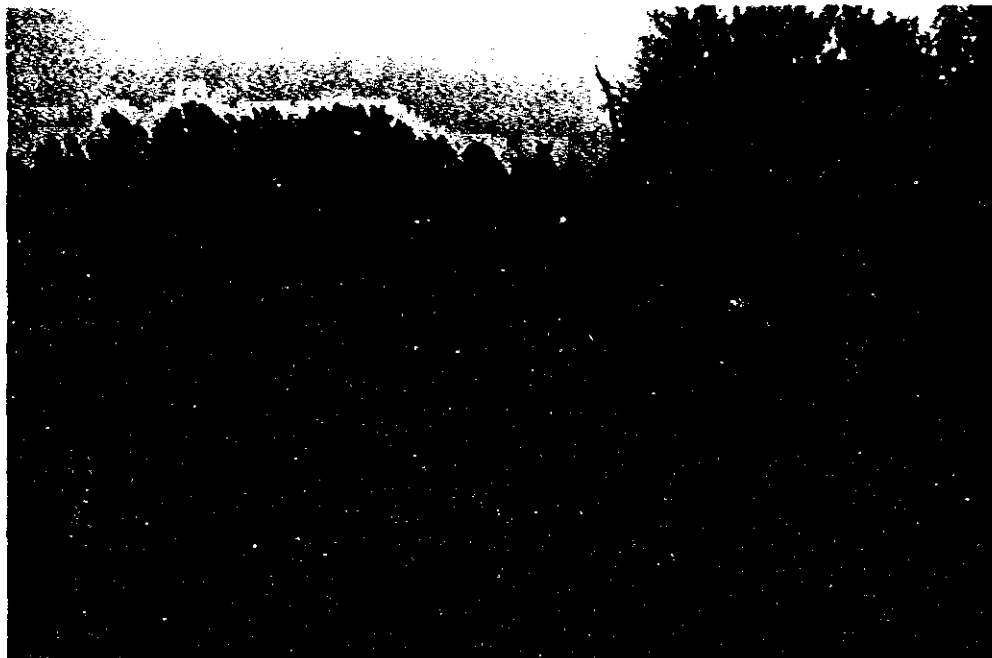


Photo 5 - Village of Dexter boat ramp. Arrow indicates warning sign for Dam No. 16.

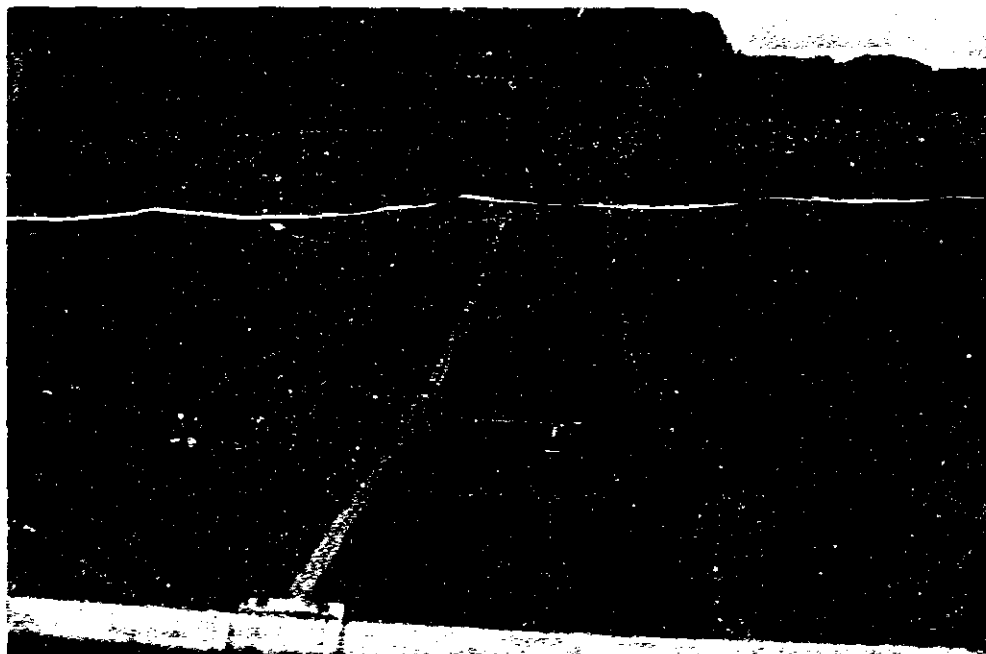


Photo 6 - View of fish ladder. Note submerged baffle, indicated by arrow. The Exemptee is working with NYSDEC to resolve this problem.

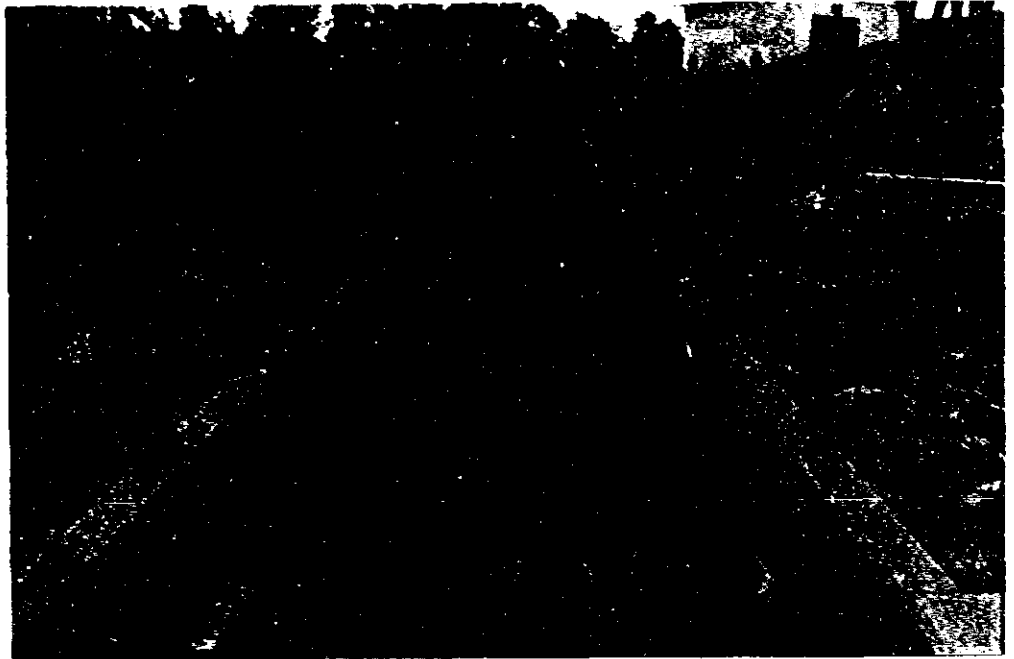


Photo 7 - View looking upstream of fish ladder. Arrow (lower left) indicates sea lamprey trap set by USFWS.



Photo 8 - Upstream warning sign for Dam No. 16.

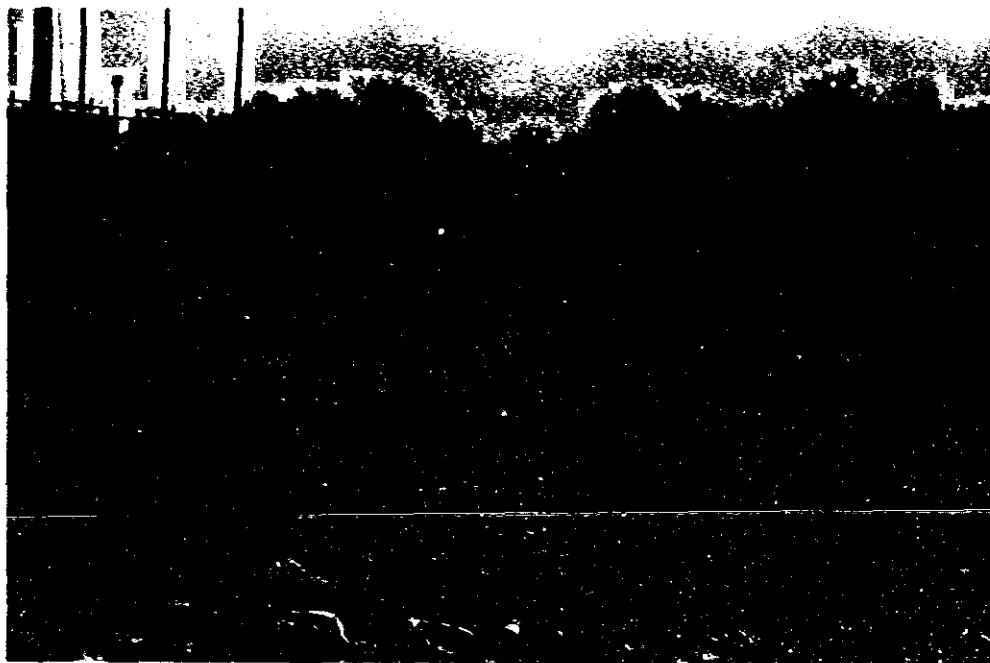


Photo 9 - Tailrace warning sign suspended from cable at new powerhouse. Dam No. 18 is at background, right of photograph.



Photo 10 - Typical warning sign at project, alerting users to potential hazardous areas.



Photo 11 - Fishermen boating very close to spillway at Dam No. 16. The Exemptee indicates that this type of activity has existed historically and that a powerhouse trip would not spill a sufficient amount of water to endanger boaters. Regardless, the Exemptee was requested to discourage users from getting too close to project structures.

NYS Department of Environmental Conservation
Division of Regulatory Affairs
317 Washington Street
Watertown, NY 13601-3787
315-785-2245

APR -5 1994

401.S.1



Langdon Marsh
Acting Commissioner

April 4, 1994

Mr. Mark Quallen, President
Hydro Development Group
PO Box 58
Dexter, New York 13634

RE: Water Quality Certifications

Dear Mr. Quallen:

This Department has reviewed all files which note that Hydro Development Group is an entity in the ownership or operation of hydroelectric facilities located in Region 6. These facilities include Dexter, Theresa, Diamond Island, Copenhagen, Hailsboro 3, 4, and 6, Fowler 7, Pyrites, Port Leyden, Rock Island and Denley. Region 6 is composed of the Counties of Herkimer, Jefferson, Lewis, Oneida and St. Lawrence.

Based upon that review, it is noted that a Water Quality Certification, under Section 401 of the Clean Water Act of 1977, has been issued for all of Hydro Development Group's facilities. Also based on the review, as of this date, it is shown that all of the facilities are being operated within the conditions set forth in each Certificate.

Sincerely yours,

C. Randy Vaas
Regional Supervisor of
Regulatory Affairs
Region 6

CRV:dmt

Peter H. Tucker Consulting Engineer
3100 Falls Road
Marcellus, New York 13108
Syracuse 315 673-4594

February 10, 1995

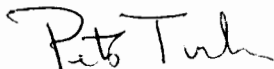
Mr. Wayne Nelson
Consolidated Hydro
Andover Business Park
200 Bulfinch
Andover, MA 01810

re: Dexter FERC Exemption Exhibit G

Dear Mr. Nelson:

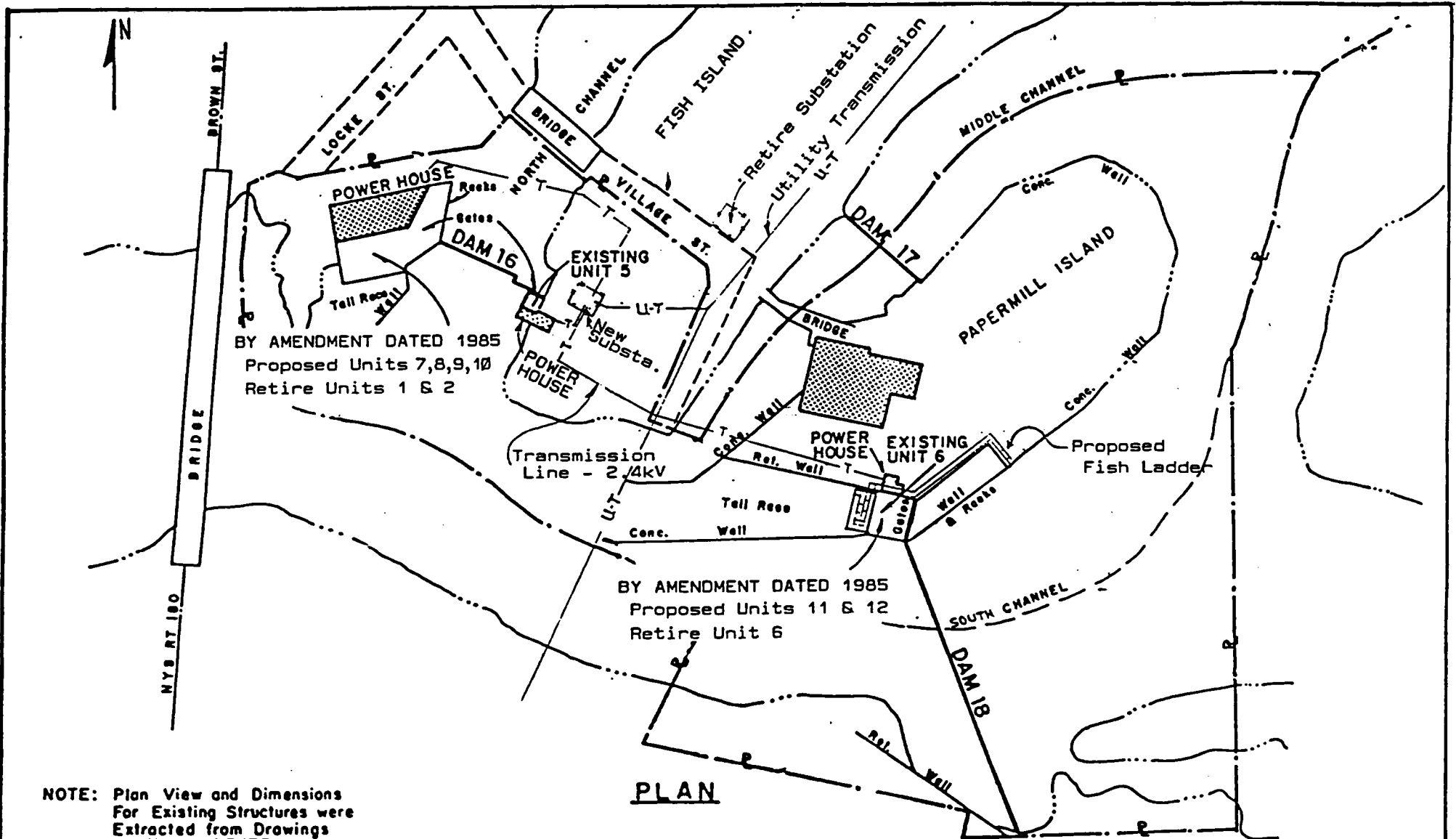
Enclosed is one set of Exhibit G from the October 1985 exemption amendment, which is the most recent set in my file.

Sincerely,



Peter H. Tucker

cc: J. T. Bedard



BY AMENDMENT DATED 1985
 Proposed Units 7, 8, 9, 10
 Retire Units 1 & 2

BY AMENDMENT DATED 1985
 Proposed Units 11 & 12
 Retire Unit 6

PLAN

EXHIBIT G

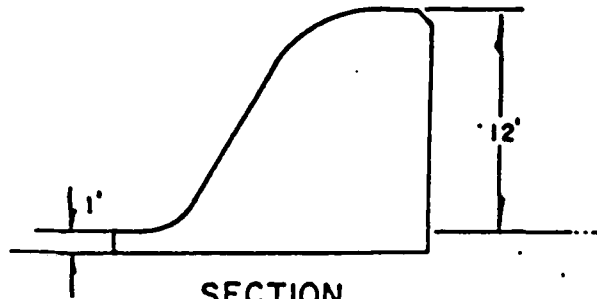
NOTE: Plan View and Dimensions
 For Existing Structures were
 Extracted from Drawings
 on File at DEXTER
 HYDRO-ELECTRIC STATION.

Rev. 1: Amendment dated 1985.

