

# Low Impact Hydropower Institute

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## LOW IMPACT HYDROPOWER QUESTIONNAIRE

[Excerpted from Part VI, Section E of the Low Impact Hydropower Certification Program. Words in italics are defined in Part VI, Section C, and line-by-line instructions are available in Section D of the program, available on-line in PDF format at <http://www.lowimpacthydro.org>.

### E. LOW IMPACT HYDROPOWER QUESTIONNAIRE

Background Information	
1) Name of the <i>Facility</i> .	West Branch St. Regis Project, LP 10461, consisting of the Parishville and Allens Falls developments.
2) Applicant's name, contact information and relationship to the Facility. If the Applicant is not the Facility owner/operator, also provide the name and contact information for the Facility owner and operator.	Mr. Thomas M. Skutnik Compliance Engineer Erie Boulevard Hydropower, LP c/o Brascan Power NY 225 Greenfield Parkway, Suite 201 Liverpool, New York 13088
3) Location of Facility by river and state.	West Branch St. Regis River, New York
4) Installed capacity.	Total installed capacity = 6.8 MW (FERC License). By development: Parishville: 2.4 MW Allens Falls: 4.4 MW
5) Average annual generation.	34,730 megawatt hours (FERC License)

6) Regulatory status.	Relicensed via a collaborative Settlement. The Settlement was signed in August 2001 and the new license for the project was issued in September 2002.
7) Reservoir volume and surface area measured at the high water mark in an average water year.	Parishville: volume – 289 acre-feet area - 70 acres Allens Falls: volume – 1780 acre-feet area - 130 acres
8) Area occupied by non-reservoir facilities (e.g., dam, penstocks, powerhouse).	Not required.
9) Number of acres inundated by the Facility.	Not required.
10) Number of acres contained in a 200-foot zone extending around entire impoundment.	Not required.
11) Please attach a list of contacts in the relevant Resource Agencies and in non-governmental organizations that have been involved in Recommending conditions for your Facility.	Attached is a list of key resource agencies and NGOs involved with the West Branch St. Regis River Settlement.
12) Please attach a description of the Facility, its mode of operation (i.e., peaking/run of river) and a map of the Facility.	Project Descriptions and Project Operations excerpts from License are attached. Exhibit F and G Project Drawings are attached.
<b>Questions For “New” Facilities Only:</b>	
If the Facility you are applying for is “new” i.e., an existing dam that added or increased power generation capacity after August of 1998 please answer the following questions to determine eligibility for the program	
13) When was the dam associated with the Facility completed?	
14) When did the added or increased generation first generate electricity? If the added or increased generation is not yet operational, please answer question 18 as well.	
15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?	
16) Did the added or increased capacity include or require a change in water flow through the facility that worsened conditions for fish, wildlife, or water quality, (for example, did operations change from run-of-river to peaking)?	

17 (a) Was the existing dam recommended for removal or decommissioning by resource agencies, or recommended for removal or decommissioning by a broad representation of interested persons and organizations in the local and/or regional community prior to the added or increased capacity?			
(b) If you answered “yes” to question 17(a), the Facility is not eligible for certification, unless you can show that the added or increased capacity resulted in specific measures to improve fish, wildlife, or water quality protection at the existing dam. If such measures were a result, please explain.			
18 (a) If the increased or added generation is not yet operational, has the increased or added generation received regulatory authorization (e.g., approval by the Federal Energy Regulatory Commission)? If not, the facility is not eligible for consideration; and			
(b) Are there any pending appeals or litigation regarding that authorization? If so, the facility is not eligible for consideration.			
<b>A. Flows</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) Is the Facility in <i>Compliance</i> with <i>Resource Agency Recommendations</i> issued after December 31, 1986 regarding flow conditions for fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations) for both the reach below the tailrace and all bypassed reaches?	YES = Pass, Go to B N/A = Go to A2	NO = Fail	YES. The West Branch St. Regis River project is in compliance with resource agency recommendations issued after December 31, 1986 regarding flow conditions.  The Settlement Agreement/License Order includes requirements for flow releases recommended by the New York State Department of Environmental Conservation (DEC) and the U. S. Fish and Wildlife Service (FWS).  Minimum flows in the bypassed reaches are specified at each development as follows:



			Parishville: 20 cfs year-round Allens Falls: 30 cfs 10/1 – 3/31 50 cfs 4/1 – 8/31 40 cfs 9/1 – 9/30 These flows were implemented in the third quarter of 2004.
2) If there is no flow condition recommended by any Resource Agency for the Facility, or if the recommendation was issued prior to January 1, 1987, is the Facility in Compliance with a flow release schedule, both below the tailrace and in all bypassed reaches, that at a minimum meets Aquatic Base Flow standards or “good” habitat flow standards calculated using the Montana-Tennant method?	YES = Pass, go to B NO = Go to A3		
3) If the Facility is unable to meet the flow standards in A.2., has the Applicant demonstrated, and obtained a letter from the relevant Resource Agency confirming that demonstration, that the flow conditions at the Facility are appropriately protective of fish, wildlife, and water quality?	YES = Pass, go to B	NO = Fail	
<b>B. Water Quality</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) Is the Facility either:  a) In Compliance with all conditions issued pursuant to a Clean Water Act Section 401 water quality certification issued for the Facility after December 31, 1986? Or  b) In Compliance with the quantitative water quality standards established by the state that support designated uses pursuant to the federal Clean Water Act in the Facility area and in the downstream reach?	YES = Go to B2	NO = Fail	YES. The West Branch St. Regis River Project is in compliance with all conditions issued pursuant to a Clean Water Act – Section 401 Water Quality Certification issued on November 2, 2001. The Section 401 WQC is conditioned on compliance with the terms of the Settlement Agreement.
2) Is the Facility area or the downstream reach currently identified by the state as not meeting water quality standards (including narrative and numeric criteria and designated uses) pursuant to	YES = Go to B3 NO = Pass		YES. DEC has identified several areas of the West Branch St. Regis River and associated tributaries in



Section 303(d) of the Clean Water Act?			their January 28, 2004 Section 303(d) List. The DEC classifies the project area based on their designated best use. Water classifications for the project areas include Class B (coldwater fishery) (best use is primary contact recreation and other uses except as a source of water supply for drinking and culinary or food processing purposes), and Class C (T) (coldwater fishery that supports trout) (best use is fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes, and primary contact recreation).
3) If the answer to question B.2 is yes, has there been a determination that the Facility is not a cause of that violation?	YES = Pass	NO = Fail	YES. The DEC Section 303(d) List (attached) indicates atmospheric deposition (acid rain) is the source for all areas of the West Branch St. Regis River and associated tributaries identified under Section 303 (d).
<b>C. Fish Passage and Protection</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) Is the Facility in Compliance with <i>Mandatory Fish Passage Prescriptions</i> for upstream and downstream passage of anadromous and catadromous fish issued by Resource Agencies after December 31, 1986?	YES = Go to C5 N/A = Go to C2	NO = Fail	NA – By letters dated July 13, 2001, one for each development, the Department of the Interior requested FERC to include a condition in the license, reserving to the Secretary of the Department of the Interior, the authority under Section 18, to prescribe the construction, operation, and maintenance of fishways as deemed necessary. This

			reservation included authority to prescribe fishways for any fish species to be managed, enhanced, protected, or restored to the basin during the term of the license. Article 407 of the license reserves this authority.
<p>2) Are there historic records of anadromous and/or catadromous fish movement through the Facility area, but anadromous and/or catadromous fish do not presently move through the Facility area (e.g., because passage is blocked at a downstream dam or the fish run is extinct)?</p> <p>a) If the fish are extinct or extirpated from the Facility area or downstream reach, has the Applicant demonstrated that the extinction or extirpation was not due in whole or part to the Facility?</p> <p>b) If a Resource Agency Recommended adoption of upstream and/or downstream fish passage measures at a specific future date, or when a triggering event occurs (such as completion of passage through a downstream obstruction or the completion of a specified process), has the Facility owner/operator made a legally enforceable commitment to provide such passage?</p>	<p>YES = Go to C2a NO = Go to C3</p> <p>YES = Go to C2b N/A = Go to C2b</p> <p>YES = Go to C5 N/A = Go to C3</p>	<p>NO = Fail</p> <p>NO = Fail</p>	NO
<p>3) If, since December 31, 1986:</p> <p>a) Resource Agencies have had the opportunity to issue, and considered issuing, a Mandatory Fish Passage Prescription for upstream and/or downstream passage of anadromous or catadromous fish (including delayed installation as described in C2a above), and</p> <p>b) The Resource Agencies declined to issue a Mandatory Fish Passage Prescription,</p>	<p>NO = Go to C5 N/A = Go to C4</p>	YES = Fail	NO. There are no mandatory prescriptions (section 18 or similar) for the passage of riverine fish. Several natural water falls in the project area have created barriers for upward migration of fish species. Further, the Licensee is not required to provide measures or structures to facilitate downstream fish movement at either development, beyond those

c) Was a reason for the Resource Agencies' declining to issue a Mandatory Fish Passage Prescription one of the following: (1) the technological infeasibility of passage, (2) the absence of habitat upstream of the Facility due at least in part to inundation by the Facility impoundment, or (3) the anadromous or catadromous fish are no longer present in the Facility area and/or downstream reach due in whole or part to the presence of the Facility?			that already exist as a result of implementing the instream flows. Department of the Interior has reserved section 18 authority.
4) If C3 was not applicable:  a) Are upstream and downstream fish passage survival rates for anadromous and catadromous fish at the dam each documented at greater than 95% over 80% of the run using a generally accepted monitoring methodology? Or  b) If the Facility is unable to meet the fish passage standards in 4.a., has the Applicant demonstrated, and obtained a letter from the US Fish and Wildlife Service or National Marine Fisheries Service confirming that demonstration, that the upstream and downstream fish passage measures (if any) at the Facility are appropriately protective of the fishery resource?	YES = Go to C5	NO = Fail	
5) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and/or downstream passage of <i>Riverine</i> fish?	YES = Go to C6 N/A = Go to C6	NO = Fail	YES. There are no mandatory prescriptions (section 18 or similar) for the passage of riverine fish.
6) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?	YES = Pass, go to D N/A = Pass, go to D	NO = Fail	YES. The Settlement requires the installation of 1-inch trash racks at both developments when the existing trash racks need to be replaced.
<b>D. Watershed Protection</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1 ) Is there a buffer zone dedicated for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or	YES = Pass, go to E and receive 3 extra	NO = go to D2	NO



