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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Massachusetts Water Resource
Authority

Project No. 11412-000
Massachusetts

ORDER GRANTING EXEMPTION FROM LICENSING
(CONDUIT)
Issued November 9, 1993

On May 3, 1993, Massachusetts Water Resource Authority Inc. (MWRA), filed an application to exempt the Deer Island Hydro Project from the licensing requirements set forth in Part I of the Federal Power Act. The small conduit hydropower project is described in the attached public notice. The comments of interested agencies and individuals, have been fully considered in determining whether to issue this exemption from licensing.

Article 2 of this exemption requires compliance with the terms and conditions prepared by federal or state fish and wildlife agencies to protect fish and wildlife resources. Fish and wildlife agencies commented but did not file terms and conditions for this project.

Cultural Resources

The proposed project site is located in the vicinity of the Deer Island Pumping Station and the Superintendent's House, which are eligible for listing in the National Register of Historic Places (National Register), and two potentially eligible historic period burial grounds located at the New Resthaven cemetery and Piggery Point. However, the proposed project would consist of a hydroelectric facility constructed within the channel leading to the effluent outfall shaft, and thus it would not be expected to affect any of those properties. The Massachusetts State Historic Preservation Officer (SHPO) concurs that the project would have no effect on the significant architectural and historical characteristics of the National Register-eligible properties (letter to Marianne Connolly from Judith B. McDonough, State Historic Preservation Officer, Massachusetts Historical Commission, Boston Massachusetts, September 22, 1993).

However, the SHPO recommends that the Piggery Point burial ground be depicted on the project design plans to ensure the site would be protected from damage by construction activities. Therefore, article 401 requires the MWRA to file project design plans depicting the location of the Piggery Point burial grounds for Commission approval before beginning any project-related construction activities.

Preparation of an environmental assessment or an environmental impact statement is not required for this project

pursuant to 1 380.4(a)(14) of the regulations. Nonetheless, we have considered the agency comments, the environmental information in the exemption application, and other public comments, and find that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The Deer Island Hydro Project is exempted from the licensing requirements of Part I of the Federal Power Act, subject to the attached articles. See 18 CFR section 4.94.

(B) Article 6 of this exemption is amended as follows:

Before transferring any property interests in the exempt project, the exemption holder must inform the transferee of the terms and conditions of the exemption. Within 30 days of transferring the property interests, the exemption holder must inform the Commission and the Regional Director of the identity and address of the transferee.

(C) The exemption is also subject to the following article:

Article 401. At least 90 days before commencing any project-related construction activities, the Exemptee shall file with the Commission, for approval, revised project design drawings and specifications depicting the location of the historic Piggery Point burial grounds, and describing measures that the Exemptee would implement to avoid any project-related construction activities at the historic burial grounds.

The Exemptee shall prepare the project drawings and specifications after consultation with the Massachusetts State Historic Preservation Officer (SHPO). The Exemptee shall include with the filing, copies of comments and recommendations from the SHPO and descriptions of how the SHPO's comments are accommodated by the project design drawings and specifications.

The Commission may require changes to the drawings and specifications to ensure that no project-related activities would take place at the historic Piggery Point burial grounds. No project-related construction activities shall begin until the Exemptee is notified that the requirements of this article have been fulfilled.

(D) The Exemptee shall serve copies of any Commission filing required by this order on any entity specified in this order to be consulted on matters related to that filing. Proof

of service on these entities must accompany the filing with the Commission.

(E) This order is issued under authority delegated to the Director and 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 CFR section 385.713.

Dean L. Shumway
Director, Division of
Project Review

Public Notice of Application Accepted for Filing
(Issued August 13, 1993)

- a. Type of Application: Conduit Exemption
- b. Project No.: 11412-000
- c. Date Filed: May 3, 1993
- d. Applicant: Massachusetts Water Resource Authority
- e. Name of Project: Deer Island Hydro Project
- f. Location: On Deer Island in the Boston Harbor, Suffolk,
near Boston, Massachusetts
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-
825(r)
- h. Applicant Contact: Mr. Walter Armstrong
Massachusetts Water Resource Authority
Program Management Division
Charleston Navy Yard
100 First Avenue
Boston, MA 02129
(617) 242-6000
- i. FERC Contact: Ed Lee (202) 219-2809
- j. Comment Date: October 18, 1993

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- k. Status of Environmental Analysis: This application is accepted for filing and is categorically excluded from the preparation of an environmental assessment.
- l. Description of Project: The proposed project consists of the following: (1) an electrical building; (2) a substation; (3) a powerhouse containing two 1,000-kw generators for a total installed capacity of 2,000 kw; (4) an intake conduit which conveys the wastewater from the disinfection facilities to the hydropower chute; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 12,400 megawatthours.
- m. Purpose of Project: Project power would be utilized by the applicant in its water treatment facilities.
- n. This notice also consists of the following standard paragraphs: A2, A9, and B1.
- o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public

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Reference and Files Maintenance Branch, located at 941 North Capitol Street, N.E., Room 3104, Washington, D.C., 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Massachusetts Water Resource Authority, Charleston Navy Yard, 100 First Avenue, Boston, MA 02129 or by calling (617) 242-6000.

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