<p>RIST-FROST, ASSOCIATES CONSULTING ENGINEERS</p> <p> <small> BLENS FALLS LACONIA WATERTOWN NEW YORK NEW HAMPSHIRE NEW YORK </small> </p>	DRAWN W.L.D.	CHECKED R.H.P.	SCALE None	DATE APR., 1981	PROJ. NO. 3117-03
	TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION				SHEET NO. G1
					REV. NO. 1

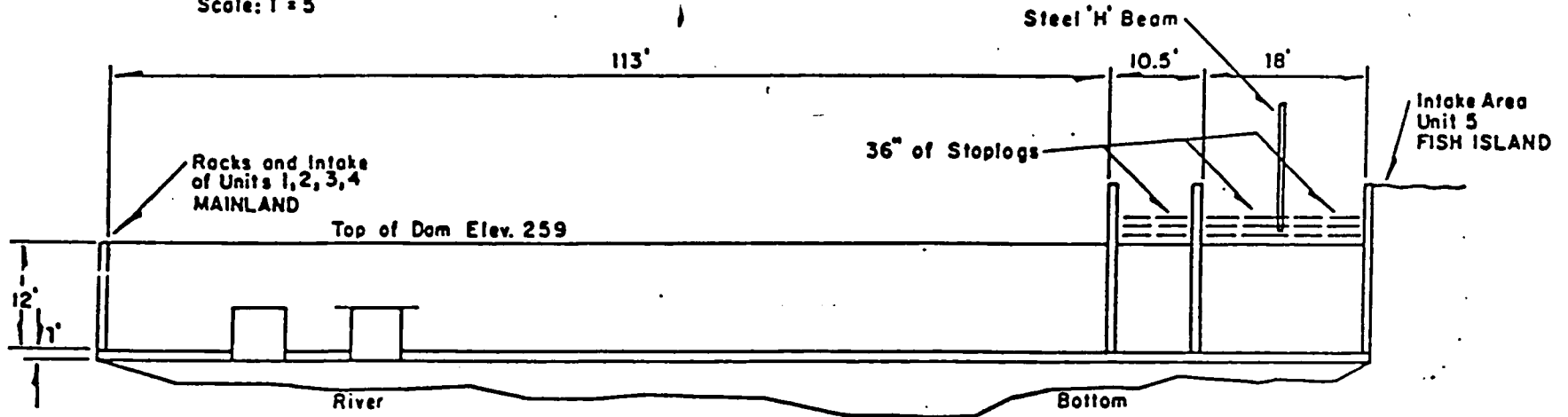
THIS DRAWING IS PART OF THE APPLICATION FOR AN EXEMPTION MADE BY THE UNDERSIGNED, THIS 6TH DAY OF July, 1981
 HYDRO DEVELOPMENT GROUP, INC.

[Handwritten Signature]



SECTION

Scale: 1" = 5'



EXISTING DAM No.16
ELEVATION VIEW
 Scale: Hor. & Vert. 1" = 20'

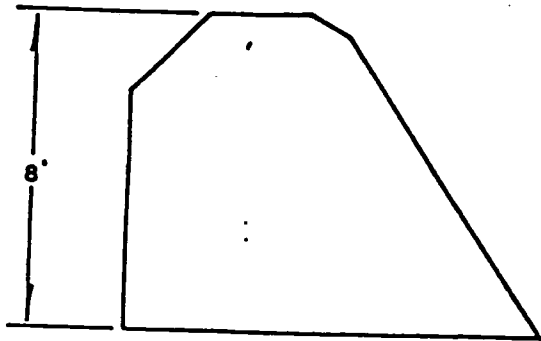
EXHIBIT G



RIST-FROST, ASSOCIATES
CONSULTING ENGINEERS

GLENS FALLS LACONIA WATERTOWN
 NEW YORK NEW HAMPSHIRE NEW YORK

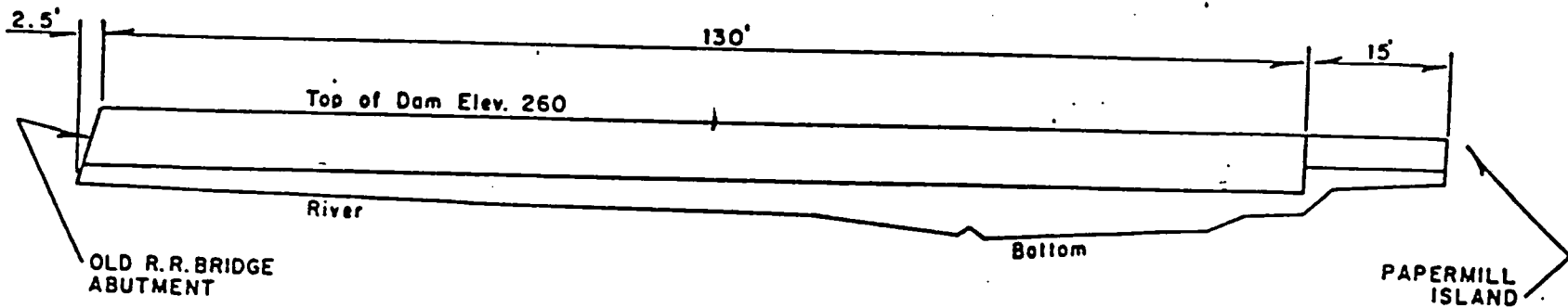
DRAWN W.L.D.	CHECKED R.H.P.	SCALE 1" = 20'	DATE MAR, 1981	PROJ. NO. 5117-03
TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION				REV. NO. G2



SECTION
Scale: 1" = 5'

THIS DRAWING IS PART OF THE APPLICATION FOR AN EXEMPTION MADE BY THE UNDERSIGNED THIS 6TH DAY OF APRIL, 1981
HYDRO DEVELOPMENT GROUP INC.

[Handwritten Signature]



EXISTING DAM No. 17
ELEVATION VIEW
Scale: Hor. & Vert. 1" = 20'

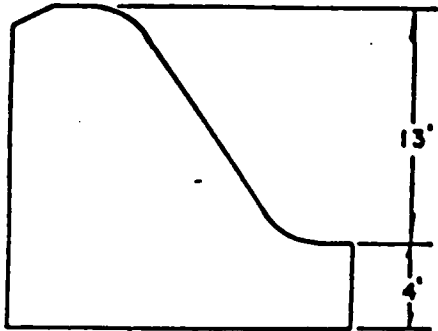


	RIST-FROST, ASSOCIATES CONSULTING ENGINEERS		DRAWN W.L.D.	CHECKED R.H.P.	SCALE 1" = 20'	DATE MAR., 1981	PROJECT 3117-03
			TITLE PROPOSED REDEVELOPMENT OF				SHEET NO. 07

EXHIBIT G

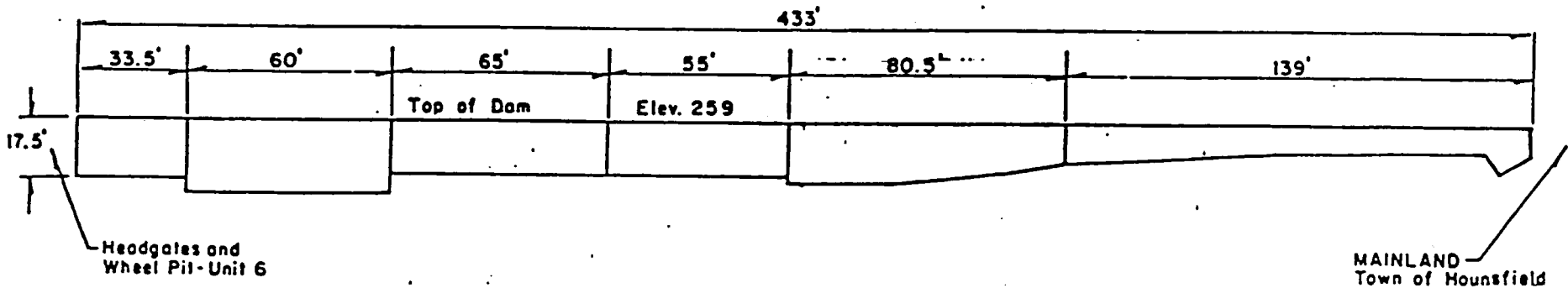
THIS DRAWING IS PART OF THE
 APPLICATION FOR AN EXEMPTION
 MADE BY THE UNDERSIGNED
 THIS 6TH DAY OF MAR., 1981
 HYDRO DEVELOPMENT GROUP INC.

[Handwritten Signature]



SECTION

Scale: 1" = 10'




**EXISTING DAM No. 18
 ELEVATION VIEW**

Scale: Hor. & Vert. 1" = 50'

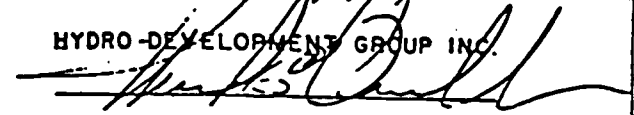


EXHIBIT G

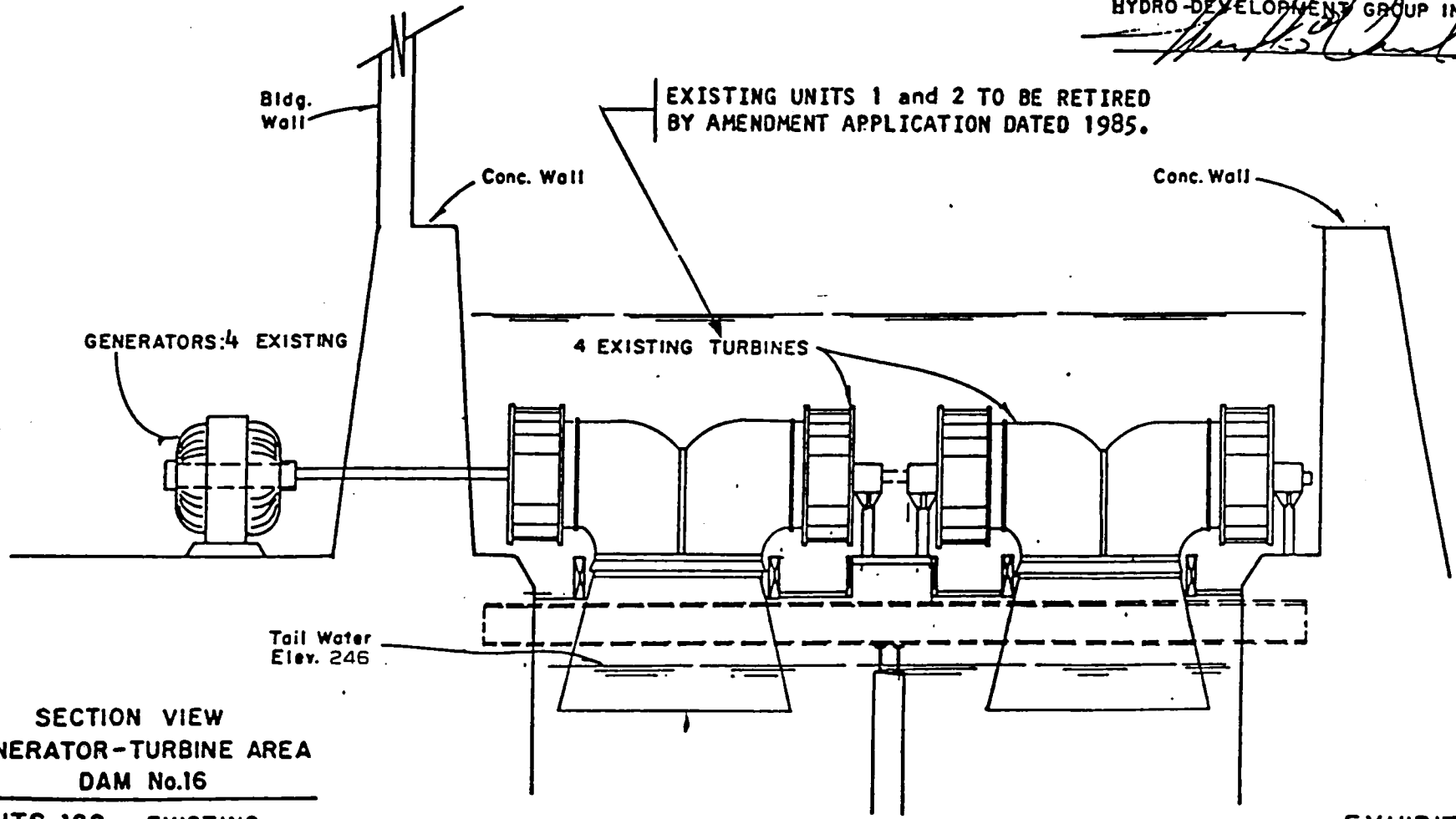
 RIST-FROST, ASSOCIATES CONSULTING ENGINEERS GLENS FALLS, LAGUNA, WATERTOWN NEW YORK, NEW HAMPSHIRE, NEW YORK	DRAWN W.L.D.	CHECKED R.H.P.	SCALE 1" = 50'	DATE MAR., 1981	PROJ. NO. 5117-03
	TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION				SHEET NO. G4

THIS DRAWING IS PART OF THE
 APPLICATION FOR AN EXEMPTION
 MADE BY THE UNDERSIGNED
 THIS 12TH DAY OF MAY, 1981

HYDRO-DEVELOPMENT GROUP INC.



EXISTING UNITS 1 and 2 TO BE RETIRED
 BY AMENDMENT APPLICATION DATED 1985.



GENERATORS: 4 EXISTING


4 EXISTING TURBINES

Tail Water
 Elev. 246

SECTION VIEW
 GENERATOR-TURBINE AREA
 DAM No.16

UNITS 1&2 - EXISTING
 UNITS 3&4 - "

EXHIBIT G



RIST-FROST, ASSOCIATES
 CONSULTING ENGINEERS

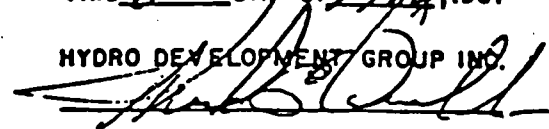
GLENS FALLS, LACONIA, WATERTOWN
 NEW YORK, NEW HAMPSHIRE, NEW YORK

DRAW W.L.D.	CHECKED R.H.P.	SCALE None	DATE APR, 1981
TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION			

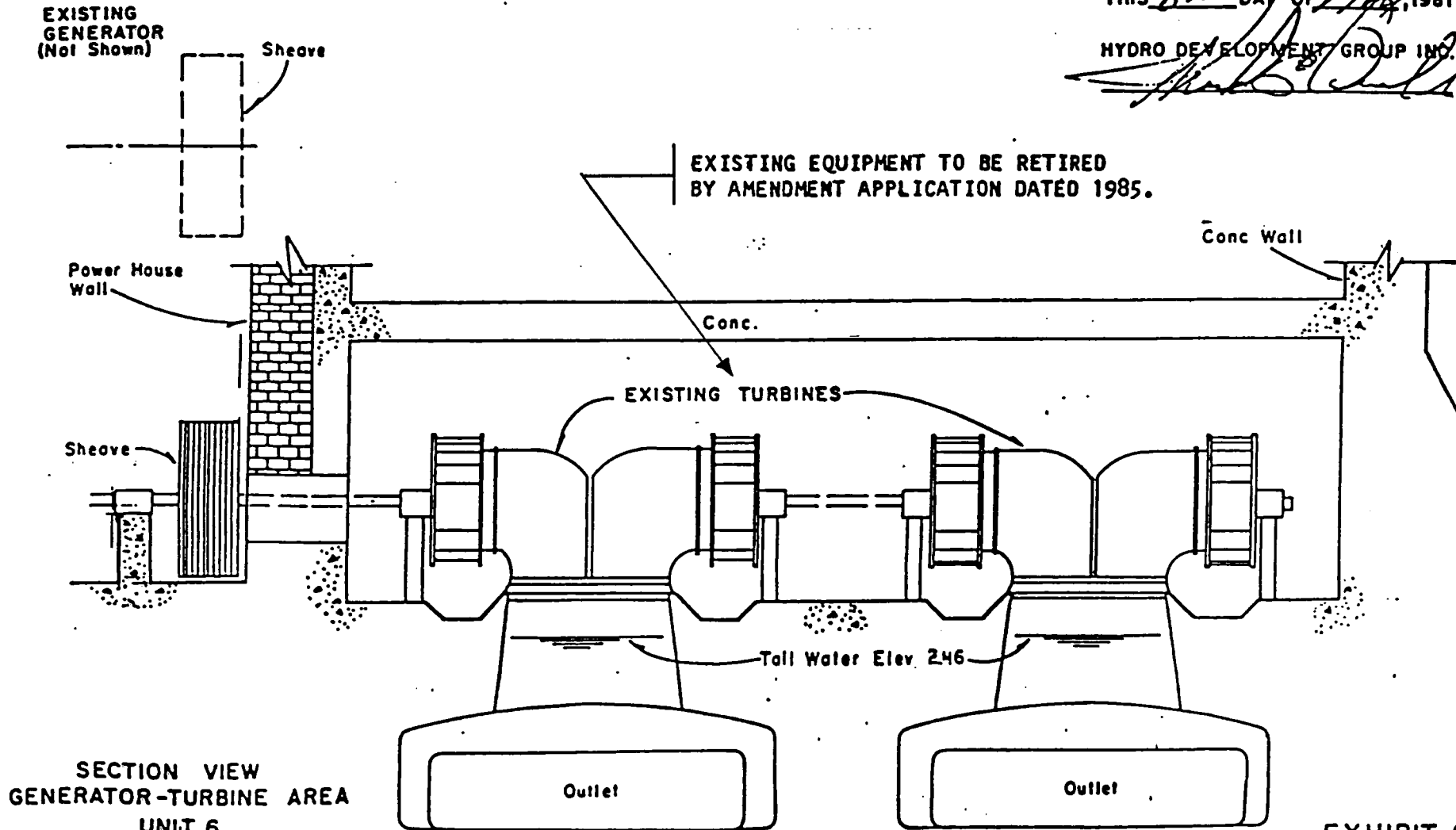
FIG. NO. 5117-03
REV. NO. G5
REV. NO. 1

THIS DRAWING IS PART OF THE
 APPLICATION FOR AN EXEMPTION
 MADE BY THE UNDERSIGNED
 THIS 6TH DAY OF APR, 1981

HYDRO DEVELOPMENT GROUP INC.