low-impact recreation) extending 200 feet from the high water mark in an average water year around 50 - 100% of the impoundment, and for all of the undeveloped shoreline?	years of certification		
2 ) Has the facility owner/operator established an approved watershed enhancement fund that: 1) could achieve within the project's watershed the ecological and recreational equivalent of land protection in D.1.,and 2) has the agreement of appropriate stakeholders and state and federal resource agencies?	YES = Pass, go to E and receive 3 extra years of certification	NO = go to D3	YES. The owner and signatories to the Settlement, established a St. Regis River Fund (Fund) financed through yearly contributions by the owner, for ecosystem restoration or protection such as fish stocking, natural resource stewardship, and new recreation resources.
3 ) Has the facility owner/operator established through a settlement agreement with appropriate stakeholders and that has state and federal resource agencies agreement an appropriate shoreland buffer or equivalent watershed land protection plan for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low impact recreation)?	YES = Pass, go to E	NO = go to D4	
4 ) Is the facility in compliance with both state and federal resource agencies recommendations in a license approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project.	YES = Pass, go to E	NO = Fail	
<b>E. Threatened and Endangered Species Protection</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?	YES = Go to E2 NO = Pass, go to F		NO
2) If a recovery plan has been adopted for the threatened or endangered species pursuant to Section 4(f) of the Endangered Species Act or similar state provision, is the Facility in Compliance with all recommendations in the plan relevant to the Facility?	YES = Go to E3 N/A = Go to E3	NO = Fail	NA

3) If the Facility has received authority to incidentally <i>Take</i> a listed species through: (i) Having a relevant agency complete consultation pursuant to ESA Section 7 resulting in a biological opinion, a habitat recovery plan, and/or (if needed) an incidental Take statement; (ii) Obtaining an incidental Take permit pursuant to ESA Section 10; or (iii) For species listed by a state and not by the federal government, obtaining authority pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authority?	YES = Go to E4 N/A = Go to E5	NO = Fail	NA
4) If a biological opinion applicable to the Facility for the threatened or endangered species has been issued, can the Applicant demonstrate that:  a) The biological opinion was accompanied by a FERC license or exemption or a habitat conservation plan? Or  b) The biological opinion was issued pursuant to or consistent with a recovery plan for the endangered or threatened species? Or  c) There is no recovery plan for the threatened or endangered species under active development by the relevant Resource Agency? Or  d) The recovery plan under active development will have no material effect on the Facility's operations?	YES = Pass, go to F	NO = Fail	
5) If E.2. and E.3. are not applicable, has the Applicant demonstrated that the Facility and Facility operations do not negatively affect listed species?	YES = Pass, go to F	NO = Fail	NA
<b>F. Cultural Resource Protection</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) If FERC-regulated, is the Facility in Compliance with all requirements regarding Cultural Resource protection,	YES = Pass, go to G N/A = Go to F2	NO = Fail	YES. An Order Modifying and Approving Historic Properties

mitigation or enhancement included in the FERC license or exemption?			Management Plan pursuant to Article 409, was issued on April 16, 2004 by FERC. The facilities associated with these two developments will not require any ground breaking activities or disturbance of any known historical properties.
2) If not FERC-regulated, does the Facility owner/operator have in place (and is in Compliance with) a plan for the protection, mitigation or enhancement of impacts to Cultural Resources approved by the relevant state or federal agency or <i>Native American Tribe</i> , or a letter from a senior officer of the relevant agency or Tribe that no plan is needed because Cultural Resources are not negatively affected by the Facility?	YES = Pass, go to G	NO = Fail	
<b>G. Recreation</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) If FERC-regulated, is the Facility in Compliance with the recreational access, accommodation (including recreational flow releases) and facilities conditions in its FERC license or exemption?	YES = Go to G3 N/A = Go to G2	NO = Fail	YES. An Order Modifying and Approving Recreation Plan pursuant to Article 408, was issued on April 8, 2004 by FERC. The enhancements outlined in the plan have been implemented by the Licensee.
2) If not FERC-regulated, does the Facility provide recreational access, accommodation (including recreational flow releases) and facilities, as Recommended by Resource Agencies or other agencies responsible for recreation?	YES = Go to G3	NO = Fail	
3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?	YES = Pass, go to H	NO = Fail	YES
<b>H. Facilities Recommended for Removal</b>	<b>PASS</b>	<b>FAIL</b>	<b>Applicant Answer</b>
1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?	NO = Pass, Facility is Low Impact	YES = Fail	NO. No resource agency recommended removal of any of the dams associated with these two



			developments.
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I declare that the material presented in this application to the Low Impact Hydropower Institute for certification of the West Branch St. Regis River Project consisting of the Parishville and Allens Falls developments is true and complete to the best of my knowledge and belief.

The primary goal of the Low Impact Hydropower Institute's Certification Program is public benefit. The Governing Board and its agents are not responsible for financial or other private consequences of its certifications decisions. The undersigned Applicant agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications or on any other action pursuant to the Low Impact Hydropower Institute's Certification Program.

Dated: 3/7/05

Signed: David J. Youlen

Title: VP New York Operations

## SETTLEMENT MEETING INVITATION LIST

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## SETTLEMENT MEETING INVITATION LIST

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**WEST BRANCH ST. REGIS RIVER SETTLEMENT KEY PARTIES (LIHI #11)**

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## **BACKGROUND INFORMATION #11**

### **West Branch St. Regis River Settlement Key Parties**



## **BACKGROUND INFORMATION #12**

### **Project Description and Project Drawings**

## PROJECT DESCRIPTION

9. The 6.8-MW West Branch St. Regis River Hydroelectric Project provides an average annual generation of 34,730 megawatt-hours. Erie has generally operated the project in a pulsing mode and proposes to continue to do so.

10. The West Branch St. Regis River Project consists of the Parishville development and the Allens Falls development. The Parishville development consists of a dam, a 70-acre reservoir, a 2,561-foot-long penstock, a powerhouse housing a 2.4-MW turbine/generator unit, a 4.8-kV transmission line, and appurtenant facilities. The Allens Falls development consists of a concrete gravity-type dam, a 108-acre reservoir, a 9,344-foot-long pipeline, a surge tank, an 886-foot-long penstock, a powerhouse housing a 4.4-MW turbine/generator unit, a 2.4-mile-long 115-kV transmission line, and appurtenant facilities. A more detailed project description is contained in ordering paragraph (B)(2).

## THE SETTLEMENT AGREEMENT

11. The Settlement incorporates agreements reached among the parties to the Settlement (Parties) with regard to the Parishville and Allens Falls developments. The stated goal of the Settlement is to provide for the continued operation of the developments with appropriate long-term environmental and recreational protection and mitigation measures that will meet diverse objectives for maintaining a balance of non-power and power values in the West Branch St. Regis River. Giving careful and equal consideration to non-power and power values, the Parties provide in the Settlement recommended terms and conditions for the resolution of operational, fisheries, wildlife, water quality, and recreational issues raised by and analyzed by the Parties as they are applicable to the issuance of a license and water quality certification (WQC) for the West Branch St. Regis River Hydroelectric Project's Parishville and Allens Falls developments.

The Director orders:

(A) This license is issued to Erie Boulevard, L.P. (licensee), for a period of 40 years, effective the first day of the month in which this order is issued, to construct, operate and maintain the West Branch St. Regis River Project. This license is subject to the terms and conditions of the FPA, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the FPA.

(B) The project consists of:

(1) All lands, to the extent of the licensee's interests in those lands, enclosed by the project boundary as described and shown by Exhibits G included in the applications for original licenses for the former Parishville and Allens Falls Projects (now developments of the West Branch St. Regis River Project) filed by Erie's predecessor, Niagara Mohawk Power Corporation, on May 31, 1990.

Exhibit G:



<u>Drawing</u>	<u>FERC No. 10461-</u>	<u>Showing</u>
1	5	Parishville Development - General Location Map
2	6	Parishville Development - Detail Map
3	7	Parishville Development - Detail Map
4	8	Allens Falls Development - General Location Map
5	9	Allens Falls Development - Detail Map
6	10	Allens Falls Development - Detail Map

(2) The following features:

Parishville Development: (1) a dam composed of an earthen dike and various concrete structures; (2) a reservoir with a surface area of 70 acres at crest elevation 844.5 feet NGVD; (3) an intake structure; (4) a penstock, 2,561 feet long and six to 10 feet in diameter; (5) a powerhouse housing a horizontal Francis turbine and a 2,400-kilowatt (kW) generator; (6) a 400-foot long tailrace; (7) a 4.8-kV transmission line; and (8) appurtenant facilities.

Allens Falls Development: (1) a concrete gravity type dam; (2) a reservoir with a surface area of 132 acres at top of flashboard elevation 742.0 feet NGVD; (3) an intake structure; (4) a pipeline, 9,344 feet long and seven feet in diameter; (5) a differential surge tank; (6) a penstock, 886 feet long and seven feet in diameter; (7) a powerhouse housing a vertical Francis turbine and a 4,400-kW generator; (8) a 450-foot-long tailrace; (9) a 2.4-mile-long 115-kV transmission line; and (10) appurtenant facilities.

The project works generally described above are more specifically shown and described by those portions of Exhibits A and F below:

Exhibit A:

Parishville and Allens Falls Developments: Pages A.1-1 through A.2-1 describing the existing mechanical, electrical and transmission equipment, filed May 31, 1990.

Exhibit F:

Parishville Development:

<u>Drawing</u>	<u>FERC No.10461-</u>	<u>Showing</u>
1	1	General Plan- Dam and Spillway Plan, Elevations and Sections
2	2	Intake and Powerhouse Plan, Elevations and Sections

Allens Falls Development:

<u>Drawing</u>	<u>FERC No.10461-</u>	<u>Showing</u>
1	3	General Plan- Dam and Spillway Plan, Elevations and Sections
2	4	General Plan - Intake, Surge Tank, and Powerhouse

(3) All of the structures, fixtures, equipment or facilities used to operate or maintain the project and located within the project boundary, all portable property that may be employed in connection with the project and located within or outside the project boundary, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) The exhibits A, F, and G as designated in ordering paragraph (B) above are approved and made part of the license.

(D) This license is subject to the water quality certification conditions submitted by the New York State Department of Environmental Conservation pursuant to Section 401(a) of the Clean Water Act, as those conditions are set forth in Appendix A to this order.

(E) This license is subject to the articles set forth in Form L-3 (October 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States," and the following additional articles:

37. The preferred alternative includes the following measures:
- (1) operate the Parishville impoundment within an 0.5-foot operational range of 884.0 and 884.5 feet National Geodetic Vertical Datum (NGVD) (the permanent crest elevation of the dam) (Article 401);
  - (2) operate the Allens Falls impoundment between 741.5 and 742.0 feet NGVD (the permanent crest elevation of the dam), from May 16 through October 31; may operate the Allens Falls impoundment between 740.5 and 741.0 feet NGVD from November 1 through May 15 for the protection of private docks on the Allens Falls impoundment from ice damage (Article 402);
  - (3) limit impoundment water level change rates during construction and/or maintenance activities to not more than one foot per hour during drawdown, and to not more than one foot per hour during refill (Article 403);
  - (4) discharge an instantaneous year-round minimum flow of 20 +/- 0.2 cubic feet per second (cfs) from a gate in the Parishville dam to the bypassed reach; and discharge a seasonal instantaneous minimum flow, from a gate in the Allen's Falls dam, to the bypassed reach, according to the following schedule: 30 +/- 0.2 cfs

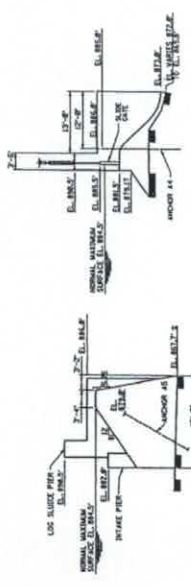
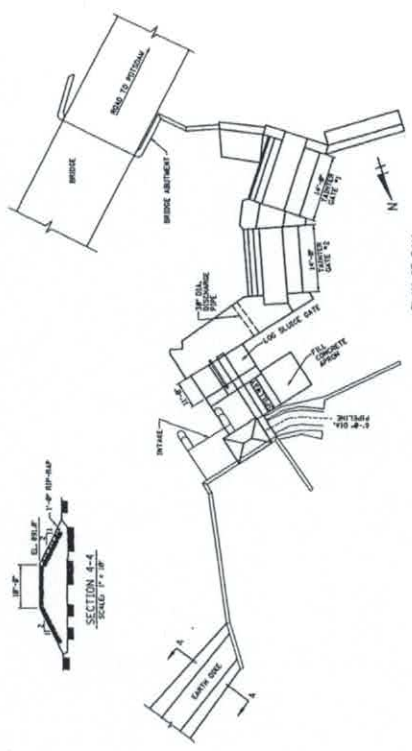
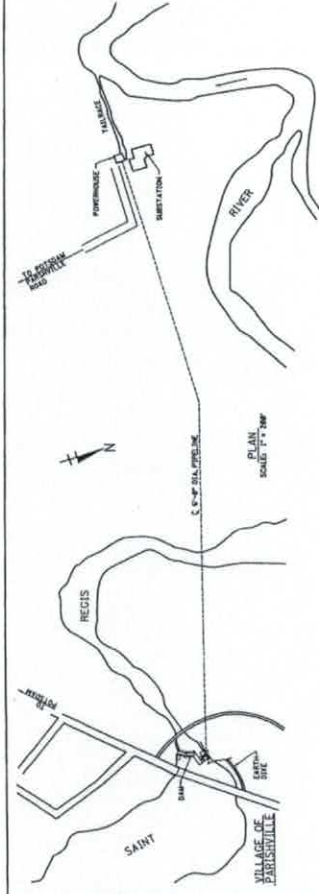


from October 1 through March 31, 50 +/- 0.3 cfs from April 1 through August 31, and 40 +/- 0.3 cfs from September 1 through September 30 (Article 404);

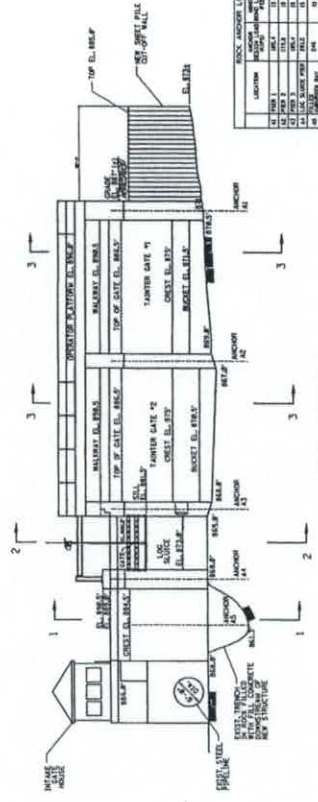
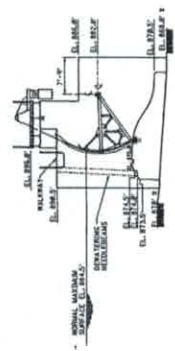
- (5) in consultation with the resource agencies, develop and implement a stream flow and water level monitoring plan that includes provisions to determine: required gate settings to release the minimum flow releases of the Parishville and Allen's Falls developments, headpond and tailwater elevations as needed, means of independent verification of water levels by the New York DEC and FWS, and means to ensure that the staff gauges are visible to the general public; and provisions for collecting accurate and sufficient records of: impoundment elevations and project flows, and any uncontrollable station outage that causes a reduction in the required minimum flow at or below the Parishville dam or the Allen Falls dam (Article 405);
- (6) replace existing trashracks with 1-inch clear spacing trashracks at such times that the licensee determines that an existing trashrack needs to be replaced (Article 406);
- (7) reserve authority for the Secretary of the Interior to prescribe the construction, operation, and maintenance of fishways (Article 407);
- (8) in consultation with the New York DEC, develop and implement a recreation plan focusing on: public access to lands within the project boundary of the two developments; informal access to project waters over lands near the Parishville powerhouse, to the bypass reach at the Allens Falls Road Bridge, and at a designated point near the Allens Falls powerhouse; signs designating the extent of parking available at an informal parking area and boat launch at the end of Coon Road and at an informal parking near the surge tank on Covey Road; an unimproved trail in the vicinity of Allens Falls powerhouse and boat barriers in the tailrace of the powerhouse; a flow-notification system that provides the public with information about known spillage events; designing and implementing appropriate erosion and sediment control measures for the unimproved trail and access point near the Allens Falls powerhouse; and consulting with the New York DEC and members of the West Branch St. Regis River Advisory Committee (SRRAC), as described in the "West Branch St. Regis River Project Offer of Settlement," filed with the Commission on September 13, 2001, to examine further development of public access to project lands and waters (Article 408);
- (9) in consultation with the New York State Historic Preservation Officer (SHPO), develop a Historic Properties Management Plan focusing on avoiding, or

minimizing and appropriately mitigating any adverse effects to the historic mill ruins near the Parishville dam and consulting with the SHPO in case archeological or historic sites are discovered during project operation or future project-related land-clearing or ground-disturbing activities (Article 409); and

- (10) grant the licensee authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project (Article 410).



SECTION 1-1 - SPILLWAY  
SCALE 1" = 10'

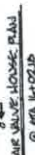


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20	5/20/80	REVISION				

PARISHVILLE DEVELOPMENT  
GENERAL PLAN - DAM AND SPILLWAY  
PLAN, ELEVATIONS AND SECTIONS  
EXHIBIT F  
SCALE 1" = 10'  
SHEET NO. 1