EXISTING EQUIPMENT TO BE RETIRED
 BY AMENDMENT APPLICATION DATED 1985.



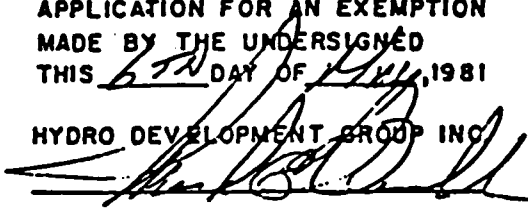
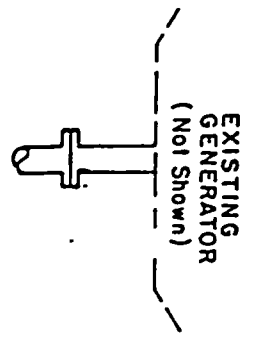
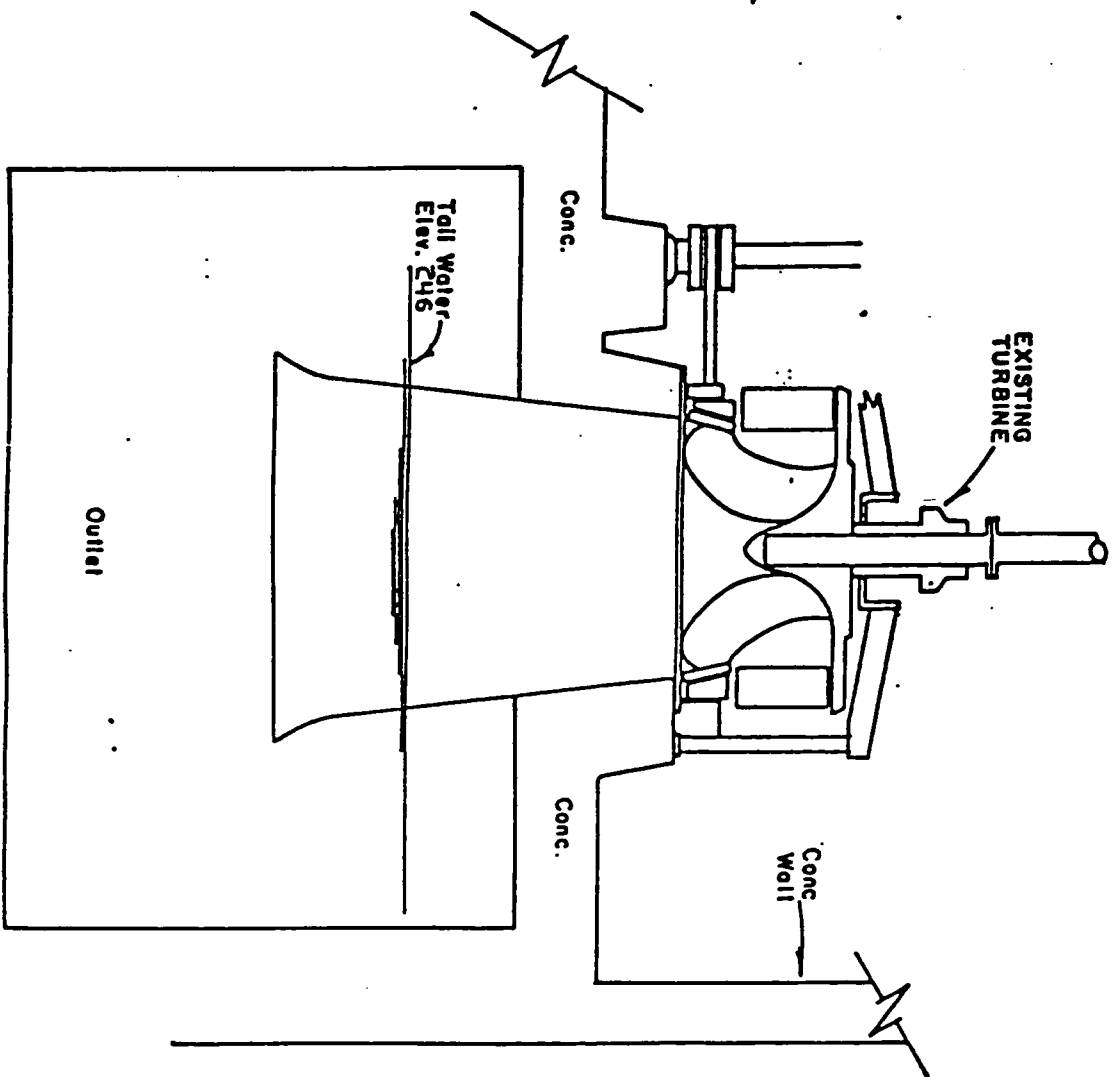
SECTION VIEW
 GENERATOR-TURBINE AREA
 UNIT 6
 DAM No. 18

EXHIBIT G

 RIST-FROST, ASSOCIATES CONSULTING ENGINEERS BLENS FALLS LAGOON WAYSIDEWAY NEW YORK NEW HAMPSHIRE NEW YORK	DRAW W.L.D.	CHECKED R.H.P.	SCALE None	DATE APR, 1981	PROJ. NO. 5117-03
	TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION				SHEET NO. G6
					REV. NO. 1


THIS DRAWING IS PART OF THE
 APPLICATION FOR AN EXEMPTION
 MADE BY THE UNDERSIGNED
 THIS 6TH DAY OF July, 1981

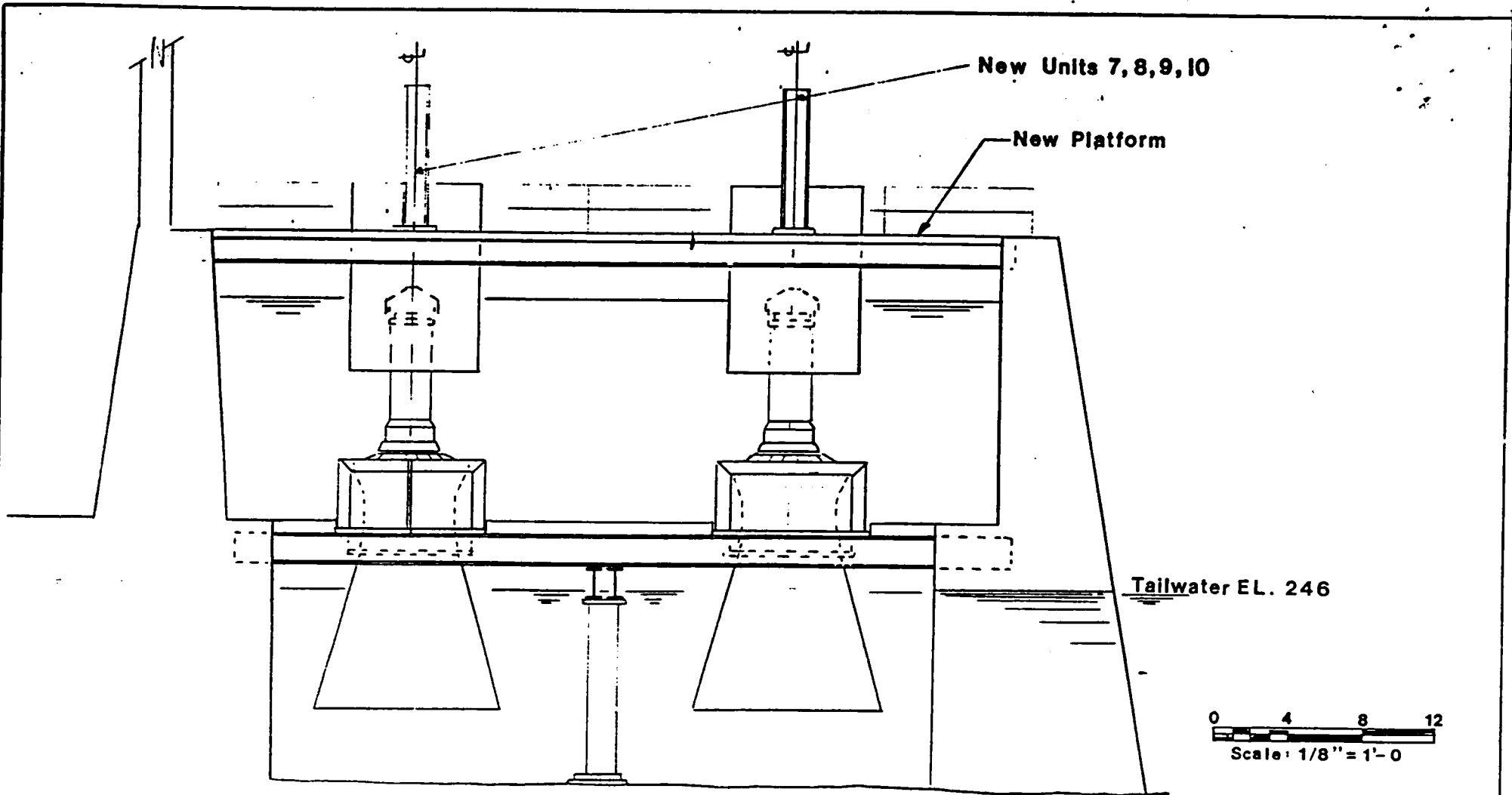
HYDRO DEVELOPMENT GROUP INC

SECTION VIEW
 GENERATOR - TURBINE AREA
 UNIT 5
 DAM No. 18

EXHIBIT G

 RIST-FROST, ASSOCIATES CONSULTING ENGINEERS GLENS FALLS, LAGOONA, WATSETOWN NEW YORK, NEW HAMPSHIRE, NEW YORK	DRAWN W.L.D.	CHECKED R.H.P.	SCALE None	DATE APR., 1981	PROJ. NO. 5117-03
	TITLE PROPOSED REDEVELOPMENT OF DEXTER HYDROELECTRIC STATION				SHEET NO. 7 G7
	REV. NO.				



SECTION
EXISTING FLUME AT DAM NO. 16

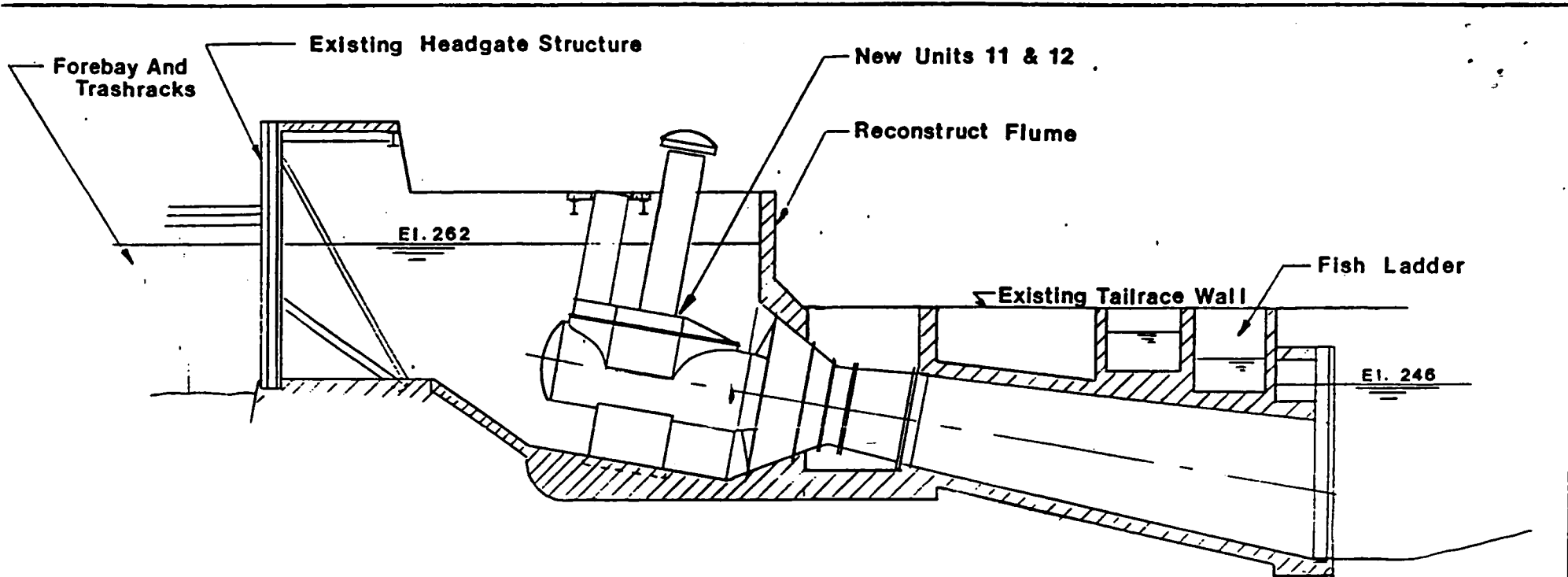
This drawing is part of the Application
 For Amendment Of Exemption made by the
 undersigned this 16th day of October 1985.

By: [Signature]
 Hydro Development Group, Inc.

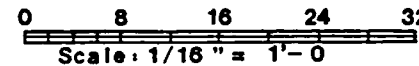
HYDRO DEVELOPMENT GROUP, INC.
 DEXTER HYDROELECTRIC STATION

Exhibit G

Sheet G8



SECTION
RECONSTRUCTED FLUME AT DAM NO. 18



This drawing is a part of the Application
 For Amendment Of Exemption made by the
 undersigned this 16th day of October 1985.

By: [Signature]
 Hydro Development Group, Inc.

HYDRO DEVELOPMENT GROUP, INC.
 DEXTER HYDROELECTRIC STATION
 Exhibit G Sheet G9

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group, Inc.)

Project No. 2695-003

ORDER CLARIFYING EXEMPTION FROM LICENSING
(5 MW OR LESS)

MAY 07 1997

On August 14, 1996, Hydro Development Group, Inc. (HDG), Exemptee for the Dexter Project, FERC No. 2695, filed a request for clarification of the allowable height of flashboards. The Dexter project is located on the Black River in Jefferson County, New York.

BACKGROUND

The Dexter Project was granted an exemption from licensing by Commission order dated June 4, 1982. 1/ The exemption authorizes the project as described in HDG's application filed on May 11, 1981, which refers to operation with 30-inch-high flashboards and a normal surface elevation of 262 feet. 2/ The Exhibit G drawings from the application show the top of dam elevations to be 259 feet, 260 feet, and 259 feet for dam numbers 16, 17, and 18, respectively.

REVIEW

We reviewed our records for the project and found the exemption authorizes a normal surface elevation for reservoir operation at 262 feet. The exemptee's request explains that 3-foot, 2-foot, and 3-foot-high flashboards would be used at dam numbers 16, 17, and 18, respectively, to maintain the elevation at 262 feet. This order does not change the operation of the project or the authorized reservoir surface elevation.

The Director orders:

(A) The exemption for the Dexter Project, FERC No. 2695, is amended as provided by this order.

(B) Item j(1) of the notice attached to the Order Amending Exemption from Licensing for Project No. 2695 3/ is revised to read as follows:

-
- 1/ 19 FERC ¶61,229.
2/ All elevations are mean sea level.
3/ 36 FERC ¶62,133 (August 5, 1986).