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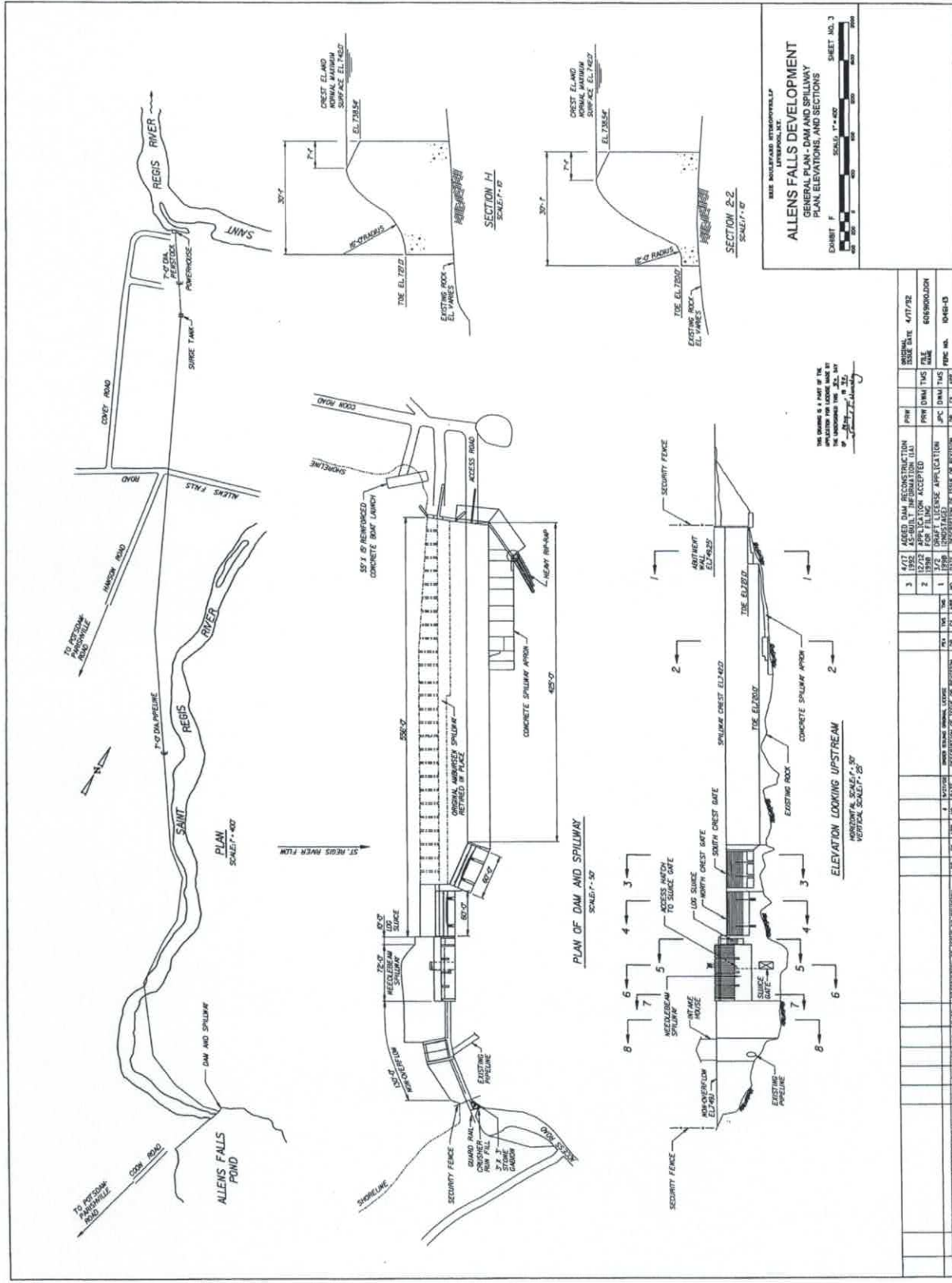
THIS DRAWING IS A PART OF THE  
APPLICATION FOR LICENSE MADE BY  
THE UNDERSIGNED THIS 20th DAY  
OF May 1916.  
G. Paul Schmitt

8815 BOULEVARD HYDROPOWER, LP  
LIVERPOOL, N.Y.

**PARISHVILLE DEVELOPMENT**  
INTAKE AND POWERHOUSE  
PLAN, ELEVATIONS AND SECTIONS

EXHIBIT F SCALE 1"=10' SHEET NO. 2

[illegible]



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FERC No. 10461-19











## ALLENS FALLS DEVELOPMENT

GENERAL LOCATION MAP

EXHIBIT C



Year	1990	2000	2010	2020	2030	2040	2050
Population (millions)	5.5	6.5	7.5	8.5	9.5	10.5	11.5
GDP (trillion USD)	1.5	2.5	3.5	4.5	5.5	6.5	7.5
Urban population (millions)	1.5	2.5	3.5	4.5	5.5	6.5	7.5
Urban GDP (trillion USD)	0.5	1.0	1.5	2.0	2.5	3.0	3.5
Urban population density (per sq km)	150	200	250	300	350	400	450
Urban GDP per capita (USD)	1,000	1,500	2,000	2,500	3,000	3,500	4,000
Urban population growth rate (%)	1.5	1.8	2.0	2.2	2.4	2.6	2.8
Urban GDP growth rate (%)	2.5	2.8	3.0	3.2	3.4	3.6	3.8
Urban population density growth rate (%)	0.5	0.8	1.0	1.2	1.4	1.6	1.8
Urban GDP per capita growth rate (%)	1.0	1.2	1.4	1.6	1.8	2.0	2.2
Urban population density growth rate (per sq km)	10	15	20	25	30	35	40
Urban GDP per capita growth rate (USD)	100	150	200	250	300	350	400

STEWART, A.B. 1942: 58

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## **B.1. WATER QUALITY**

**NYSDEC 401 Water Quality Certificate  
November 2, 2001**



Erin M. Crotty  
Commissioner

November 2, 2001

Samuel S. Hirschey, Manager  
Hydro Licensing & Regulatory Compliance  
Erie Boulevard Hydropower, L.P.  
225 Greenfield Parkway, Suite 201  
Liverpool, NY 13088

**RE: West Branch St. Regis River Project**  
**6-4066-00019/00002**  
**FERC Project #10461 and 10462**  
**Parishville (T), St. Lawrence County**

Dear Mr. Hirschey:

Enclosed is the Water Quality Certificate for the West Branch St. Regis River Hydroelectric Project. The Certificate is being issued pursuant to Section 401 of the Federal Water Pollution Control Act (33 USC 1341) and section 608.9 of the New York Department of Environmental Conservation's regulations pertaining to the Use and Protection of Waters (6 NYCRR Part 608).

Should you have any questions regarding the Water Quality Certificate, please contact me.

Sincerely,

*Brian D. Fenlon*

Brian D. Fenlon  
Supervisor of Environmental Permits  
Region 6

BDF:dli

cc: Service List  
Signatories List  
David Boergers, FERC  
Thomas DeWitt, FERC  
J. Sabattis, Orion  
William Little, NYS DEC  
L. Kuwik, NYS DEC  
Wm. Sarbello, NYS DEC  
L. Ollivett, NYS DEC  
File



DEC PERMIT NUMBER

6-4066-00019/00002

FACILITY/PROGRAM NUMBER(s)



## PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE

November 2, 2001

EXPIRATION DATE

Coincident with expiration date of the license issued by the Federal Energy Regulatory Commission (FERC) for FERC Project 10461 and 10462

TYPE OF PERMIT (Check All Applicable Boxes)

☒ New☐ Renewal☐ Modification☐ Permit to Construct☐ Permit to Operate☐ Article 15, Title 5:  
Protection of Water☐ Article 17, Titles 7, 8:  
SPDES☐ Article 27, Title 9; 6NYCRR 373:  
Hazardous Waste Management☐ Article 15, Title 15:  
Water Supply☐ Article 19:  
Air Pollution Control☐ Article 34:  
Coastal Erosion Management☐ Article 15, Title 15:  
Water Transport☐ Article 23, Title 27:  
Mined Land Reclamation☐ Articles 1, 3, 17, 19, 27, 37;  
6NYCRR 380: Radiation Control☐ Article 15, Title 15:  
Long Island Wells☐ Article 24:  
Freshwater Wetlands☐ Other: \_\_\_\_\_☐ Article 15, Title 27: Wild, Scenic  
and Recreational Rivers☐ Article 25:  
Tidal Wetlands☒ 6NYCRR 608:  
Water Quality Certification☐ Article 27, Title 7; 6NYCRR 360:  
Solid Waste Management

PERMIT ISSUED TO

Erie Boulevard Hydropower, L.P.

TELEPHONE NUMBER

(315) 413-2790

ADDRESS OF PERMITTEE

225 Greenfield Parkway, Suite 201, Liverpool, New York 13088

CONTACT PERSON FOR PERMITTED WORK

Samuel S. Hirschey, Manager - Hydro Licensing &amp; Regulatory Compliance

TELEPHONE NUMBER

(315) 413-2790

NAME AND ADDRESS OF PROJECT/FACILITY

West Branch St. Regis River Hydroelectric Project

LOCATION OF PROJECT/FACILITY

West Branch St. Regis River, approximately 18 miles upstream of its confluence with the St. Regis River at Winthrop, New York

COUNTY

St. Lawrence

TOWN/CITY/VILLAGE

Parishville (T)

WATERCOURSE/WETLAND NO.

Allens Falls Reservoir/Parishville  
Reservoir/W. Branch St. Regis River

NYTM COORDINATES

E:510.974 N:4 945.294

DESCRIPTION OF AUTHORIZED ACTIVITY

Operation and maintenance of a 6.8 MW hydroelectric facility in accordance with the applicable provisions of the West Branch St. Regis River Offer of Settlement dated August 2001 and the attached conditions.

By acceptance of this certificate, the certificate holder agrees that it will act in strict compliance with the applicable water quality sections of the Environmental Conservation Law (ECL), all applicable water quality regulations, the conditions included as part of this certificate and the applicable provisions of the West Branch St. Regis River "Offer of Settlement" dated August 9, 2001 and filed with the Federal Energy Regulatory Commission (FERC).

PERMIT ADMINISTRATOR

Brian D. Fenlon

ADDRESS

317 Washington Street, Watertown, New York 13601

AUTHORIZED SIGNATURE

DATE

November 2, 2001

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## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-ways that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

## GENERAL CONDITIONS

**General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration date of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYS DEC Regional Permit Administrator, Region 6

317 Washington Street, Watertown, New York 13601, telephone: 315-785-2245

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department.**

The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations if found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (Title 5), 24, 25, 34 and 6 NYCRR Part 608( Protection of Water )  
( Water Quality Certification )

9. That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
10. That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
11. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
12. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids,  
sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
13. Any material dredged in the prosecution of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
14. There shall be no unreasonable interference with navigation by the work herein authorized.
15. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
16. If granted under 6 NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
17. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.  
Such approved plans were prepared by \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_

**SPECIAL CONDITIONS**

**WATER QUALITY CERTIFICATION**

**CERTIFICATION**

The New York State Department of Environmental Conservation (Department) hereby certifies:

- the Department has reviewed the certificate holder's Application for Federal Hydroelectric License (hereafter referred to as "the Application") and all other available pertinent information, including studies submitted in support of the application and the Offer of Settlement filed with the Federal Energy Regulatory Commission (FERC) in August, 2001.
- the project will comply with Sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act as amended and as implemented by the limitations, standards and criteria of the state statutory and regulatory requirements set forth in 6NYCRR Section 608.9(a); and
- the project will comply with applicable New York State effluent limitations, water quality standards and thermal discharge criteria set forth in 6NYCRR Parts 700-706.

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## SPECIAL CONDITIONS

For Article 15, Title 5 (Protection of Water)  
6NYCRR 608 (Water Quality Certification)

This Water Quality Certification is issued solely for the purposes of Section 401 of the Federal Water Pollution Control Act (33 USC 1341).

**CONTACTS:** Except as otherwise specified, all contact with the Department concerning this certificate shall be addressed to:

New York State Department of Environmental Conservation  
 Regional Permit Administrator  
 317 Washington Street  
 Watertown, NY 13601

Written submissions to the Department must include five (5) complete copies of the submission.

SPECIAL CONDITIONS**A. ADMINISTRATION**

1. This certificate includes and incorporates the West Branch St. Regis River "Offer of Settlement" (Settlement) dated August 9, 2001.
2. Inspections: The project, including relevant records, is subject to inspection at reasonable hours and intervals, upon reasonable notice to the certificate holder, by an authorized representative of the Department to determine whether the applicant is complying with this certification. A copy of this certification, including the West Branch St. Regis River **Offer of Settlement** dated August 9, 2001 and the FERC license, including all maps, drawings, and special conditions, must be available for inspection by the Department during such inspections at the project.
3. Emergencies: With the exception of emergency provisions described in the Settlement (see subsection 2.8), the following procedures shall apply to activities conducted at the Project in response to an emergency.

Prior to commencement of emergency activities, the NYS DEC must be notified and must determine whether to grant approval. If circumstances require that emergency activities be taken immediately such that prior notice to the DEC is not possible, then the DEC must be notified by the certificate holder within 24 hours of commencement of the emergency activities. In either case, notification must be by certified mail, telegram, or other written form of communication, including fax and electronic mail. This notification must be followed within 3 weeks by submission of the following information:

- 1) a description of the action;
- 2) location map and plan of the proposed action;
- 3) reasons why the situation is an emergency

All notifications, requests for emergency authorizations and information submitted to support such requests shall be sent to the Regional Permit Administrator at the address listed above.

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**SPECIAL CONDITIONS**6NYCRR 608(Water Quality Certification)

4. Modifications and Revocations: The DEC reserves the right to modify or revoke this certificate when:
- 1) the scope of the certified activity is exceeded or a violation of any condition of this certificate or provisions of the ECL and pertinent regulation is found;
  - 2) the certificate was obtained by misrepresentation or failure to disclose relevant facts;
  - 3) new material information is discovered;
  - 4) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the certificate was issued.

**B. OPERATING CONDITIONS**

5. Instream Flows: The certificate holder shall maintain instream flows in accordance with the Settlement, in particular, Section 3.2.
6. Flow Monitoring: The certificate holder shall develop a stream flow and water level monitoring plan consistent with the Settlement in particular Section 3.3.
7. Impoundment Fluctuations: The Allens Falls and Parishville Reservoirs (project reservoirs) shall be operated in accordance with the Settlement (see subsection 3.1). Alternate impoundment operating plans must be reviewed and approved by NYS DEC prior to being implemented. Emergencies shall be dealt with in accordance with special conditions #3 of this certificate.
8. Fish Protection and Downstream Fish Movement: Fish protection provisions and downstream fish movement provisions shall be provided in accordance with the Settlement (see section 3.4).

**C. PROJECT MAINTENANCE AND CONSTRUCTION**

note: All matters pertaining to "Project Maintenance and Construction" shall be addressed to:

Regional Permit Administrator  
New York State Department of Environmental Conservation  
317 Washington Street  
Watertown, NY 13601

9. Maintenance Dredging: The certificate holder shall install and maintain appropriate turbidity control structures while conducting any maintenance dredging activities in the intake/forebay area of the Project.

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SPECIAL CONDITIONS

6NYCRR 608

(Water Quality Certification)

10. Sediment Analysis and Disposal: The certificate holder must sample any sediments to be disturbed or removed from the project waters and test them for contaminants. Sampling and testing shall be accomplished according to a protocol submitted to and approved by the Department prior to sampling.

Prior to dredging or other excavation, the certificate holder must secure Department approval for all disposal or interim holding locations for any sediments to be removed from the project waters.

11. Erosion and Sediment Control: The certificate holder shall ensure that the following erosion and sediment/contaminant control measures, at a minimum, are adhered to during routine maintenance and construction (including maintenance dredging) that may result in sediments/contaminants entering Allens Falls Reservoir, Parishville Reservoir or the West Branch St. Regis River.

1. Isolate in-stream work from the flow of water and prevent discolored (turbid) discharges and sediments caused by excavation, dewatering and construction activities from entering the waters of the West Branch St. Regis River.
2. Prohibit heavy construction equipment from operating below the mean high water level of project reservoirs and the West Branch St. Regis River until the work area is protected by a watertight structure and dewatered.
3. Minimize soil disturbance, grade so as to prevent or minimize erosion and provide temporary and/or permanent stabilization of all disturbed areas and stockpiles to minimize the potential for erosion and subsequent sedimentation within project reservoirs or the West Branch St. Regis River.
4. Protect all waters from contamination by deleterious materials such as wet concrete, gasoline, solvents, epoxy resins or other materials used in construction, maintenance and operation of the project.
5. Install and maintain erosion control structures on the down slope of all disturbed areas to prevent eroded material from entering project reservoirs or the West Branch St. Regis River. Erosion control structures must be installed before commencing any activities involving soil disturbance and all erosion control structures must be maintained in a fully functional condition.
6. Ensure complete removal of all dredged/excavated material and construction debris from the bed and banks of project reservoirs/West Branch St. Regis River in the vicinity of the Project.
7. Ensure that all temporary fill and other materials placed in the waters of the river are completely removed, immediately upon completion of construction, unless otherwise directed by the Department.

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SPECIAL CONDITIONS

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(Water Quality Certification)

12. Placement of cofferdams, construction of temporary access roads or ramps, or other temporary structures which encroach upon the bed or banks of the West Branch St. Regis River or Project Reservoirs: The design of all such structures must be approved by the Department prior to installation.
13. River Flow: During any period of maintenance and/or construction activity, the certificate holder shall continuously maintain adequate flows immediately downstream of work sites consistent with the provisions of this certificate.
14. Construction Drawdowns: Whenever construction and/or maintenance activities require that the water level of project reservoirs be lowered, it shall not be drawn down more than 1 foot per hour. During refill, the water level of the impoundment shall not be allowed to rise more than 1 foot per hour.
15. Turbidity Monitoring: During maintenance or construction-related activities in or near the West Branch St. Regis River or project reservoirs, the certificate holder will monitor the turbidity or project waters at a point immediately upstream of the work area and at a point no more than 100 feet downstream from the work area. The certificate holder specifically agrees that if, at any time, turbidity measurements from the downstream locations exceed the measurements from the upstream locations, all related construction on the project will cease until the source of the turbidity is discovered and the situation is corrected.
16. Notifications: The Regional Permit Administrator must be notified in writing at least two weeks prior to commencing any project maintenance or construction work performed under the authority of this certificate.

**D. PUBLIC ACCESS AND RECREATION**

17. Public access and recreational opportunities shall be provided in conformance with the Settlement.

cc: Settlement Participants  
D. Boergers, FERC  
T. DeWitt, FERC  
Service List, FERC Project #10461 & 10462

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## **B.3 WATER QUALITY**

**New York State 2004 Section 303(d) List  
(January 28, 2004)**

Water Index Number	Waterbody Name (WLPWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
<b>Part 2a - Multiple Segment/Categorical (atmospheric deposition) Waterbodies Requiring TMDL Development (con't)</b>							
<b>Black River Drainage Basin (con't)</b>							
Ont 19-81-18-P782d...P788	Eagles Nest Lake (0801-0011)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-18-P792d..P787a-2	Seventh Lake Inlet (0801-0207)	Hamilton	River	C(T)	Acid/Base (pH)	Atmospheric Dep.	2002
Ont 19-81-18-P792d..P787a-4	Buck Creek (0801-0215)	Hamilton	River	C(T)	Acid/Base (pH)	Atmospheric Dep.	2002
Ont 19-81-18-P792d..P787a-6	Wheeler Creek (0801-0216)	Hamilton	River	C(T)	Acid/Base (pH)	Atmospheric Dep.	2002
Ont 19-81-51-2-P837	Balsam Lake (0801-0034)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-52-P841	Unnamed P #4-841 (0801-0131)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-12-P855	* Mountain Lake (0801-0052)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-16-P863	Unnamed P #4-863 (0801-0158)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-22-2-3-P866	Deep Lake (0801-0010)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-22-P873	Wolf Lake (0801-0025)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-25-P874	Brook Trout Lake (0801-0009)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-5-P852	* Indian Lake (0801-0002)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-P869	Twin Lake West (0801-0020)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-P870	Twin Lake East (0801-0019)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-58-P875	Northrup Lake (0801-0160)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-69-P888	Sly Pond (0801-0007)	Hamilton	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-81-71	Bradley Brook (0801-0208)	Hamilton	River	C(T)	Acid/Base (pH)	Atmospheric Dep.	2002
Ont 19-81-71-2-1	Cellar Brook (0801-0217)	Hamilton	River	C(T)	Acid/Base (pH)	Atmospheric Dep.	2002
Ont 19-88-P905	Barnes Lake (0801-0134)	Lewis	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-104-2-P951-1-P952	Lily Lake (0801-0070)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-104-P981-1-P982..P984	Bloodsucker Pond (0801-0135)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-114-P996	Burp Lake (0801-0139)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-128-6-P1003	Little Salmon Lk. (0801-0140)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-P1007-10-3-P1011	Snyder Lake (0801-0080)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-P1007-10..P1011..P1012	* Monument Lake (0801-0051)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
Ont 19-P1007-11-4-P1016	Unnamed P #3-1016 (0801-0129)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
<b>Saint Lawrence River Drainage Basin</b>							
SL- 1-046-P031	Joe Indian Lake (0903-0060)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-162-P233-01-P234	* Black Pond (0903-0007)	Essex	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-172-P293-13-4-P322	* Upper Haymarsh Pond (0903-0017)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-P085-1-P87	Gull Pond (0903-0061)	Franklin	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-P109-11-2-4-1-2-P116	Lost Pond (0903-0057)	Hamilton	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-P109-11-2-P118..P129	Rock Pond, P-129 (0903-0003)	Hamilton	Lake	B(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL- 1-P109-11-P144...P147	High Pond (0903-0001)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998