FERC - DOCKETED

MAY 7 1997

9705090193

- (1) three existing concrete gravity dams: No. 16, 141.5 feet long with crest elevation 259 feet, topped by 3-foot-high flashboards; No. 17, 145 feet long with crest elevation 260 feet, topped by 2-foot-high flashboards; and No. 18, 433 feet long with crest elevation 259 feet, topped by 3-foot-high flashboards;

(C) 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

DATE: 12/03

CTS501

FEDERAL ENERGY REGULATORY COMMISSION
OFFICE OF HYDROPOWER LICENSING
HYDROPOWER LICENSE COMPLIANCE TRACKING SYSTEM

PAGE: 0199

1998

PROJECT COMPLIANCE SUMMARY

PROJECT NO: 02695 PROJECT NAME: DEXTER HYDRO STATION PROJECT TYPE: ORDER TYPE: 3 RO: NY ENGINEER:

PROJECT IDENTIFICATION INFORMATION

RECIPIENT (1): Hydro Development Group Inc (NY)
(2):
(3):
(4):
(5):

RIVER BASIN CODE: 0414110000BA1 CAPACITY (KW): 4,325
WATERWAY NAME(1): BLACK RIVER
WATERWAY NAME(2):
WATERWAY NAME(3): WING
CITY(1):
COUNTY(1): JEFFERSON
STATE(1): NY
CITY(2):
COUNTY(2):
STATE(2):

LIAISON: JAMES S.GRENIER TELEPHONE: (315)639-6700
ADDRESS: HYDRO DEVELOPMENT GROUP. INC ADDRESS: BOX 58
CITY: DEXTER STATE: NY ZIP: 13634

PROJECT DATES

<u>ISSUANCE DATE</u>	<u>EFFECTIVE DATE</u>	<u>CONSTRUCTION START DATE</u>	<u>CONSTRUCTION FINISH DATE</u>	<u>OPERATION DATE</u>	<u>EXPIRATION DATE</u>
06/04/1982		07/06/1987	05/24/1988	05/24/1988	

TRACKABLE ITEMS

<u>HLCTS NO.</u>	<u>ART NO.</u>	<u>DESCRIPTION OF REQUIREMENT</u>	<u>REVIEW ORGANIZATION</u>		<u>DUE DATE</u>	<u>EXT REQ DATE</u>	<u>EXT GRANT DATE</u>	<u>EXT DUE DATE</u>	<u>DEFICY LETTER SENT</u>	<u>DEFICY REPLY DUE</u>	<u>NONCOMP LETTER SENT</u>	<u>NONCOMP REPLY DUE</u>	<u>DATE FILED</u>	<u>DEFICY REPLY FILED</u>	<u>DAT APPR</u>
			<u>CODE</u>	<u>REVIEWER</u>											
C05	REG	EMERGENCY ACTION PLAN			060189	053189	061489	071589					071089		0713
C06	REG	EMERGENCY ACTION PLAN			091989				092789	102789			091989	102389	0208
C07	REG	EMERGENCY ACTION PLAN			102789				010990	031690			102389	020790	0208
C08	REG	PUBLIC SAFETY DEVICE INST			061590								061290		0615
C09	REG	DAM REPAIRS(MINOR) OR MAI			071591								071091		0717
C10	REG	OPERATIONAL FOLLOW-UP ITE			080691								080291		0814
C11	REG	OPERATIONAL FOLLOW-UP ITE			070593				080593	081793			062993	081693	0913
C12	REG	EMERGENCY ACTION PLAN UPD			073094	091294	091394	123194	011295	021395			010595		0105
C13	REG	OPERATIONAL FOLLOW-UP ITE			101597								100197		N/

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group, Inc.)

Project No. 2695-003

ORDER CLARIFYING EXEMPTION FROM LICENSING
(5 MW OR LESS)

MAY 07 1997

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REVIEW

We reviewed our records for the project and found the exemption authorizes a normal surface elevation for reservoir operation at 262 feet. The exemptee's request explains that 3-foot, 2-foot, and 3-foot-high flashboards would be used at dam numbers 16, 17, and 18, respectively, to maintain the elevation at 262 feet. This order does not change the operation of the project or the authorized reservoir surface elevation.

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2/ All elevations are mean sea level.
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FERC - DOCKETED

MAY 7 1997

9705090193

- (1) three existing concrete gravity dams: No. 16, 141.5 feet long with crest elevation 259 feet, topped by 3-foot-high flashboards; No. 17, 145 feet long with crest elevation 260 feet, topped by 2-foot-high flashboards; and No. 18, 433 feet long with crest elevation 259 feet, topped by 3-foot-high flashboards;

(C) 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

FEDERAL ENERGY REGULATORY COMMISSION
New York Regional Office

ENVIRONMENTAL AND PUBLIC USE INSPECTION REPORT

For the period May 17, 1993 to September 25, 1998

Exemptee Hydro Development Group Project No. 2695-NY
NATDAM ID # NY00266, NY11684, NY00681

Project Name Dexter

Location Black River Jefferson New York
(Waterway or reservation) (County) (State)

Exemption issued June 2, 1982 Expires N/A Type Case Specific

Latest Environmental/Recreation amendment August 5, 1986

Weather Cloudy, fair - 60°F

Stream Flow Approximately 500 cfs

Inspected by Joseph Enrico Date September 25, 1998

Accompanied by Messrs. David Dygert, CHI; Robert King, Regional Supervisor, CHI; Len Olivett, NYSDEC

SUMMARY

The project has no formal recreational facilities. The primary recreational use of the project is tailrace fishing for salmon and walleye, either by boat or from the shoreline. The project has a fish ladder, designed to pass walleye. The Exemptee has installed a new boat barrier, upstream of Dam No. 18. Many of the project's safety signage was weathered and in need of replacement. A letter, dated October 13, 1998, was sent as a follow-up to this inspection.

Submitted December 29, 1998

Joseph Enrico
Joseph S. Enrico
Environmental Protection Specialist

PV

9901110388-3

DEC 29 1998

OFFICE OF THE SECRETARY
FILED
99 JAN -8 PM 3:00
FEDERAL ENERGY REGULATORY COMMISSION

A. General Description of the Project

1. Project Area Description

The Dexter Project is located on the Black River, in the Village of Dexter, Jefferson County, New York. The project is the first one upstream of Lake Ontario. Migratory fish species such as Atlantic salmon as well as walleye pass through the project via its fishway. The immediate land use around the project is fairly well developed since it is located within the village limits. There are no appreciable aesthetic values of the project area. The project topography is fairly flat with adjacent rolling hills. The project is accessible via State Route 180.

2. Description of the Development

The project is comprised of three dams, Nos. 16, 17 and 18, which divide the reservoir into three channels. The project has minimal pondage although an area of 120 acres of marshland is flooded which provides fine fishing and duck hunting. The project is operated in a run-of-river mode. Because of the industrial history of the Black River, water quality is only fair but improving. The lands surrounding the project provide little recreational value but do include fishing, hunting and whitewater activities.

B. Project Resources and Facilities

1. Public Use Resources and Facilities

a. Description of Facilities

The project has no formally developed recreational facilities. Since there is a good sport fishery in this stretch of the river, the Exemptee permits access for fishing along several areas of the project. There is unrestricted access along the left bank, downstream of Dam No. 18 (Photo No. 1). The tailrace wall and shoreline near the small powerhouse provide a good site for bank fishing (Photo No. 2). A gravel parking area is provided for anglers to access the tailrace site. A popular local fishing area exists on the right bank, near the new powerhouse. Although the gate is locked at night, anglers can park and walk to the site.

The Village of Dexter has constructed a concrete boat ramp on the reservoir, near Dam No. 16. Another boat ramp is located downstream of the project since boat fishing is very popular in this area (Photo Nos. 3 and 4).

b. Compliance with Requirements/Exhibits

The project is not subject to Part 8, Section 8.2(a), of 18 CFR, therefore, no recreation signs are required. Standard Article 2 requires the Exemptee to comply with all conditions set by the

state and federal resource agencies. The U.S. Fish and Wildlife Service (USFWS), by letter dated October 30, 1981, and the New York State Department of Environmental Conservation (NYSDEC), by letter dated August 31, 1981, required the Exemptee to allow free, open use of project lands for anglers. The Exemptee was in compliance with this requirement at the time of inspection.

No Form 80 report is required.

c. Adequacy of Public Use Resources and Facilities

The project provides adequate facilities and access for the present level of recreational use.

2. Cultural Resources and Facilities

a. Cultural Resources

There are no facilities or resources designed to protect any cultural resources at the project. There is no cultural resource management plan for the project.

b. Compliance with Conditions/Orders

There are no requirements or conditions concerning cultural resources at the project. There are no sites or structures that are eligible for inclusion on the National Register of Historic Places that would be affected by project operations.

c. Adequacy of Cultural Resources Plan and Facilities

At this time, there is no need for a cultural resource management plan.

3. Fish and Wildlife Resources and Facilities

a. Description of Resources/Facilities

The Exemptee operates a fish ladder for upstream passage of walleye and salmonids from Lake Ontario (Photo No. 5). The state resource agency management goal, at this time, is to provide a sport fishery for chinook and steelhead salmon, not a self-supporting salmonid population. The ladder also provides a resting area for fish sampling or a possible trap and truck operation (if desired by the resource agencies).

b. Compliance with Conditions and Orders

Standard Article 2 requires the Exemptee to comply with all conditions set by the state and federal resource agencies. USFWS, by letter dated October 30, 1981, and NYSDEC, by letter dated August 31, 1981, required the Exemptee to install and operate upstream fish passage facilities, as directed. The ladder is being operated in compliance with this requirement. The Exemptee closely

coordinates the operation of the facility with these agencies.

c. Adequacy of Fish and Wildlife Resources/Facilities

The NYSDEC representative made no mention of any concerns with the operation of the ladder. Apparently, the ladder is designed for walleye but works for other species as well and has operated satisfactorily.

4. Miscellaneous Environmental Facilities, Resources, Requirements

a. Description of Other Resources

The Exemptee still cooperates with USFWS in its efforts to monitor and trap the sea lamprey. At the time of inspection, there was no lamprey trap in the ladder.

b. Compliance with Requirements and/or Conditions

By Order dated August 5, 1986 amending the project exemption, Article 9 was added requiring the Exemptee, prior to any ground breaking activities, to consult with the resource agencies and prepare a soil and erosion control plan. No work requiring consultation has been initiated within the inspection period.

c. Adequacy of Miscellaneous Facilities/Resources

Nothing to report.

C. Public Safety

1. Description of Facilities

The project includes three uncontrolled spillways, Dam Nos. 16, 17 and 18. At Dam No. 16, an upstream warning sign is in place on a bridge over the channel. This sign was weathered. Boat barriers are in place upstream of Dam Nos. 17 and 18 (Photo Nos. 6 and 7). The barrier at Dam No. 18 was newly installed since the last EPUI. The barrier at Dam No. 17 protects boaters who use the village boat ramp. Upstream of Dam No. 18, the Exemptee places several buoys for additional boater protection (Photo No. 8). This was directed as a result of the last EPUI on May 17, 1993.

Upstream warning signs are placed at several locations upstream of the individual dams. Signs are placed on the bridge upstream of Dam No. 16, on Papermill Island (upstream of Dam No. 17) and at the barrier at Dam No. 18 (Photos Nos. 9 and 10).

There are several tailrace warning signs in place at various locations at the project (Photo No. 11). Many of them were weathered and in need of replacement. A cable and warning sign that were in place across the tailrace at the new powerhouse are missing (Photo No. 12). Fencing, railings and signs (High Voltage/No

Trespassing) are used to prevent access to the powerhouses, switchyard and intake structures.

2. Compliance with Requirements

The Public Safety Plan was submitted on August 16, 1993 and was accepted as satisfying the filing requirements of Section 12.4 of the Commission's regulations. The plan does not sufficiently describe the existing safety measures at the project since it was not revised to indicate the correct number of buoys or of the installation of the barrier upstream of Dam No. 18.

The Exemptee sufficiently complies with public safety requirements, however, many signs were weathered and the hanging tailrace sign was missing.

The boat barriers are seasonally installed and removed to prevent winter damage. They were present at the time of inspection and in good condition. The current approved installation and removal dates of these devices are May 1 and November 4, respectively.

3. Adequacy of Public Safety Measures

There are no power line crossings at the project that would endanger boaters.

There were no project related incidents during the inspection period.

The Exemptee was advised to replace all the weathered and missing signs at the project. The new barrier and buoys as well as the existing warning signs sufficiently protect the public in the use of project lands and waters. No boaters were observed in the immediate vicinity of any of the tailraces. The Exemptee notes that they discourage this practice, whenever possible. The project is open to bank fishing at all locations with the exception of powerhouse areas and tailraces. The project does not have any unusually hazardous features that would require the restriction of this access. Public safety measures are adequate.

D. Recommendations and Follow-Up Actions

The Exemptee was sent a letter dated October 13, 1998 outlining the following:

The primary findings of the inspection were that many of the project's warning signs were weathered and unreadable. Some signs and other safety devices (new boat barrier, number of buoys) were not correctly depicted on the Public Safety Plan. Therefore, the Public Safety Plan should be revised to depict all signs and devices and the weathered signs are to be replaced.

E. Photographs and Exhibits (as noted)

Attached: 12 photographs and one Photo Location Map.

**cc: Director, D2SI
RIMS
FERC-NYRO
Enrico, J./jge/jm
12/29/98**

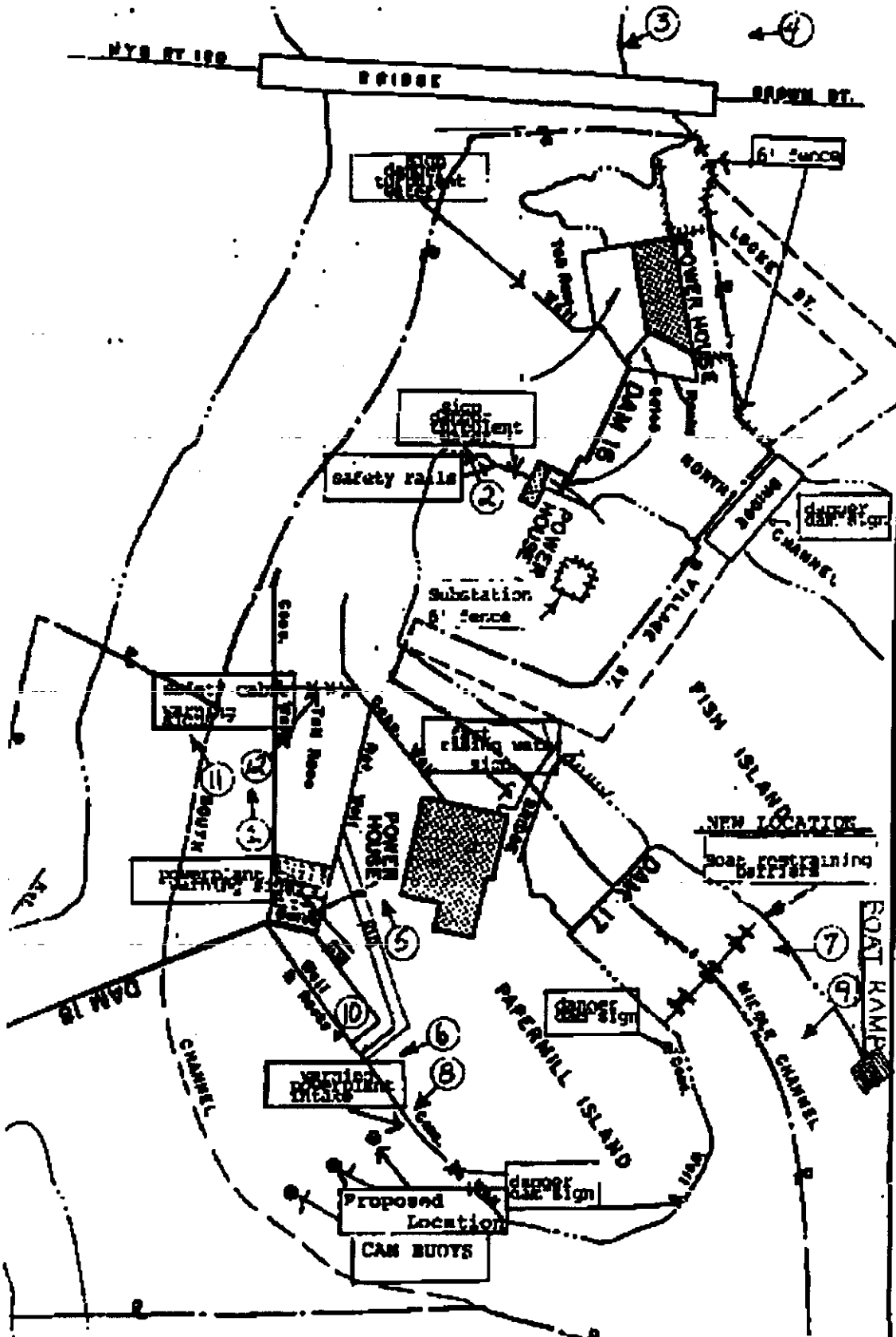


Figure 1. PHOTO GRAPH LOCATION MAP
 2675-NY, DEFTER



Photo No. 1 - View of fishing access along shoreline, downstream of Dam No. 18.

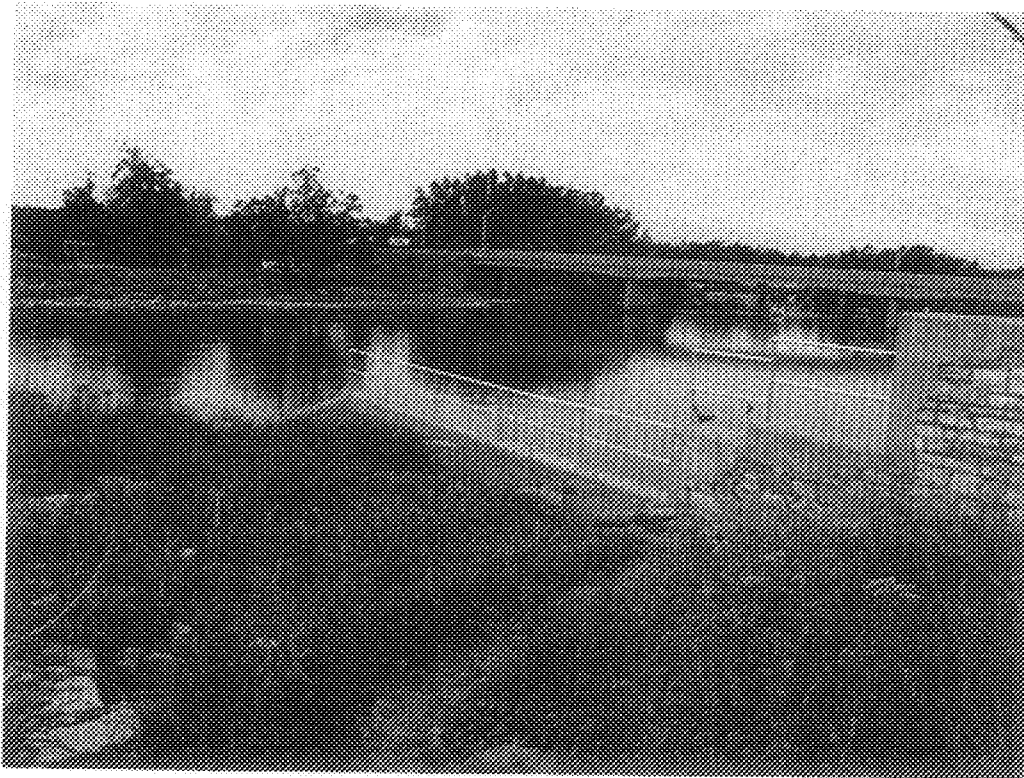


Photo No. 2 - View of fishing access along the tailrace of Dam No. 16.



Photo No. 3 - View of boat fishing downstream of project.



Photo No. 4 - View of Village boat ramp downstream of project.



Photo No. 5 - View, looking downstream, of project fish ladder.

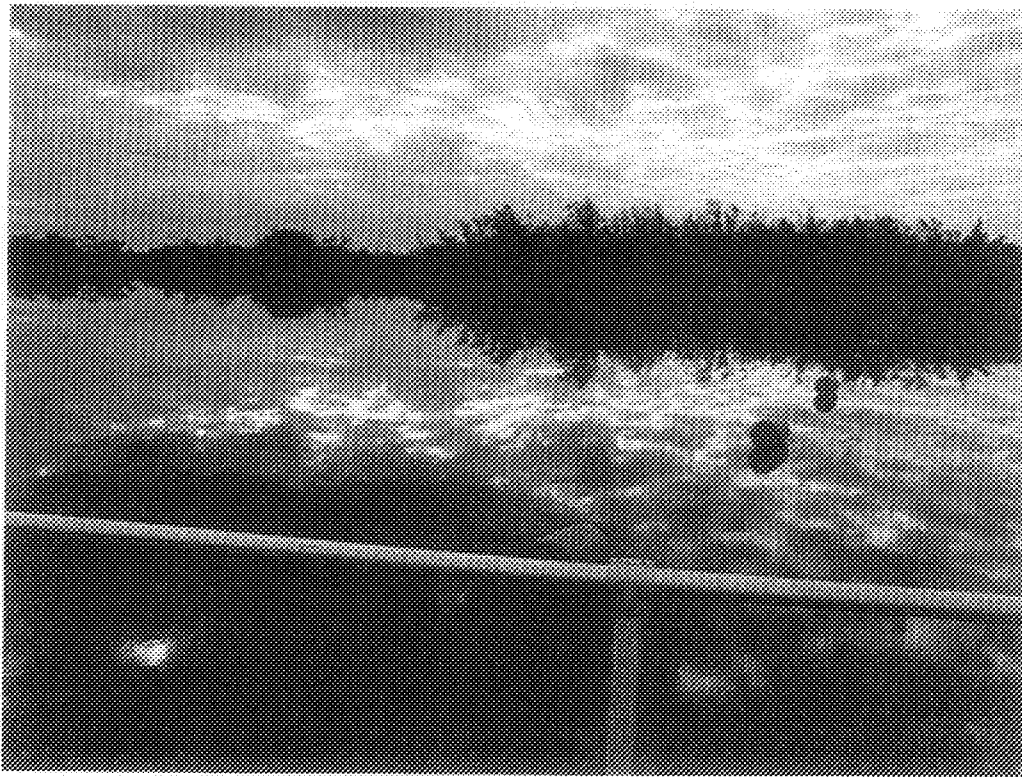


Photo No. 6 - View of boat barrier upstream of Dam No. 18. This barrier was not present during the last EPUI.



Photo No. 7 - View of boat barrier upstream of Dam No. 17.



Photo No. 8 - Warning buoys placed upstream of Dam No. 18.



Photo No. 9 - View of upstream warning sign on Papermill Island upstream of Dam No. 17.



Photo No. 10 - View of upstream warning sign on concrete wall adjacent to the barrier at Dam No. 18.

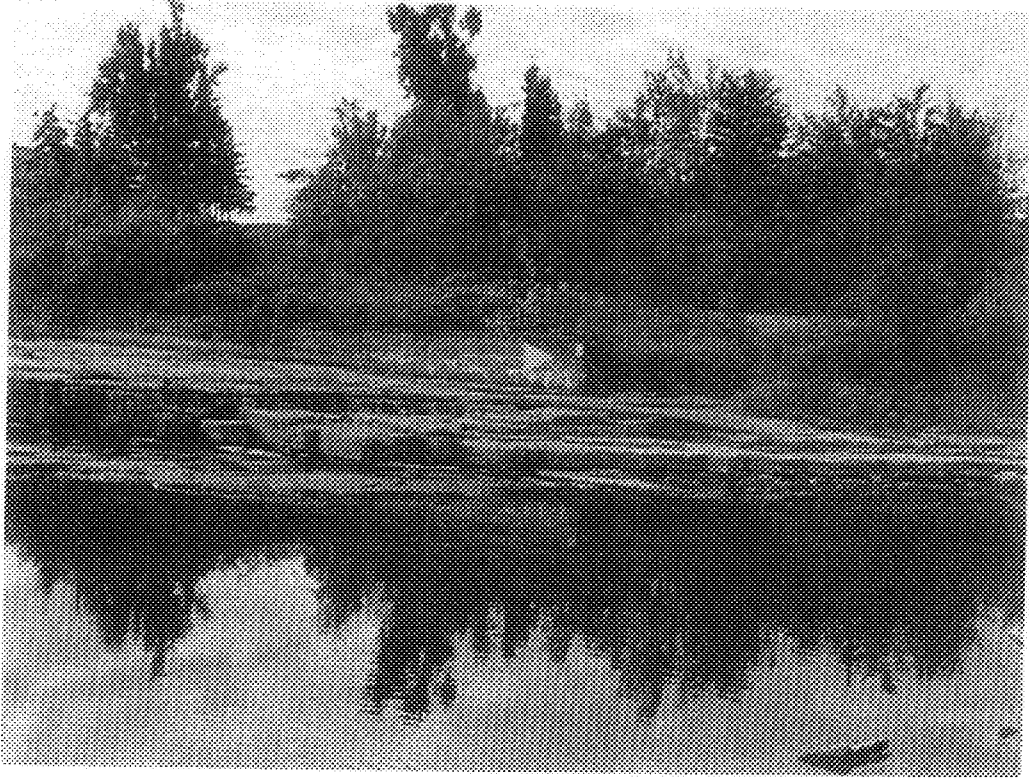


Photo No. 11 - View of typical downstream warning sign on left bank, at fishing access site (arrow).

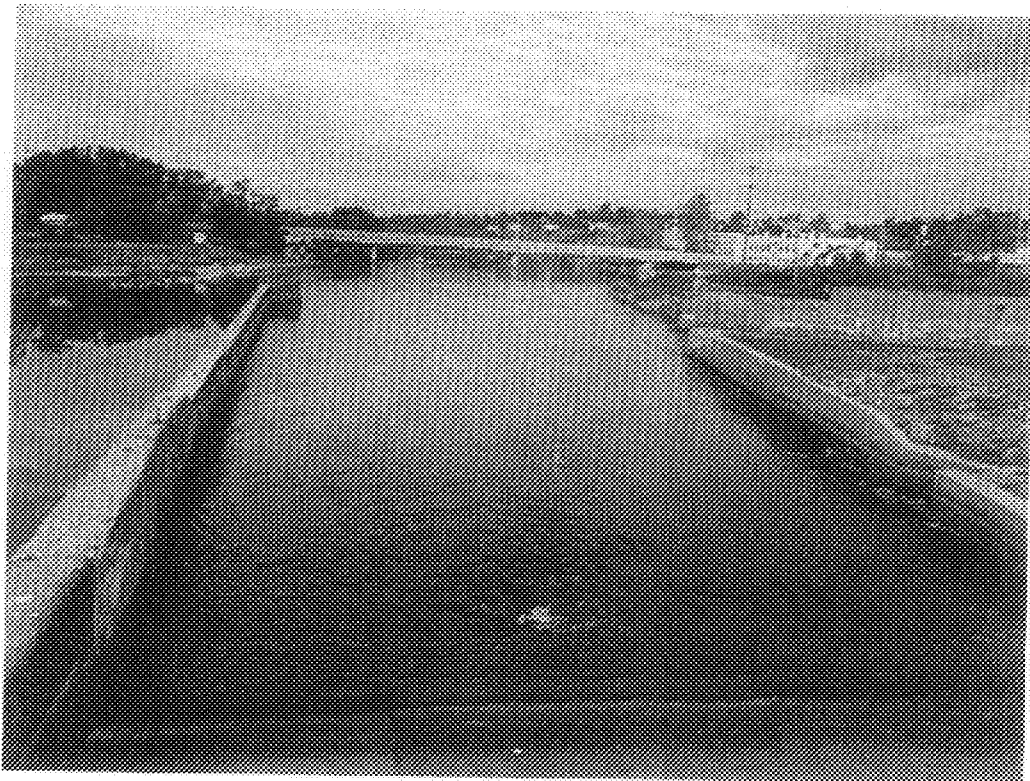


Photo No. 12 - View of tailrace area downstream of the new powerhouse where warning sign was formerly located.

139 FERC ¶ 62,256
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group Inc.

Project No. 2695-004

ORDER APPROVING AS-BUILT EXHIBIT G DRAWINGS

(Issued June 25, 2012)

1. On January 13, 2012, Hydro Development Group Inc., exemptee for the Dexter Hydroelectric Project, FERC No. 2695, filed as-built Exhibit G drawings for Commission approval. The filing was made pursuant to a July 13, 2010, Division of Dam Safety and Inspections – New York Regional Office (D2SI-NYRO) letter. The project is located on the Black River in Jefferson County, New York. The project does not occupy federal lands.

Background

2. The July 13, 2010, D2SI-NYRO letter, in part, required the exemptee to make revisions to the as-built exhibits of the Dexter Project to include the correct dimensions for all three dams of the Dexter project. Also, the exemptee had to include the toe block at the South Dam that it was noted during the inspection but is not reflected in the exhibit drawings.

Review

3. We reviewed the as-built Exhibit G drawings and found they accurately reflect the changes requested in the July 13, 2010, D2SI-NYRO letter. The revised exhibits conform to the Commission's rules and regulations, and are approved, as shown in ordering paragraph (A) of this order. In ordering paragraph (B), we are requiring the exemptee to file the approved drawings in aperture card and electronic file formats.

The Director orders:

(A) The following exhibit drawings, filed on January 13, 2012, conform to the Commission's rules and regulations, and are approved and made a part of the exemption.

Exhibit No.	FERC Drawing No.	Superseded Drawing No.	Drawing Title
G-2	2695-18	2695-10	Dam No. 16 – Plan, Elevation and Sections
G-3	2695-19	2695-11	Dam No. 17 – Plan, Elevation and Sections
G-4	2695-20	2695-12	Dam No. 18 – Plan, Elevation and Sections

(B) Within 45 days of the date of issuance of this order, the exemptee shall file the approved exhibit drawings in aperture card and electronic file formats.

a) Three sets of the approved exhibit drawings shall be reproduced on silver or gelatin 35mm microfilm. All microfilm shall be mounted on type D (3-1/4" X 7-3/8") aperture cards. Prior to microfilming, the FERC Drawing Number (i.e., P-2695-18) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number shall be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (i.e., G-2), Drawing Title, and date of this order shall be typed on the upper left corner of each aperture card. See Figure 1.

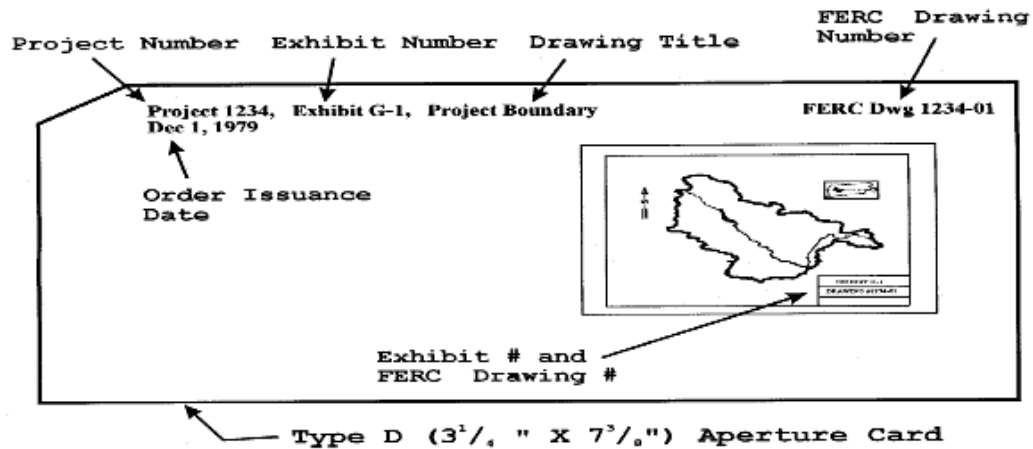


Figure 1 Sample Aperture Card Format

Two of the sets of aperture cards shall be filed with the Secretary of the Commission, ATTN: OEP/DHAC. The third set shall be filed with the Commission's Division of Dam Safety and Inspections New York Regional Office.

Project No. 2695-004

- 3 -

b) The exemptee shall file two separate sets of exhibit drawings in electronic raster format with the Secretary of the Commission, ATTN: OEP/DHAC. A third set shall be filed with the Commission's Division of Dam Safety and Inspections New York Regional Office. The exhibit drawings must be identified as **(CEII) material under 18 CFR § 388.113(c)**. Each drawing must be a separate electronic file, and the file name shall include: FERC Project-Drawing Number, FERC Exhibit, Drawing Title, date of this order, and file extension in the following format [P-2695-18, G-2, Dam No. 16 – Plan, Elevation and Sections, MM-DD-YYYY.TIFF]. Electronic drawings shall meet the following format specification:

IMAGERY - black & white raster file
FILE TYPE – Tagged Image File Format, (TIFF) CCITT Group 4
RESOLUTION – 300 dpi desired, (200 dpi min.)
DRAWING SIZE FORMAT – 24” X 36” (min), 28” X 40” (max)
FILE SIZE – less than 1 MB desired

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission’s regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The exemptee’s failure to file a request for rehearing shall constitute acceptance of this order.

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

P-2695-004.DOC.....1

139 FERC ¶ 62,256
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group Inc.

Project No. 2695-004

ORDER APPROVING AS-BUILT EXHIBIT G DRAWINGS

(Issued June 25, 2012)

1. On January 13, 2012, Hydro Development Group Inc., exemptee for the Dexter Hydroelectric Project, FERC No. 2695, filed as-built Exhibit G drawings for Commission approval. The filing was made pursuant to a July 13, 2010, Division of Dam Safety and Inspections – New York Regional Office (D2SI-NYRO) letter. The project is located on the Black River in Jefferson County, New York. The project does not occupy federal lands.

Background

2. The July 13, 2010, D2SI-NYRO letter, in part, required the exemptee to make revisions to the as-built exhibits of the Dexter Project to include the correct dimensions for all three dams of the Dexter project. Also, the exemptee had to include the toe block at the South Dam that it was noted during the inspection but is not reflected in the exhibit drawings.