Water Index Number	Waterbody Name (W/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
<b>Part 2a - Multiple Segment/Categorical (atmospheric deposition) Waterbodies Requiring TMDL Development (con't)</b>							
<u>Saint Lawrence River Drainage Basin (con't)</u>							
SL-1-P109-11-P144..P148	Little Pine Pond (0903-0028)	St.Lawrence	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P109-11-P156-4-1-P161	Spring Pond (0903-0041)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P109-11-P170	Halfmoon Pond (0903-0032)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P109-11...P172	* High Pond (0903-0025)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P109-15-P178-1-P179	* Black Pond (0903-0027)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P241-22-P245	South Pond (0903-0005)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P241-22-P245-2-P247	Salmon Pond (0903-0004)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P276-1-P277...P278	Pilgrim Pond (0903-0043)	Hamilton	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P293-13-4-P325	* Pelcher Pond (0903-0002)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P293-13-8-P327	* Middle Chain Pond (0903-0011)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P293-13-8-P330	* Unnamed P #6-330 (0903-0015)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-1-P293...P315	* Aluminum Pond (0903-0006)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-2-59-32-6-1-P361	Wolf Pond (0904-0002)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073	* W.Br.Oswegatchie (0905-0003)	Lewis	River	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-19-5-3-P136	Dry Timber Lake (0905-0032)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-38-5-P184	Green Pond (0905-0035)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-38-P183-P185	* Twin Ponds (0905-0059)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-38-5-P186	Loon Hollow Pond (0905-0105, formerly 0801-0047) <sup>7</sup>	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-40-...P189	* Rock Lake (0905-0015)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-40-...P190	* Emerald Lake (0905-0008)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-40-P191	* Sand Lake (0905-0016)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-40...P192	* Sitz Pond (0905-0017)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-42-1-P195	Muskrat Pond (0905-0061)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-42-P196	Bear Pond (0905-0062)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-42-P196-1-P197	Diana Pond (0905-0063)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-43-P198	* Lower South Pond (0905-0012)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-43-P199	* Middle South Pond (0905-0013)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-43-P200	Upper South Pond (0905-0057)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-44-P201	* N.Beechridge Pond (0905-0019)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-44-P201	* Unnamed P #4-201 (0905-0047)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-44-P203	* E.Beechridge Pond (0905-0020)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-46-P203	* Unnamed P #4-203 (0905-0049)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998

<sup>7</sup> Previously listed as Loon Hollow Pond (0801-0047) and incorrectly assigned to the Black River Basin.



Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
<b>Part 2a - Multiple Segment/Categorical (atmospheric deposition) Waterbodies Requiring TMDL Development (con't)</b>							
<u>Saint Lawrence River Drainage Basin (con't)</u>							
SL-25-073-26-47-P205	* Unnamed P #4-205 (0905-0021)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-48-1-P208	* Unnamed P #4-208 (0905-0022)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-49-P210	* Willys Lake (0905-0026)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-P193...P194	Unnamed P #4-194 (0905-0060)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-P204	* Unnamed P #4-204 (0905-0050)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-26-P214	* Walker Lake (0905-0024)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-43-P244-P245	Jakes Pond (0905-0038)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-073-P228e	Unnamed P #4-288e (0905-0078)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-101-24-8-P289	Crystal Lake (0905-0030)	St.Lawrence	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-118-1-P340	* Otter Pond (0905-0014)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-124-1-P343	* Buck Pond (0905-0001)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-4-P350	* Lone Duck Pond (0905-0088)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-5-P351	* Muir Pond (0905-0041)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-7-1-P354	* Lower Riley Pond (0905-0011, previously 0905-0044)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-7-1-P355	* Upper Riley Pond (0905-0023, previously 0905-0045)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-P352	* Wolf Pond (0905-0027)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-126-P352-1-P353	* Streeter Fishpond (0905-0067)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-131-P363	* Slender Pond (0905-0074)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-1-P365	Oven Lake (0905-0042)	Herkimer	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-1-P366	Grassy Pond (0905-0034)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-1-P366-P367	Hyde Pond (0905-0071)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-6-P371	* Unnamed P #4-371 (0905-0056)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-7-P372	* Little Crooked Lk (0905-0010)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-P366-P368	Hitchens Pond (0905-0036)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-P369	* Toad Pond (0905-0046)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-132-P373	* Crooked Lake (0905-0006)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-133-1-P376	* Gal Pond (0905-0009)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-133...P375	* Cracker Pond (0905-0005)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-140-1-P377	Gull Lake (0905-0072)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309	Cranberry Lake (0905-0007)	St.Lawrence	Lake	A(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309-9-2-P313	* Curtis Pond (0905-0004)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309-9-5-P314	* Unnamed P #4-314 (0905-0080)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309-9-5-P315	* Donut Pond (0905-0081)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309-9-P316	* Dog Pond (0905-0031)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SL-25-P309-12-1-2-P325	* Indian Mountain P (0905-0037)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998

Water Index Number	Waterbody Name (W/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
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### Part 2a - Multiple Segment/Categorical (atmospheric deposition) Waterbodies Requiring TMDL Development (con't)

<u>Saint Lawrence River Drainage Basin (con't)</u>							
SLC-29-P065	Wolf Pond (0902-0006)	Franklin	Lake	B	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-6-26-P079	Diamond Pond (0902-0011)	Franklin	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-20-41-P101	Lower Twin Pond (0902-0045)	Essex	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-20-95-P141	* Little Long Pond (0902-0004)	Franklin	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-20-95-P142	* Kitfox Pond (0902-0003)	Franklin	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-67-2-P221	Benz Pond (0902-0021)	Essex	Lake	D	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-81-P238-2-P244	* Toad Pond (0902-0008)	Franklin	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-P170	* Long Pond, P-170 (0902-0005)	Franklin	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
SLC-32-P257a-P264-P265..P271	* Bear Pond (0902-0007)	Franklin	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
<u>Lake Champlain Drainage Basin</u>							
C-15-P114..P201	St. Germain Pond (included in 1003-0086)	Franklin	Lake	AA	Acid/Base (pH)	Atmospheric Dep.	1998
C-25-26..P234	East Copperas Pond, (included in 1004-0065)	Essex	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
<u>Upper Hudson River Drainage Basin</u>							
H-369-P127-46-12-P168	* Holmes Lake (1104-0006)	Fulton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-23-4-P225	* Sand Lake (1104-0015)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-P228	* Clockmill Pond (1104-0005)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-P229	* Rock Lake, P-229 (1104-0013)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-P260	* Trout Lake (1104-0019)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-P264	* Chub Lake (1104-0004)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-43-P270	* Silver Lake (1104-0016)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-369..20-P276	* Meco Lake (1104-0011)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-438-20-2a-P557	* Stoney Pond (1104-0018)	Essex	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-461..P607	Little Moose Pond (1104-0008)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
H-503-P680/P682-6..P687	* Round Pond (1104-0073)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-543-P706	* Lake Colden (1104-0007)	Essex	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
H-P710..P719	South Pine Lake (1104-0017)	Hamilton	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	1998
	* Upper Wallface Pd (1104-0076)	Essex	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	1998
<u>Mohawk River Drainage Basin</u>							
H-240-144-13..P727,P729,P730	Green, Otter, Stewart Lakes (1201-0009) <sup>8</sup>	Fulton	Lake	B	Acid/Base (pH)	Atmospheric Dep.	1998
H-240-144-13..P732	Irving Pond (1201-0230, formerly 1201-0004) <sup>9</sup>	Fulton	Lake	B	Acid/Base (pH)	Atmospheric Dep.	1998

<sup>8</sup> This waterbody listing includes Stewart Lake, which was previously listed as a separate lake segment with W/PWL ID 1201-0009.

<sup>9</sup> Previously listed as Irving Pond (1201-0004).



Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
<b>Part 2b - Multiple Segment/Categorical (fish consumption) Waterbodies Requiring TMDL Development (con't)</b>							
<u>Oswego River (Finger Lakes) Drainage Basin</u>							
Ont 66 (portion 2)	Oswego River (0701-0006)	Oswego	River	B	PCBs	Contaminated Sed.	1998
Ont 66-12-12-P154	Onondaga L. & Out. (0702-0003)	Onondaga	Lake	B	Dioxin	Contaminated Sed.	1998
					Mercury	Contaminated Sed.	1998
					PCBs	Contaminated Sed.	1998
Ont 66-12-29	* Skaneateles Creek (0707-0003)	Onondaga	River	C(T)	PCBs	Unknown	1998
Ont 66-12-52..P286	Canandaigua Lake (0704-0001)	Ontario	Lake	AA(T)	PCBs	Contaminated Sed.	1998
Ont 66-12-P369-115-P388	Keuka Lake (0705-0003)	Yates	Lake	AA(TS)	DDT	Contaminated Sed.	1998
<u>Black River Drainage Basin</u>							
Ont 19-40-20-P473	Sunday Lake (0801-0195)	Herkimer	Lake	C(T)	Mercury	Atmospheric Dep.	1998
Ont 19-40-P434	Soft Maple Reservoir (0801-0173)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	2002
Ont 19-40-P449	Beaver Lake (0801-0174)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	2002
Ont 19-40-P449-2-P450-2-P451	Francis Lake (0801-0192)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	1998
Ont 19-40-P478	Moshier Reservoir (0801-0194)	Herkimer	Lake(R)	C(T)	Mercury	Atmospheric Dep.	1998
Ont 19-40-P493	Stillwater Reservoir (0801-0184)	Herkimer	Lake(R)	C(T)	Mercury	Atmospheric Dep.	1998
Ont 19-57-7-P625	Halfmoon Lake (0801-0193)	Lewis	Lake	C	Mercury	Atmospheric Dep.	1998
Ont 19-81-18-17-P750	Dart Lake (0801-0242) <sup>25</sup>	Herkimer	Lake	A	Mercury	Atmospheric Dep.	2002
Ont 19-81-18-17-P752	Big Moose Lake (0801-0035)	Herkimer	Lake	A(T)	Mercury	Atmospheric Dep.	1998
Ont 19-81-18-17-P752..P768	Lower Sister Lake (0801-0004)	Hamilton	Lake	C(T)	Mercury	Atmospheric Dep.	2002
Ont 19-81-18-17-P752..P769	Upper Sister Lake (0801-0008)	Hamilton	Lake	FP	Mercury	Atmospheric Dep.	2002
Ont 19-81-18-P782d	* Fourth Lake (0801-0098) <sup>26</sup>	Herkimer	Lake	A	DDT	Cont.Sed., Land Disp	1998
<u>Saint Lawrence Drainage Basin</u>							
SL	St.Lawrence River (0901-0001)	St.Lawrence	River	A	Dioxin	Contaminated Sed.	1998
					Mirex	Contaminated Sed.	1998
					PCBs	Contaminated Sed.	1998
SL	St.Lawrence River (0901-0002)	St.Lawrence	River	A	Dioxin	Industr., Contam.Sed.	1998
					Mirex	Industr., Contam.Sed.	1998
					PCBs	Industr., Contam.Sed.	1998
SL- 1-P035c	Carry Falls Reservoir (0903-0055)	St.Lawrence	Lake(R)	B	Mercury	Atmospheric Dep.	1998
SL- 2	Grass River (0904-0009)	St.Lawrence	River	B	PCBs	Industr., Contam.Sed.	1998
SL- 2-	Massena Power Canal (0904-0012)	St.Lawrence	River	D	PCBs	Industr., Contam.Sed.	1998