Review

3. We reviewed the as-built Exhibit G drawings and found they accurately reflect the changes requested in the July 13, 2010, D2SI-NYRO letter. The revised exhibits conform to the Commission's rules and regulations, and are approved, as shown in ordering paragraph (A) of this order. In ordering paragraph (B), we are requiring the exemptee to file the approved drawings in aperture card and electronic file formats.

The Director orders:

(A) The following exhibit drawings, filed on January 13, 2012, conform to the Commission's rules and regulations, and are approved and made a part of the exemption.

Exhibit No.	FERC Drawing No.	Superseded Drawing No.	Drawing Title
G-2	2695-18	2695-10	Dam No. 16 – Plan, Elevation and Sections
G-3	2695-19	2695-11	Dam No. 17 – Plan, Elevation and Sections
G-4	2695-20	2695-12	Dam No. 18 – Plan, Elevation and Sections

(B) Within 45 days of the date of issuance of this order, the exemptee shall file the approved exhibit drawings in aperture card and electronic file formats.

a) Three sets of the approved exhibit drawings shall be reproduced on silver or gelatin 35mm microfilm. All microfilm shall be mounted on type D (3-1/4" X 7-3/8") aperture cards. Prior to microfilming, the FERC Drawing Number (i.e., P-2695-18) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number shall be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (i.e., G-2), Drawing Title, and date of this order shall be typed on the upper left corner of each aperture card. See Figure 1.

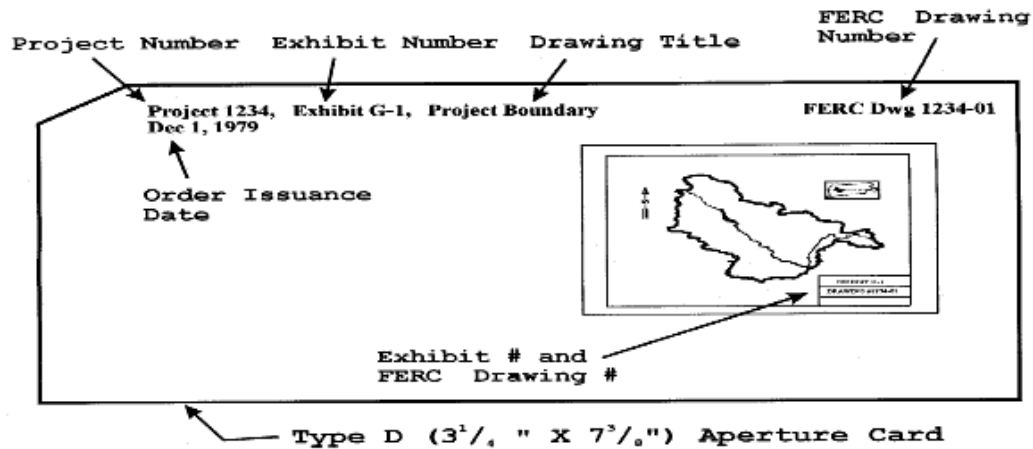


Figure 1 Sample Aperture Card Format

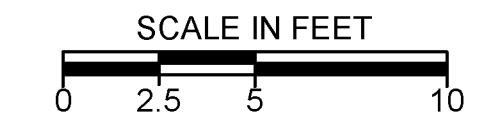
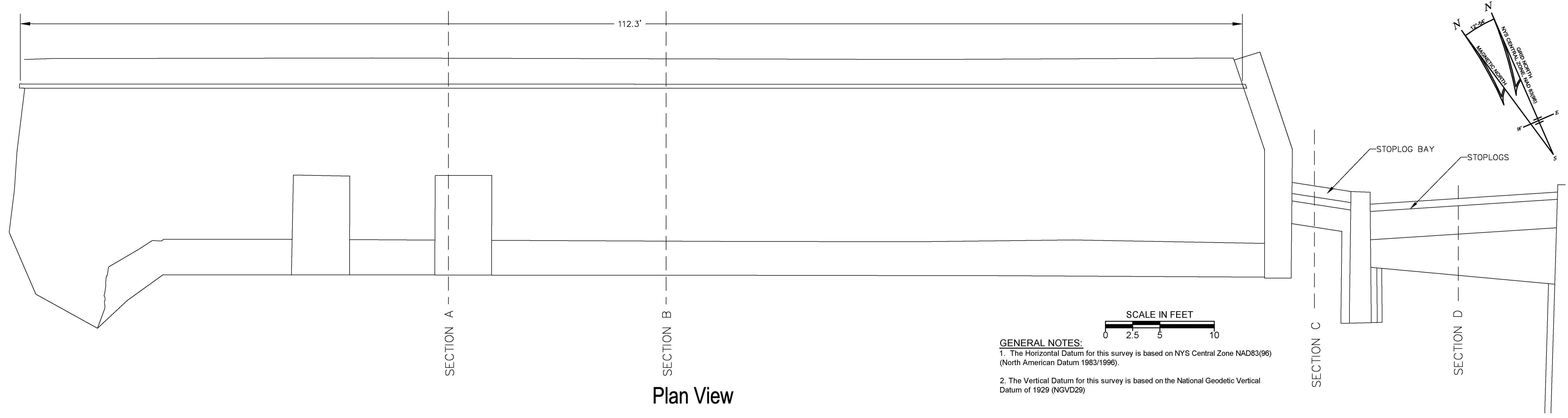
Two of the sets of aperture cards shall be filed with the Secretary of the Commission, ATTN: OEP/DHAC. The third set shall be filed with the Commission's Division of Dam Safety and Inspections New York Regional Office.

b) The exemptee shall file two separate sets of exhibit drawings in electronic raster format with the Secretary of the Commission, ATTN: OEP/DHAC. A third set shall be filed with the Commission's Division of Dam Safety and Inspections New York Regional Office. The exhibit drawings must be identified as **(CEII) material under 18 CFR § 388.113(c)**. Each drawing must be a separate electronic file, and the file name shall include: FERC Project-Drawing Number, FERC Exhibit, Drawing Title, date of this order, and file extension in the following format [P-2695-18, G-2, Dam No. 16 – Plan, Elevation and Sections, MM-DD-YYYY.TIFF]. Electronic drawings shall meet the following format specification:

IMAGERY - black & white raster file
FILE TYPE – Tagged Image File Format, (TIFF) CCITT Group 4
RESOLUTION – 300 dpi desired, (200 dpi min.)
DRAWING SIZE FORMAT – 24” X 36” (min), 28” X 40” (max)
FILE SIZE – less than 1 MB desired

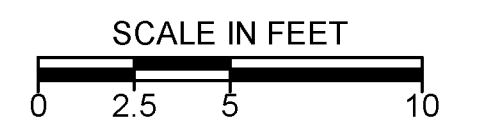
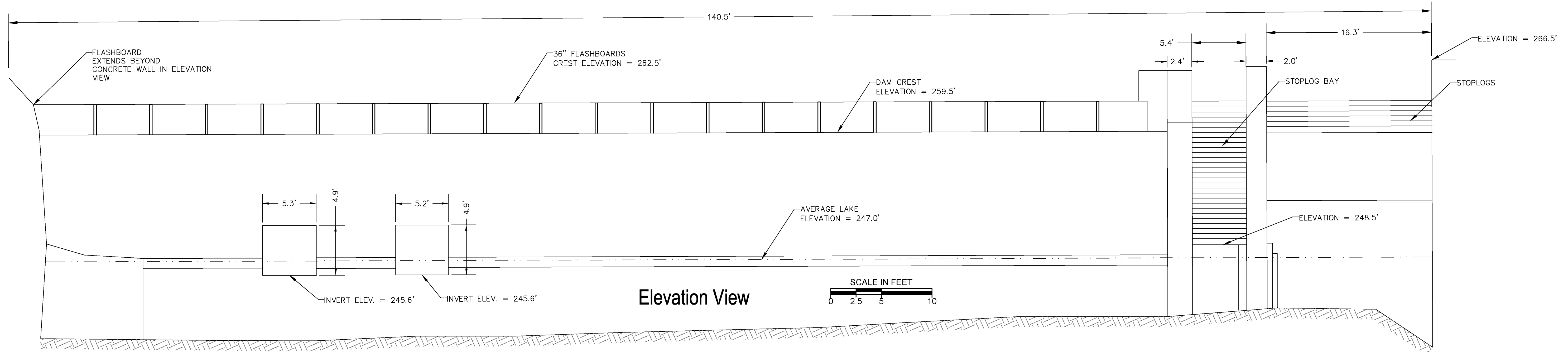
(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission’s regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The exemptee’s failure to file a request for rehearing shall constitute acceptance of this order.

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

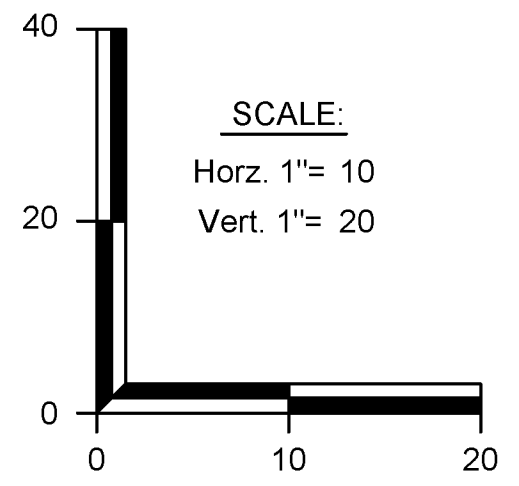
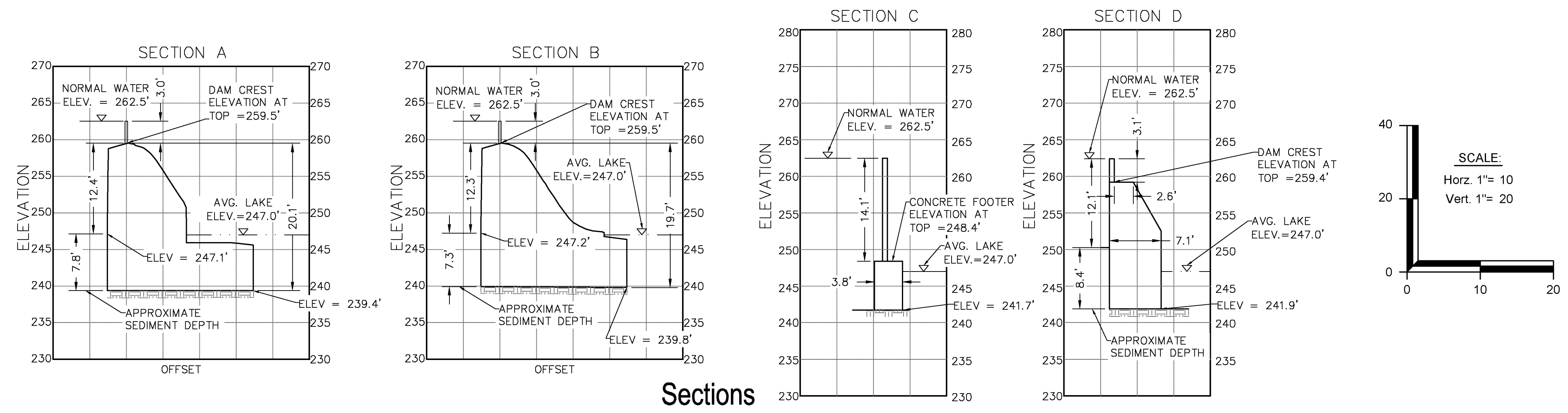


GENERAL NOTES:
 1. The Horizontal Datum for this survey is based on NYS Central Zone NAD83(96) (North American Datum 1983/1996).
 2. The Vertical Datum for this survey is based on the National Geodetic Vertical Datum of 1929 (NGVD29)

Plan View

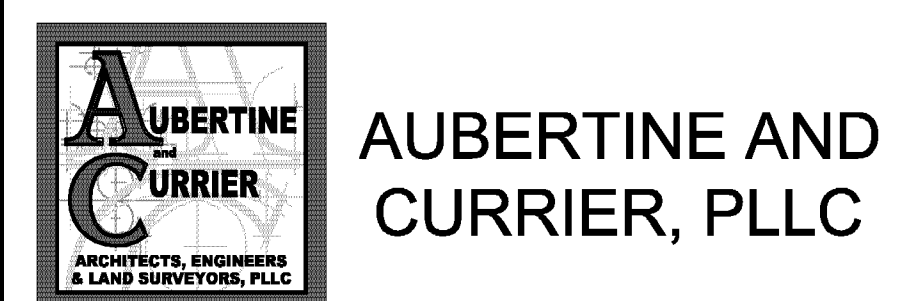


Elevation View



Sections

EXHIBIT G-2
DEXTER HYDROELECTRIC PROJECT
 FERC No. 2695
 Hydro Development Group, Inc.
 Andover, MA
DAM No. 16
PLAN, ELEVATION AND SECTIONS
 Scale as Noted, Vertical Datum NGVD29



UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Hydro Development Group, Inc.
Hydro Development Group Acquisition, LLC

Project No. 2695-005

NOTICE OF TRANSFER OF EXEMPTION

(May 18, 2015)

1. By letter filed April 24, 2015,¹ William B. Conway, Jr., Counsel for Enel Green Power North America, Inc. (EGPNA),² informed the Commission that the exemption from licensing for the Dexter Project, FERC No. 2695, originally issued June 4, 1982,³ has been transferred to Hydro Development Group Acquisition, LLC, an affiliate of Enel Green Power. The project is located on the Black River in Jefferson County, New York. The transfer of an exemption does not require Commission approval.

2. Hydro Development Group Acquisition, LLC is now the exemptee of the Dexter Project, FERC No. 2695. All correspondence should be forwarded to: Hydro Development Group Acquisition, LLC, c/o Enel Green Power North America, Inc., Attn: General Counsel, 1 Tech Drive, Suite 220, Andover, MA 01810.

Kimberly D. Bose,
Secretary.

¹ Seventeen other exempted projects which are to be transferred were included in the April 24, 2015 letter. These exemptions will be handled under separate proceedings.

² Enel Green Power North America, Inc. is a wholly owned subsidiary of Enel Green Power. Enel Green Power is a well-capitalized publicly traded company.

³ 19 FERC ¶ 61,229, Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less (1982).

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections
New York Regional Office

April 23, 2021

Dear Licensee/Exemptee:

Subject: Annual Letter – Reminder of Responsibilities

This letter is intended to remind you of your obligations and responsibilities as the holder of a license or exemption from the Federal Energy Regulatory Commission (FERC) for a hydropower facility. This letter contains new information that may impact your project although we acknowledge that it also contains many of the same reminders each year. These reminders focus on some of the most important aspects of our dam safety program that require your attention. We strongly encourage you to read it carefully in its entirety, including the enclosures and the referenced FERC website links, in order to understand your dam safety, public safety, and security responsibilities.

This letter will be sent to you each year primarily by email. Please reply to me by email (and copy the FERC project engineer(s) assigned to your project(s), if possible) with a signed copy of the “Annual Letter Acknowledgment” to acknowledge you have received and read this letter. Please do not formally file the acknowledgement letter with the Commission. We were unable to perform all of our normal dam safety inspections in 2020 due to the Covid-19 Pandemic. During this time, we asked many of our licensees to respond to questionnaires and/or we relied upon licensees and exemptees to perform their own dam safety inspections. For 2021, we are evaluating which projects will be inspected by each Regional Office once Commission staff can resume normal travel. As of the date of this letter, we do not have a schedule for returning to normal operations. Please continue to reach out to your Regional Engineer with any questions about dam safety inspections and/or other dam safety matters. Below, we provide information on how to submit documents and filings with the Commission and with the Regional Offices during this time (See How to Transmit Dam Safety and Public Safety Documents to the Commission). We wish to thank all of our licensees and exemptees for working with us during this difficult time.

Part 12 Regulation Update. On July 16, 2020, the Commission issued a Notice of Proposed Rulemaking (NOPR) proposing to amend 18 CFR Part 12 governing the safety of hydropower projects licensed by the Commission under the Federal Power Act. These regulations are intended to promote the safe operation, effective maintenance, and efficient repair of licensed hydropower projects and project works to ensure the protection of life, health, and property in surrounding communities. In general, the NOPR proposes to revise the regulations to: incorporate two tiers of project safety inspections by independent consultants, define the requirements of an independent consultant team, codify existing guidance requiring certain licensees to develop an Owner’s Dam Safety Program and a Public

Safety Plan, update existing regulations related to public safety incident reporting, and make various minor revisions. In addition to the proposed regulation changes, the Commission also issued four proposed draft chapters to our Engineering Guidelines. The chapters include:

- Chapter 15 – Supporting Technical Information Document
- Chapter 16 – Part 12D Program
- Chapter 17 – Potential Failure Mode Analysis
- Chapter 18 - Level 2 Risk Analysis

A 60-day public comment period was opened to receive comments on the proposed regulation changes and proposed new Engineering Guideline chapters. The public comment period closed in late September 2020.

The proposed regulation revisions are included in the NOPR as a rulemaking (RM) docket (RM20-9) and are available on FERC's eLibrary system at www.ferc.gov. Each of the draft chapters of the Engineering Guidelines are also available on eLibrary under separate Advisory Docket (AD) notices (AD20-20 through AD20-23). The NOPR and four AD notices have also been published in the Federal Register. The proposed regulation is not currently in effect. A final rulemaking will need to occur before the proposed regulation can be finalized.

Security Branch. The Security Branch will continue to evaluate physical and cyber security at FERC licensed and exempted projects, in remote and on-site capacities. While the Security Branch has several team members, the Branch utilizes D2SISecurityBranch@ferc.gov for the majority of its correspondence. The Security Branch asks that all inbound and outbound correspondence is encrypted and/or attachments are password protected (with the password provided via telephone call, separate email, or alternate communication) with the subject line referencing the project number(s). As a reminder, security documents **must not be submitted to eLibrary** – those documents required as part of FERC's *Security Program for Hydropower Projects*, will be reviewed in the field or in an agreed-upon remote capacity. While not an exception to this filing rule, the Annual Security Compliance Certification (required for Security Group 1s & 2s and due December 31st each year) should be emailed to the Security Branch with the appropriate Regional Engineer copied on the email. When submitting dam safety and other licensing/compliance correspondence to the Commission, do not mix security related information including, but not limited to, security features (e.g., cameras), security procedures (e.g., guards and response), cyber network connectivity, and law enforcement response times.

Annual Emergency Action Plan (EAP) Requirements. There are several annual requirements for EAPs discussed in Enclosure 2 of this letter. Several of these items have historically been handled in face-to-face meetings (i.e., annual seminars, training sessions for drills, and distributing updates/EAP reprints). If face-to-face meetings are not possible due to the pandemic, these items should be handled through virtual meetings to the extent possible.

There may be issues with providing hard copies of documents (e.g., updates, reprints) to certain parties during the pandemic. For EAP submissions to the Commission, see the How to Transmit Dam Safety and Public Safety Documents to the Commission section below. At a minimum, documents provided to plan holders should be provided as searchable PDF files and hard copies should be distributed when possible. You should ensure the PDF files are of such quality that the documents are legible, especially the inundation maps. You may also want to confirm the preference for all parties to receive hard copies in addition to the electronic versions. We highlight that hard copies still serve a purpose during emergencies when there is a loss of power.

We note that some licensees use automated notification systems in their EAPs. These systems are also being used to perform the call-down tests during annual drills. The use of these systems during drills should include a procedure for all parties to acknowledge receipt of the message to determine the system's effectiveness. We also recommend that all EAPs, that rely on automated notification systems, include a procedure to ensure responders can confirm the message is accurate; can receive more detailed information if needed; and can ask for additional information soon after receiving the initial notification. This can be done by holding a virtual meeting or phone conference with all parties soon after the initial notifications go out. You should consider testing this procedure during the annual drill.

Employees and Incident Reporting. This is a reminder that Part 12.10(b) requires you to report, *for your employees and contractors under your employ*, any serious injuries and deaths in the same manner those injuries/deaths are reported for the general public. Most such employee incidents, that happen at the project, would be considered project-related and would require a written report describing the cause, location, and any remedial actions taken or proposed to avoid or reduce the chance of similar accidents pursuant to 12.10(b)(1)-(4). This requirement is separate from any reporting obligations to the Occupational Safety and Health Administration.

Change of Ownership. This is a reminder that the new owner of a FERC-regulated hydropower project (or of a Corporation that owns a project) assumes all dam safety responsibilities and liabilities and all non-compliance liabilities from the previous owner. Before acquiring a project and/or seeking a license or exemption transfer, we advise the prospective buyer to perform all needed due diligence to identify any outstanding dam safety and compliance issues from the current owner. In general, scheduled and required dam safety work must be completed on time with few exceptions made due to a change in ownership. Should you decide to sell and/or transfer one of your projects, please inform the prospective buyer of the above information.

Prior Commission Authorization. Modifications and changes to your projects require prior coordination with the Regional Engineer. Any activities that require engineering analyses, modifications to existing structures, or ground-disturbing activities of any kind (e.g., clearing, grubbing, excavation, or repeated off-road travel) are subject to review for potential dam safety and environmental impacts. Therefore, you are required to coordinate these activities with us prior to performing the work. This does not include replacement in-kind of motors,

pumps, or similar items that are considered routine operation and maintenance, unless you are removing or altering potentially historic or culturally significant items. We require a minimum of 60 days to review final plans and specifications for the proposed work, although initial communication with this office will provide a better understanding of what's involved for us to perform our review. See additional information in items No. 11 and 12 in Enclosure 2.

Natural Disasters. Floods, fires, major storm events, and earthquakes often impact projects. If one of your projects is damaged by a natural disaster, we ask you to notify the Regional Engineer immediately, similar to any significant dam safety incident covered under item No. 5 in Enclosure 2.

How to Transmit Dam Safety and Public Safety Documents to the Commission

Electronic Submittal of Documents. All dam safety and public safety documents you submit to the Commission should be filed electronically using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. The one exception is Security related documents which are addressed in the Security Branch section of this letter. Documents should be in a searchable format with a linked Table of Contents to enable navigation to each section of the document. The cover letter or first page of the filing should indicate "Electronically Filed." When eFiling dam safety and public safety documents, including items addressed to the Director of Dam Safety in Washington, DC, always choose Hydro: Regional Office and the regional office that corresponds to your project from the eFiling menu. See No. 15 of Enclosure 2 for additional information regarding document labeling and uploading documents under the correct security classification tab during eFiling. Please refer to our [Hydropower Filing Guide](#) for additional information on filing hydropower documents. For assistance with any of our online systems please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

There are some cases where your submission cannot be eFiled because the file types are not accepted by eFiling, the files cannot be divided into 50 mb or less, or the data package is too large. In these cases, anything that can be eFiled must be eFiled and the remaining parts of the submission can be transmitted using one of four methods: 1) email, 2) file transfer site provided by you, 3) file transfer site (using SharePoint) provided by FERC, or 4) mailing a CD, DVD, or external drive to the Office of Energy Projects in Washington DC. Any transmittal of files that does not occur through eFiling must be coordinated with the project engineer.

What if I cannot Submit Documents Electronically? If you cannot submit documents electronically because you do not have access to the internet, you must notify the project engineer of your submission and send one copy of all dam safety and public safety documents to the Secretary of the Commission's Office to be posted to eLibrary at the appropriate address. NOTE: Address blocks on the letters to the appropriate Commission staff may remain as is.

Packages sent via the U.S. Postal Service must be addressed to:
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission,
888 First Street NE, Room 1A, Washington, DC 20426.

Packages sent via any other carrier must be addressed to:
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission,
12225 Wilkins Avenue, Rockville, Maryland 20852.

Hard Copies Are Not Required During 100% Telework. The Commission remains on 100% telework status due to the ongoing Covid-19 Pandemic. Requirements for sending hard copies are suspended during this time.

This guidance for submitting documents to the Commission is valid until FERC reconstitutes and staff returns to offices. We do not have a timeline for when that will occur. When the Commission reconstitutes, we will issue further guidance regarding: 1) any need for hard copies of documents submitted during 100% telework and; 2) any need for hard copies going forward after reconstitution.

Reminder of Responsibilities

In addition to the above, to assist you in ensuring compliance with FERC dam safety regulations, Enclosure 2 includes a summary of common requirements, primarily from Title 18, Parts 8 and 12 of the Code of Federal Regulations, as well as a number of administrative requirements that are often overlooked. Please review Enclosure 2 along with your license or exemption to ensure that your operations comply with all requirements.

Throughout the year, we host workshops and training courses that may be of interest to you. A schedule and description of upcoming workshops and courses can be accessed at the following website:

<https://www.ferc.gov/industries-data/hydropower/dam-safety-and-inspections/meetings-workshop-and-conferences>

Thank you for your attention to this letter. Please call me at (212) 273 5954 or email me at john.spain@ferc.gov if you have any questions about the enclosed information or about your projects in general.

Sincerely,



John Spain
Regional Engineer

Enclosures: 1 Annual Letter Acknowledgement, 2 Reminder of Responsibilities

ANNUAL LETTER ACKNOWLEDGEMENT

Please acknowledge your receipt of this annual letter by email. Reply to the sender and if possible, copy the FERC project engineers assigned to your projects. Otherwise you may sign this form and mail it to the regional office associated with your projects.

(Please Print)

I, _____, _____
(name) (title)

of _____
(organization)

acknowledge receipt of this annual letter dated April 23, 2021, outlining this organization's responsibilities under the jurisdiction of the Federal Energy Regulatory Commission (FERC). This letter has been provided to all those responsible for implementing the dam safety program within our organization. They have acknowledged that they have read and understand the contents of this letter and/or will contact FERC with any questions.

(Signature)

(Date)

REMINDER OF RESPONSIBILITIES

ANNUAL REQUIREMENTS

1. **Spillway Gate Operation.** See 18 CFR §§ 12.44(b) and (c), and 12.13 for periodic requirements and verification. If any of your projects include spillway gates, please ensure that you are correctly measuring and documenting the current and voltage for each electric motor during load testing *and provide a time plot of the yearly readings*. You must submit a notarized “Annual Spillway Gate Operation Certificate” by December 31 of each year or as arranged with the Regional Engineer. Please ensure that you are using our latest form, which may be downloaded from the following website:

[Annual Spillway Gate Operation Certificate \(Word\)](#)
[Annual Spillway Gate Operation Certificate \(PDF\)](#)
[Testing and Reporting on Spillway Gate Operations](#)

Please note that we will not provide a formal response to future annual spillway gate operation certificates unless we have comments or find that the submittal does not satisfy the requirements of 18 CFR Section 12.44.

2. **Emergency Action Plans (EAPs).** There are a number of annual requirements regarding EAPs, including performing exercises. Please note our comments in the main body of this letter regarding the use of automatic dialers during your annual exercise. By December 31 of each year, you must submit an EAP Status Report regarding these requirements for each of your projects that require an EAP. Chapter 6 of our Engineering Guidelines explains what should be included in the Status Report. Please note that the Chief Dam Safety Engineer or Chief Dam Safety Coordinator must always be included in the sequence on the notification flow chart. For your convenience, the items to be included in the EAP Status Report are listed below:

- The dates you performed an annual comprehensive review of the EAP.
- The dates annual updates to the EAP, and if applicable, the Radiological Emergency Response Plan, were sent to plan holders. You may submit any updates to your EAP along with the EAP Status Report. Updates must include documentation of consultation between your staff and the Emergency Management Agencies (EMAs) which occurred during the year.
- A list of EAP recipients. Please note that a list along with your EAP Status Report is sufficient. Updated acknowledgement forms from each EMA do not need to be submitted.
- The date of the last full reprint of the EAP for all plan holders.
- The dates of your last annual seminar and a brief description of what was discussed.
- The dates of your last drill/training/call-down test, including any lessons learned.

- A brief description of the project's emergency equipment and the dates tested.
- The date and results of the most current Sudden Failure Assessment. This must include an explanation of any response time enhancements implemented or changes in downstream population that would affect the Sudden Failure Assessment results.
- The dates and descriptions of any public education outreach provided during the year and who received this outreach. This includes public education that was provided by local EMAs.
- A table indicating all parties who: (1) received EAP revisions and/or annual updates, (2) participated in the annual seminar, and (3) participated in the annual drill and/or were contacted during the call-down test.

If the EMAs involved with your project have Geographical Information System (GIS) capabilities, your EAP inundation maps should be based on GIS data. Guidance on GIS inundation map files can be obtained at:

<https://www.ferc.gov/tips-developing-and-submitting-gis-inundation-map-files>

Training for EAP exercises is available from FERC each year. Please contact the regional office to find the date and location of the next training session.

For a project previously exempted by this office from filing an EAP, you are still required to:

- perform a field reconnaissance to determine if there have been any changes to upstream or downstream conditions affecting the determination that no reasonably foreseeable project emergency would endanger life, health, or property;
- develop, maintain, post, and annually verify a contact list of people and organizations such as local EMAs and upstream and downstream dam owners who would be called during flood events, if the dam is in danger of failing, or has failed; and
- submit an annual report documenting your field reconnaissance along with a request to continue your EAP exemption.

Your emergency contact list and a statement that you have verified the accuracy of the information on the list should be submitted with your annual report.

Please note that we will not respond to future annual EAP exemption certifications unless we have comments or find that your submittal does not satisfy the requirements of 18 CFR Section 12.21(c).

3. **Dam Safety Surveillance and Monitoring Plan (DSSMP) and annual Dam Safety Surveillance and Monitoring Report (DSSMR).** Reference 18 CFR § 12.41 and Chapters 9 and 14 of our Engineering Guidelines. Please see [this website](#):

<https://www.ferc.gov/industries-data/hydropower/dam-safety-and-inspections/eng-guidelines>

DSSMPs must include all instrumentation and monitoring activities for features located within the FERC project boundary of each project. This includes conveyance structures such as flumes, penstocks, canals, and any other conveyance features. For some projects, visual observation may be the only monitoring possible, which may be appropriate and sufficient for the project.

The DSSMR, together with any update to the DSSMP, should be submitted annually on a schedule previously arranged with the Regional Engineer. If possible, data tables and plots should be accompanied by a searchable electronic version using Microsoft Excel.

As a reminder, a table must be included in your annual DSSMR submittals relating all instrumentation to applicable Potential Failure Modes. Review Appendices J and K of Chapter 14 of our Engineering Guidelines for more information. These documents are located at:

<https://www.ferc.gov/sites/default/files/2020-04/chap14.pdf>

Note: Your DSSMR submittals must include a statement from your Chief Dam Safety Engineer or Chief Dam Safety Coordinator stating that your dams are safe for continued operation. If the Chief Dam Safety Engineer or Coordinator cannot make a clear statement that the dam is safe for continued operation, then a Justification for Continued Operation plan and schedule is required. This plan should include interim measures to reduce risk until remediation is complete and the dam is judged to be safe for continued operation.

4. **Hydropower Security Program.** All licensees/exemtees with developments designated as a Security Group 1 or 2 must file an Annual Security Compliance Certification (ASCC) with the Security Branch and include a courtesy copy to the appropriate Regional Engineer. Guidance on content of the ASCC and its filing, as well as templates, were presented in an November 4, 2020 Webinar and are available here:

<https://www.ferc.gov/media/2020-annual-security-compliance-certification-new-template-and-cyber-asset-designation>

REPORTING REQUIREMENTS

5. **Project Safety and Public Safety Related Incidents.** See 18 CFR §§ 12.10(a), 12.10(b), and 12.3(b)(4). When a project safety condition or public safety incident is discovered, you must:

- Call the Regional Engineer as soon as practicable;
- Follow up with a summary email to the Regional Engineer; and
- Submit a written report within 10 days of the incident or as directed by the Regional Engineer.

It is imperative that you notify the Regional Engineer immediately of any condition, event, or action at a project that compromises the safety, stability, or integrity of any project works or that otherwise affects life, health, property, or public safety. This includes, for example, any damage to the project as a result of fires, floods, or earthquakes including any damage that requires action to prevent additional damage and/or that requires action to restore the project to an operational status. In addition to significant events such as the above, you should report any other abnormal incidents that could impact the safety of the project if left unaddressed, for example, gate mis-operation, mechanical failures that impact water releases or retention, abnormal trends in instrumentation, and any other event that requires your action to prevent a deteriorating condition that could impact your project. Your Chief Dam Safety Engineer or Chief Dam Safety Coordinator should be proactive in instrumentation review and evaluation. If you are uncertain whether an emerging, ongoing, or completed event constitutes a reportable incident, you should contact the Regional Engineer.

Any deaths or serious injuries within your FERC project boundary should also be reported immediately to the Regional Engineer, who will work with you regarding the specific reporting requirements based upon the occurrence. This applies to the general public as well as your staff and contractors hired to perform work on your project.

Any activation of the EAP, including activation of the Non-Failure or High Flow Conditions, is considered a safety-related incident (see Chapter 6 of our Engineering Guidelines) and requires filing a 12.10(a) report. Your incident report or subsequent correspondence should include your analysis of the incident and your specific plans for any necessary project improvements or additional prevention measures.

6. **Project Conditions.** Aberrant conditions, including those mentioned above, encountered during new construction, project modifications, or geotechnical work should be reported immediately after discovery or while attempting to control the situation in accordance with 18 CFR § 12.10(a).

7. **Emergency Modifications.** See 18 CFR, § 12.11(b)(1). You must report any project modifications taken to respond to emergency conditions as soon as practicable.

OTHER RESPONSIBILITIES

8. **Instrument Readings during unusual or extreme loading events.** Acquiring instrumentation readings during unusual loading events, like a flood or post-earthquake, is important to help evaluate the performance of your dams. However, personnel safety should not be compromised and should always be considered when surveilling and monitoring structures and instrumentations during and after these events. These readings should be immediately reported to this office if they are found to be reaching or exceeding threshold and/or action levels.

9. **Excavations and Investigations.** Your plans for any proposed ground-disturbing activities within your FERC project boundary must be submitted for our review at least 60 days prior to commencement. Ground-disturbing activities include anything that could have dam safety implications and/or that could impact any cultural, biological, or historic features. This could include clearing and grubbing, excavations, or repeated off-road travel.

10. **Drilling Guidelines.** Our drilling guidelines entitled, *Guidelines for Drilling in and Near Embankment Dams and their Foundations*, provide guidance for drilling in or near any dam as well as for trenching, test pits, and similar activities. The guidelines should be referenced when performing any type of exploration activities near any FERC-licensed project. These guidelines are available on our website at:

<https://www.ferc.gov/sites/default/files/2020-04/guidelines.pdf>

If you have any questions about whether a proposed activity requires our review and authorization, please contact the FERC staff engineer assigned to your project.

11. **Drawdowns and Dewatering.** See 18 CFR § 12.4(b). All *non-emergency drawdowns* of a reservoir, canal, or forebay that would be inconsistent with the operational requirements and/or terms and conditions in your license or exemption require prior authorization. Documentation of consultation with appropriate federal, state, and local resource agencies must be included in your drawdown request. The request for an extended drawdown (exceeding four weeks) should be made through the Commission's Division of Hydropower Administration and Compliance (DHAC) with a courtesy copy emailed to the Regional Engineer. Emergency drawdowns to protect life or property must be reported to our office in accordance with 18 CFR § 12.10(a).

Conveyance Feature Draining/Dewatering. Requests to dewater tunnels, conduits, or penstocks as part of normal operation and maintenance activities must also be submitted **for review and comment at least 60 days prior to initiation.** If emergency conditions exist (e.g., mechanical failures, storm damage, etc) that result in the immediate need to drain a conveyance feature, you must notify this office in accordance with 18 CFR § 12.10(a).

12. **Plan Review.** See 18 CFR, § 12.11(b)(2). Your plans for any proposed modifications to, or major maintenance of, any of your projects must be submitted for review and acceptance at least 60 days prior to initiation. Larger and more complex

projects can require substantially more than 60 days for us to review and provide comments. Therefore, you are encouraged to contact this office as soon as possible to discuss upcoming projects to minimize any delays. You are also responsible for obtaining all necessary permits from other federal, state, and local agencies to perform proposed work, as well as consulting with DHAC, as needed.

13. **Review and Submittal of Consultant Reports.** Each cover letter transmitting a consultant's report must include a statement that the report has been reviewed by you, your Chief Dam Safety Engineer or Chief Dam Safety Coordinator, and/or your staff. The cover letter must also provide either your concurrence or disagreement with the consultant's findings and/or recommendations. When you agree that urgent actions are necessary, you must include your proposed plan and schedule for these actions in the cover letter. Any dissenting opinion should be fully justified. All reports submitted on behalf of your consultants **should be signed** by the individuals who performed the work discussed in the reports.

14. **Extension of Time Requests.** If you are unable to meet a due date, you must submit a written request for an extension of time that includes an explanation of why the due date could not be met and your plan and schedule for completing the required action. Your extension of time request should be submitted sufficiently far in advance of the due date (typically 30 days) for us to review and make a decision on your request.

15. **Critical Energy Infrastructure and Privileged Information.** Documents containing Critical Energy/Electric Infrastructure Information (CEII), per 18CFR § 388.113 and <https://www.ferc.gov/legal/ceii-foia/ceii.asp>, should include the label **CUI//CEII** centered in the top header of each page of the document. Documents containing information that 18 CFR § 388.112 recognizes as privileged should include **CUI//PRIV** centered in the top header of each page of the document. Documents containing both CEII and privileged information should contain **CUI//CEII/PRIV** centered in the top header of each page of the document. Any document containing CUI must be uploaded under the corresponding security tabs during eFiling. If a document contains both CUI and PRIV material, it should be uploaded under the Privileged tab.

In accordance with the Commission's Information Governance Policy, please designate all security documentation as **CUI//CEII/PRIV** centered in the top header and **Security Sensitive Material Do Not Release** centered in the footer of each page of the document. Security documents **must not be submitted to eLibrary** – those documents required as part of FERC's *Security Program for Hydropower Projects*, will be reviewed in the field or in an agreed-upon remote capacity. While not an exception to this filing rule, the Annual Security Compliance Certification (required for Security Group 1s & 2s and due December 31st each year) should be emailed to the Security Branch with the appropriate Regional Engineer copied on the email. When submitting dam safety and other licensing/compliance correspondence to the Commission, do not mix security related information including, but not limited to, security features (e.g., cameras), security procedures (e.g., guards and response), cyber network connectivity, and law enforcement response times.

16. **Contact Information.** Any changes to your dam safety point of contact (e.g., Chief Dam Safety Engineer or Chief Dam Safety Coordinator), including contact names, addresses, phone numbers, and/or email addresses should be promptly reported to our office so that we can contact your staff in the event of an emergency. If the primary contact for your organization changes, you must also file a change of contact form located at the following web address:

<https://www.ferc.gov/how-submit-andor-update-contact-information>

17. **Owner's Dam Safety Program (ODSP) and Chief Dam Safety Engineer.** If you have filed an ODSP, please remember that your ODSP is a living document that should be updated when organizational and project personnel changes occur. You are reminded that your ODSP should undergo an external audit every 5 years. Prior to conducting an audit of your ODSP, please submit a statement of qualifications of the proposed auditor for our review and acceptance. A copy of the final audit report should be submitted for our review and comment. In addition, please notify this office immediately upon the designation of a new Chief Dam Safety Engineer or Chief Dam Safety Coordinator. The Chief Dam Safety Engineer or Coordinator should be well-versed in dam safety and should have received regular training, for example, attendance at dam safety training courses and involvement in professional dam safety organizations such as the United States Society on Dams (USSD) and the Association of State Dam Safety Officials (ASDSO). Qualifications and training should be well documented on the individual's resume.

18. **Risk-Informed Decision Making (RIDM).** FERC continues to advance RIDM measures. Draft RIDM guidelines have been posted on our website at:

<https://www.ferc.gov/industries-data/hydropower/dam-safety-and-inspections/risk-informed-decision-making-ridm-3>

A number of pilot projects have been initiated and are in various stages of completion. There are still opportunities to request participation in the pilot project studies. If you are interested in participating in a risk pilot project study, please reference our draft guidelines and contact the Regional Engineer for more information.

RIDM training opportunities are available by ASDSO, USSD, and other professional organizations. We encourage you to attend risk training courses offered by the dam safety profession.

19. **Supporting Technical Information Document (STID).** Documents should be in a searchable format with a linked Table of Contents to enable navigation to each section of the document. The STID summary report should be eFiled by selecting Hydro: Regional Office and the Regional Office that corresponds to the project. As indicated in our Engineering Guidelines, all reference documents referred to in the STID, and sometimes in the PFMA report, should be included with the STID. This can include large documents such as construction records and photographs. Researching your files and including this information will provide critical support for your current analyses and evaluations, and may eliminate the need for, or reduce the scope of, any additional

investigations and/or analyses to confirm the safety and adequacy of your water-retaining structures. If the reference materials cannot be eFiled, please contact the project engineer to discuss options for transmitting the STID reference materials to the Commission.

The pages of the STID should be numbered and the STID should have a usable table of contents to find any related document. Ideally, the printed copy has page tabs delineating each section as noted in the table of contents. The electronic PDF table of contents must contain hot links to each section.

20. **Inoperative Projects.** You must report a project or project feature that is inoperable or in poor condition. Your report must contain a plan and schedule for restoring the project or project feature to a safe operational condition. See Federal Power Act, Section 10(c).

Also, 18 CFR § 6.4 states that if generation from the project is *discontinued for a period of three years*, the Commission will deem it to be the intent of the licensee or exemptee to surrender the license or exemption, and not less than 90 days after public notice, may at its discretion terminate the license or exemption.

21. **Public Safety.** Most projects are required to install and maintain public safety devices and develop and submit a Public Safety Plan (PSP). Periodic internal review of your PSP should be performed due to possible changes in project operations or public use. You must notify this office of any plans to remove a safety device at least 10 days in advance, unless the device's removal is a periodic occurrence that has been previously accepted by the Regional Engineer. Also, the Regional Engineer should be expeditiously notified of any damage to, or loss of, any public safety device and provided with a schedule for the device's return to service. See 18 CFR, § 12.42.

Please review your current public safety measures for all project operations, including the operation of spillway gates. Downstream conditions should be reviewed, and adequate public safety measures should be implemented in order to warn anyone who could be in danger due to project operations. Any PSP that has not been updated within the past 10 years must be reviewed for any changes and resubmitted in its entirety with any changes that may have occurred. See our public safety guidelines located at:

<http://www.ferc.gov/industries/hydropower/safety/guidelines/public-safety.pdf>

22. **Records.** You must maintain permanent project records. Design drawings such as Exhibits F or L, instrumentation data, and your operational history records must be maintained at your projects. See 18 CFR § 12.12.

23. **Erosion and Pollution.** You are required to prevent or minimize soil erosion, sedimentation, or any form of water or air pollution. An Erosion and Sediment Control Plan is typically required by a license article. Any construction activity involving ground disturbance should have an Erosion and Sediment Control Plan.

Project operators must also be aware of state requirements regarding hazardous liquids or other materials, as well as those of the U.S. Environmental Protection Agency. You should assist owners of public marinas and private docks in minimizing pollution and

Enclosure 2

Page 9 of 9

should advise them to report any incidents to the appropriate local, state, and federal agencies, as well as to FERC. A Spill Prevention and Pollution Control Plan may also be required, by letter from this office, or as a license article, for construction or major maintenance activity.

24. **Personal Safety.** We will continue to reach out to you before conducting inspections to discuss site-specific hazards that may be encountered as well as safety equipment requirements necessary to observe all project features and important operating equipment. This could include mandated training or Personal Protective Equipment (PPE). FERC provides its employees with PPE and would prefer that only FERC-issued PPE be used by FERC employees to conduct inspections. At the beginning of each inspection day, all parties should participate in an on-site safety meeting to review any safety issues or processes as part of the day's inspection activities.

Document Content(s)

2021 Annual letter.PDF.....1



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Marquette Biological Station
1095 Cornerstone Drive
Marquette, Michigan 49855



IN REPLY REFER TO:
FWS/R3/MBS/TRAP

March 7, 2022

Mr. Skip Medford
Manager Stakeholder Relations
Central Rivers Power LLC.
670 N Commercial Street
Manchester, New Hampshire 03101

Dear Mr. Medford:

The U.S. Fish and Wildlife Service (Service) has used assessment traps to collect data on the relative abundance and biological characteristics of adult sea lampreys since 1977. As an agent of the Great Lakes Fishery Commission, we again request your concurrence in placing traps in streams on the enclosed list.

Spawning runs will be monitored in several Great Lakes tributaries by Service personnel, cooperative agreements with state, federal, or tribal agencies, or contractors as indicated on the enclosed list. The traps may consist of a combination of portable assessment traps placed below the first dam upstream from the mouth of each river, a fyke net placed at an appropriate location near the mouth of the river, or a permanent or semi-permanent structure built into or near a barrier. They will bear signs indicating their function and Service ownership. The tentative start and end dates for monitoring are also indicated on the enclosed list. Traps will be checked five times per week on most streams.

The 2023 concurrence letters will be sent via email. Please email Sam Hultberg at samuel_hultberg@fws.gov with your contact information: name, address, work title, physical address, and phone number.

Please contact Matt Symbal at 906-226-1244 or matthew_symbal@fws.gov if you have any questions, concerns, or require additional information.

Sincerely,

JESSICA Digitally signed by
JESSICA BARBER
BARBER Date: 2022.03.07
09:06:27 -05'00'

Jessica Barber
Field Supervisor

Enclosure (1)

cc: Lee Davis, Central Rivers Power Site Supervisor

2022 New York Assessment Streams

Lake	Stream Name	County	Start Date	End Date	Personnel
Erie	Cattaraugus Creek	Cattaraugus	April 4	June 5	Seneca Nation
Ontario	Sterling Creek	Cayuga	April 4	June 5	Contractor
Ontario	Orwell Brook	Oswego	April 4	June 5	Contractor
Ontario	Black River	Jefferson	April 4	June 5	Contractor

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – New York Regional Office
19 West 34th Street, Suite 400
New York, NY 10001

Telephone No. (212) 273-5900

Fax No. (212) 631-8124

In reply refer to:
P-2695-NY, Dexter
NATDAM ID Nos.: NY00266,
NY11684, and NY00681

Dam Safety Inspection Follow-up

June 24, 2022

Ms. Jillian Lawrence, P.E.
Chief Dam Safety Engineer
Central Rivers Power
670 N. Commercial Street, Suite 204
Manchester, NH 03101

Dear Ms. Lawrence:

On June 15, 2022, Mr. Mathew Lehrer conducted a Dam Safety Inspection of the above referenced project. The assistance provided by you and your staff during the inspection is greatly appreciated. During the inspection, we discussed the following items that should be addressed:

1. Concrete repairs to the interior of the Main Powerhouse waterbox have been completed. Repairs to the exterior of the waterbox are ongoing and it was discussed that these repairs will be completed by the end of 2022. Please provide a summary of the completed repairs with photographs in the next Dam Safety Surveillance and Monitoring Report (DSSMR).
2. Concrete repairs along the right retaining wall adjacent to the Main Powerhouse at the intake were completed. Due to the low flow conditions during the inspection, concrete deterioration was observed in this area and along the Main Powerhouse below the normal water level. Please continue to monitor the concrete in this area and repair as needed.

P-2695-NY

2

3. Seepage was observed coming from under the maintenance shop along the left tailrace wall of the Middle Dam. Please continue to monitor the seepage and report any changes in the DSSMR.
4. Severe concrete deterioration with exposed reinforcing steel was observed on the exterior of the Beanery Powerhouse foundation. Additionally, erosion was observed along the toe of the concrete retaining wall upstream of the Beanery Powerhouse. Per the 2021 DSSMR, you plan to complete the repairs to these areas by the end of 2022. During the inspection, it was discussed that you plan to modify the repair plans to include repairs to the left pier of the North Channel Dam spillway. Additionally, it was discussed that a coffer dam will not be needed to perform the repairs as initially proposed.

Please provide an updated plan and schedule to reflect the modified repair plan for the Beanery Powerhouse, concrete retaining wall upstream of the Beanery Powerhouse, and the left pier of the North Channel Dam spillway within 60 days of the date of this letter. Additionally, please be advised that at a later date we may provide you with additional comments that may arise as a result of our preparation of the inspection report.

Please file your submittal using the Commission's eFiling system at <https://www.ferc.gov/ferc-online/overview>. For all Dam Safety and Public Safety Documents, select Hydro: Regional Office and New York Regional Office from the eFiling menu. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

Should you have questions regarding this letter or should you wish to schedule a conference call regarding the above comments, please contact Mr. Matthew S. Lehrer of this office at (212) 273-5924 or at Matthew.Lehrer@ferc.gov.

Sincerely,



John Spain, P.E.
Regional Engineer

Document Content(s)

P-2695-000 2022 DSI Follow-up Letter.pdf.....1



Central Rivers Power

Hydro Development Group, Inc.
C/O Central Rivers Power US, LLC
670 N Commercial St. Suite 204
Manchester, NH 03101
Tel: 603.623.8222

Via e-Filing

December 27, 2022

Mr. John Spain, P.E.
Regional Engineer, New York Regional Office
Federal Energy Regulatory Commission
19 West 34th St., Ste 400
New York, NY 10001-3006

Re: Dexter Hydroelectric Project (FERC No. 2695-NY);
Submission of the Updated Public Safety Plan

Dear Mr. Spain:

Hydro Development Group, Inc. of the Dexter Hydroelectric Project (“Licensee”) is filing an updated Public Safety Plan for the above referenced project. The Plan was field verified for signage, fencing, barriers, alarms, cameras, and all other applicable devices.

Please note the following changes were made to the plan:

- Change of project ownership to Central Rivers Power
- Added revision date of December 2022
- Reviewed and verified the Public Safety Plan signage and safety devices

If you have any questions, please do not hesitate to contact myself or Gabriel Acosta, Dam Safety Engineer, at (813) 751-7531 or gacosta@centralriverspower.com.

Respectfully Submitted,
Hydro Development Group, LLC

Jillian Lawrence

Jillian Lawrence, P.E.
Chief Dam Safety Engineer
Central Rivers Power, LLC

Enclosure: December 2022, Updated Public Safety Plan

cc: J. Bush, CRP
M. Shaw, CRP
G. Acosta, CRP