<sup>25</sup> Previously listed as Dart Lake (0801-xxxx).

<sup>26</sup> Includes Gray Lake Outlet, which is suspected source of DDT contamination and is currently being remediated.



Water Index Number	Waterbody Name (W/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
<b>Part 2b - Multiple Segment/Categorical (fish consumption) Waterbodies Requiring TMDL Development (con't)</b>							
<u>Saint Lawrence River Drainage Basin (con't)</u>							
SL-25- 7-3-P038	Indian Lake (0906-0003)	Lewis	Lake	C	Mercury	Atmospheric Dep.	1998
SL-25- 73-P237	Long Pond (0905-0058)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	1998
SL-25-P309	Cranberry Lake (0905-0007)	St. Lawrence	Lake	A(T)	Mercury	Atmospheric Dep.	1998
SL-32-52-15-P179a	Meacham Lake (0902-0039)	Franklin	Lake	FP	Mercury	Atmospheric Dep.	1998
<u>Lake Champlain Drainage Basin</u>							
C (portion 1)	Lake Champlain, Main Lake, North (1000-0001)	Clinton	Lake	A	Mercury	Contam. Sed., Atm.	1998
C (portion 2)	Lake Champlain, Main Lake, Middle (1000-0002)	Clinton	Lake	A	PCBs	Contam. Sed., Atm.	1998
C (portion 3)	Lake Champlain, Main Lake, South (1000-0003)	Essex	Lake	A	Mercury	Contam. Sed., Atm.	1998
C (portion 4)	Lake Champlain, South Lake (1000-0004)	Essex	Lake	B	PCBs	Contam. Sed., Atm.	1998
C (portion x)	Cumberland Bay (1001-0001)	Clinton	Bay	B	Mercury	Contam. Sed., Atm.	1998
C-138	Poultney River, Lower, and tribs (1005-0053) <sup>27</sup>	Washington	River	C	PCBs	Contam. Sed., Atm.	1998
<u>Upper Hudson River Drainage Basin</u>							
H	Hudson River (1101-0002)	Saratoga	River	C	PCBs	Contaminated Sed.	1998
H	Hudson River (1101-0040)	Saratoga	River	A	PCBs	Contaminated Sed.	1998
H	Hudson River (1101-0041)	Saratoga	River	B	PCBs	Contaminated Sed.	1998
H	Hudson River (1104-0005)	Saratoga	River	C	Mercury	Contaminated Sed.	2002
H-264	Hoosic River (1102-0002)	Rensselaer	River	C	PCBs	Contaminated Sed.	1998
H-264	Johnsonville Res. (1102-0003)	Rensselaer	Lake(R)	B	PCBs	Contaminated Sed.	1998
H-391 (portion 3)/P374	Schroon Lake (1104-0002)	Essex	Lake	AA	Mercury	Atmosph. Unknown	1998
H-503-P680/P682- 6..P687	Round Pond (1104-0073)	Hamilton	Lake	FP	PCBs	Atmosph. Unknown	1998

<sup>27</sup> Vermont has issued a fish consumption advisory in the Poultney River based on mercury contamination.

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Year
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Part 3a - Waterbodies Requiring Verification of Impairment (Based on New Methodology) (con't)

SR- 44-14-59-34-P56 SR- 99-P174 SR-100-P174a	<u>Susquehanna River Drainage Basin</u>						
	DeRuyter Res. (0602-0086, formerly 0703-0004) <sup>36</sup>	Madison	Lake	B	Nutrients (phosphorus)	Agricultural	1998
	Beaver Lake (0601-0066)	Broome	Lake	C	Phosphorus	On-site WTS	2002
	White Birch Lake (0601-0068)	Broome	Lake	?	Phosphorus	On-site WTS	2002
Ont 66- 3-P9 Ont 66-11-P26 Ont 66-11-P26-37 Ont 66-12 (portion 2) Ont 66-12-12-P154- 6 Ont 66-12-12-P154- 6- 2 Ont 66-12-43-P212 Ont 66-12-52-18 Ont 66-12-52-23- 1	<u>Oswego River (Finger Lakes) Drainage Basin</u>						
	Lake Neatahwanta (0701-0018)	Oswego	Lake	B	Nutrients (phosphorus)	Urban/Storm Runoff	1998
	Oneida Lake (0703-0001)	Oswego	Lake	B	Nutrients (phosphorus)	Agricultural	1998
	Chittenango Creek (0703-0005)	Madison	River	C	Nutrients (phosphorus)	Agricultural	1998
	Seneca River (0701-0008)	Onondaga	River	C	Pathogens	On-site WTS	1998
	Ninemile Creek (0702-0005) <sup>37</sup>	Onondaga	River	C	Nutrients (phosphorus)	Urban/Storm Runoff	1998
	Geddes Brook (0702-0019) <sup>37</sup>	Onondaga	River	C	Nutrients (phosphorus)	Urban/Storm Runoff	1998
	Owasco Lake (0706-0009)	Cayuga	Lake	AA(T)	Ammonia	On-site WTS	1998
	Pond Brook and tribs (0704-0004), formerly Dublin Br. <sup>38</sup>	Seneca	River	C	Pathogens	On-site WTS	1998
	Marbletown Creek (0704-0003)	Wayne	River	C(T)	Oxygen Demand	Agricultural	1998
	PHENOLIC COMPOUNDS <sup>35</sup>						
Ont 19- 6 (-1)	<u>Black River Drainage Basin</u>						
	Kelsey Creek (0801-0191)	Jefferson	River	C	PCBs	Industr, Contam.Sed.	1998
SL-25- 7- P1	<u>Saint Lawrence River Drainage Basin</u>						
	Black Lake (0906-0001)	St.Lawrence	Lake	B	Nutrients (phosphorus)	Agricultural	1998
H-299-P27-13- 1-P30 H.P77? H-301-17-P79	<u>Upper Hudson River Drainage Basin</u>						
	* Lake Lonely (1101-0034)*	Saratoga	Lake	B	Phosphorus	Urban/Storm Runoff	2002
	Whipple Brook (1102-0004)	Washington	River	C(T)	Oxygen Demand	Agricultural	1998
	Cossayuna Lake (1103-0002)	Washington	Lake	A	Phosphorus	On-site WTS, Agric	2002
	PHENOLIC COMPOUNDS <sup>35</sup>						

<sup>36</sup> Previously listed as DeRuyter Res. (0703-0004) and incorrectly assigned to the Oswego River (Finger Lakes) River Drainage Basin.

<sup>37</sup> Re-assessment of Geddes Brook and Ninemile Creek will consider the impact of Onondaga Lake Management Plan activities on water quality in the tribs.

<sup>38</sup> This waterbody listing includes Dublin Brook, which was previously listed as a separate waterbody segment with WI/PWL ID 0704-0004.



Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Size	Class	Cause/Pollutant	Source
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## Appendix A - Smaller Lakes Impaired by Atmospheric Deposition (Acid Rain) (con't)

## Saint Lawrence River Drainage Basin

SL-25-P309-12-12-P326	* Ash Pond (0905-0028)	St.Lawrence	Lake	5.0 A	FP	pH	Acid Rain
SL-1-P109-4-1-P80-2-P81	Buck Pond (0903-0037)	St.Lawrence	Lake	2.0 A	D	pH	Acid Rain
SL-2-59-32-2-1-P355	Cartridge Hills P (0904-0004)	St.Lawrence	Lake	1.0 A	C(T)	pH	Acid Rain
SLC-29-18?...P032	Childs Pond (0902-0013)	Franklin	Lake	2.0 A	?	pH	Acid Rain
SL-25-132-P373...P374	* Covey Pond (0905-0029)	Herkimer	Lake	4.0 A	FP	pH	Acid Rain
SLC-32-20-96-P148	* Douglas Pond (0902-0012)	Franklin	Lake	3.0 A	FP	pH	Acid Rain
SL-2-59-32-1-P353	Egg Pond (0904-0003)	St.Lawrence	Lake	1.0 A	D	pH	Acid Rain
SLC-32-P171	* Grass Pond (0902-0002)	Franklin	Lake	2.0 A	FP	pH	Acid Rain
SL-25-131-P362	* Grassy Pond (0905-0033)	St.Lawrence	Lake	3.0 A	FP	pH	Acid Rain
SL-1-P109-11-2-P118-3-P121	Hedgehog Pond (0903-0020)	Hamilton	Lake	5.0 A	?	pH	Acid Rain
SLC-32-69-6-P226	Hidden Pond (0902-0022)	Essex	Lake	1.0 A	D	pH	Acid Rain
SL-1-162-P235-02-P238..P240	Hunter Pond (0903-0042)	Essex	Lake	5.0 A	C(T)	pH	Acid Rain
SL-25-143-P381	Jenkins Pond (0905-0069)	Herkimer	Lake	2.0 A	C	pH	Acid Rain
SL-25-073-26-37-P179	Kelly Pond (0905-0073)	Herkimer	Lake	4.0 A	D	pH	Acid Rain
SL-25-P309-9-P317	Little Dog Pond (0905-0039)	St.Lawrence	Lake	6.0 A	C	pH	Acid Rain
SL-25-140-2-P378	Little Duck Pond (0905-0089)	Hamilton	Lake	2.0 A	C(T)	pH	Acid Rain
SL-25-P309-11-P319-P320	* Little Fish Pond (0905-0082)	St.Lawrence	Lake	5.0 A	FP	pH	Acid Rain
SL-1-P293-14-1-P331	Lone Pond (0903-0008)	Hamilton	Lake	5.0 A	D	pH	Acid Rain
SL-1-162-P235-01-P237	* Lost Pond (0903-0009)	Essex	Lake	5.0 A	FP	pH	Acid Rain
SL-25-115-P307	Lost Pond (0905-0040)	St.Lawrence	Lake	6.0 A	C(T)	pH	Acid Rain
SL-1-P293-13-8-P326	* Lower Chain Pond (0903-0010)	Hamilton	Lake	6.0 A	FP	pH	Acid Rain
SL-1-P293...P298	* Lower Helms Pond (0903-0024)	Hamilton	Lake	4.0 A	FP	pH	Acid Rain
SLC-29-22...P045	Middle Notch Pond (0902-0015)	Franklin	Lake	4.0 A	?	pH	Acid Rain
SLC-32-P257a-P264-P265..P268a	Mikes Pond (0902-0024)	Essex	Lake	1.0 A	D	pH	Acid Rain
SLC-32-6-31-P087	Mountain Pond (0902-0019)	Essex	Lake	4.0 A	B	pH	Acid Rain
SLC-29-22-P047	Owlshead Pond (0902-0016)	Essex	Lake	1.0 A	AA	pH	Acid Rain
SL-1-P293-04-P304-P306...P309	* Pine Pond (0903-0022)	Hamilton	Lake	5.0 A	FP	pH	Acid Rain
SL-1-P293-04-P304-P305	* Potter Pond (0903-0012)	Hamilton	Lake	6.0 A	FP	pH	Acid Rain
SL-1-074-1-P063-P064	Preston Pond (0903-0031)	St.Lawrence	Lake	4.0 A	D	pH	Acid Rain
SLC-29-21-7...P040a	Razorback Pond (0902-0017)	Essex	Lake	1.0 A	D	pH	Acid Rain
SL-25-101-P279	Readway Pond (0905-0043)	St.Lawrence	Lake	2.0 A	D	pH	Acid Rain
SL-1-065-P060	Roberts Pond (0903-0030)	St.Lawrence	Lake	1.0 A	D	pH	Acid Rain
SL-1-162-28-P231	Rock Pond (0903-0013)	Essex	Lake	5.0 A	C	pH	Acid Rain
SLC-29-P050-3-1-P057	South Duck Pond (0902-0018)	Essex	Lake	2.0 A	D	pH	Acid Rain
SL-1-065-26-2-P052	Spring Pond (0903-0035)	Essex	Lake	3.0 A	D	pH	Acid Rain
SLC-32-P170a	Unnamed P #3-170 (0902-0009)	Franklin	Lake	3.0 A	AA(T)	pH	Acid Rain



Water Index Number	Waterbody Name (WLPWL ID)	County	Type	Size	Class	Cause/Pollutant	Source
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## Appendix A - Smaller Lakes Impaired by Atmospheric Deposition (Acid Rain)

(con't)

Saint Lawrence River Drainage Basin (con't)							
SLC-32-52-15-P179a-5-8..P189	* Unnamed P #3-189 (0902-0010)	Franklin	Lake	1.0 A	FP	pH	Acid Rain
SLC-32-86-P252	Unnamed P #3-252 (0902-0023)	Essex	Lake	2.0 A	C	pH	Acid Rain
SL-25-073-26-38-2-P180	Unnamed P #4-180 (0905-0025)	Hamilton	Lake	3.0 A	D	pH	Acid Rain
SL-25-073-26-45-P202	* Unnamed P #4-202 (0905-0048)	Herkimer	Lake	4.0 A	FP	pH	Acid Rain
SL-25-073-26-7...P206	* Unnamed P #4-206 (0905-0052)	Herkimer	Lake	3.0 A	FP	pH	Acid Rain
SL-25-073-26-47-P207	* Unnamed P #4-207 (0905-0053)	Herkimer	Lake	1.0 A	FP	pH	Acid Rain
SL-25-073-26-48-P209	* Unnamed P #4-209 (0905-0055)	Herkimer	Lake	6.0 A	FP	pH	Acid Rain
SL-25-073-26-49-P211	Unnamed P #4-211 (0905-0064)	Herkimer	Lake	1.0 A	?	pH	Acid Rain
SL-25-073-26-51-P212	Unnamed P #4-212 (0905-0065)	Herkimer	Lake	2.0 A	?	pH	Acid Rain
SL-25-073-26-51-P213	Unnamed P #4-213 (0905-0066)	Herkimer	Lake	5.0 A	?	pH	Acid Rain
SL-25-073-40-P235	Unnamed P #4-235 (0905-0076)	Jefferson	Lake	2.0 A	C(T)	pH	Acid Rain
SL-25-101-24-P282	Unnamed P #4-282 (0905-0077)	St.Lawrence	Lake	1.0 A	D	pH	Acid Rain
SL-25-101-34-2-P297	Unnamed P #4-297 (0905-0079)	St.Lawrence	Lake	3.0 A	C(T)	pH	Acid Rain
SL-25-P309-11...P320a	* Unnamed P #4-320a (0905-0083)	St.Lawrence	Lake	4.0 A	FP	pH	Acid Rain
SL-25-P309-11...P320b	* Unnamed P #4-320b (0905-0084)	St.Lawrence	Lake	6.0 A	FP	pH	Acid Rain
SL-25-P309-11...P321a	* Unnamed P #4-321a (0905-0085)	St.Lawrence	Lake	2.0 A	FP	pH	Acid Rain
SL-25-P309-11...P322b	* Unnamed P #4-322b (0905-0086)	St.Lawrence	Lake	5.0 A	FP	pH	Acid Rain
SL-25-P309-11...P324	Unnamed P #4-324 (0905-0070)	St.Lawrence	Lake	4.0 A	C(T)	pH	Acid Rain
SL-25-128-1-P356	* Unnamed P #4-356 (0905-0068)	St.Lawrence	Lake	4.0 A	FP	pH	Acid Rain
SL-25-132-5-P370	* Unnamed P #4-370 (0905-0104)	Herkimer	Lake	2.0 A	FP	pH	Acid Rain
SL-1-058-1-P037	Unnamed P #6-037 (0903-0034)	St.Lawrence	Lake	1.0 A	D	pH	Acid Rain
SL-1-065-26-3-P055	Unnamed P #6-055 (0903-0036)	Essex	Lake	3.0 A	D	pH	Acid Rain
SL-1-077-P067	Unnamed P #6-060 (0903-0029)	St.Lawrence	Lake	4.0 A	D	pH	Acid Rain
SL-1-P089-1-2-P094	Unnamed P #6-067 (0903-0026)	St.Lawrence	Lake	1.0 A	C(T)	pH	Acid Rain
SL-1-P089-1...P107	Unnamed P #6-094 (0903-0023)	Franklin	Lake	5.0 A	D	pH	Acid Rain
SL-1-P109-11-2-P118-3-P119	Unnamed P #6-107 (0903-0038)	Essex	Lake	1.0 A	D	pH	Acid Rain
SL-1-P109-11-2-P118-P122	Unnamed P #6-119 (0903-0021)	Hamilton	Lake	2.0 A	?	pH	Acid Rain
SL-1-P109-11-2-P118-P124	Unnamed P #6-122 (0903-0039)	Hamilton	Lake	2.0 A	D	pH	Acid Rain
SL-1-P109-11-2-P118-P125a	Unnamed P #6-124 (0903-0019)	Hamilton	Lake	1.0 A	?	pH	Acid Rain
SL-1-P109-11-2-P118-P125a	Unnamed P #6-125a (0903-0040)	Hamilton	Lake	1.0 A	D	pH	Acid Rain
SL-1-P109-11-2...P141	Unnamed P #6-141 (0903-0018)	Hamilton	Lake	4.0 A	D	pH	Acid Rain
SL-1-P293-13-4-P323	Unnamed P #6-323 (0903-0014)	Hamilton	Lake	5.0 A	D	pH	Acid Rain
SL-1-P293-13-8-P328	Upper Chain Pond (0903-0016)	Hamilton	Lake	3.0 A	FP	pH	Acid Rain
SLC-29-22...P046	Upper Notch Pond (0902-0014)	Franklin	Lake	3.0 A	?	pH	Acid Rain
SLC-32-52-15-P179a-5-7-P186	Ward Pond (0902-0020)	Essex	Lake	3.0 A	D	pH	Acid Rain
SL-25-126...P346	* Washbowl Pond (0905-0087)	Hamilton	Lake	4.0 A	FP	pH	Acid Rain
SL-25-132-1-P364	* West Pond (0905-0025)	Herkimer	Lake	6.0 A	FP	pH	Acid Rain

## **E.1 THREATENED AND ENDANGERED SPECIES PROTECTION**

### **Agency Correspondence**



POWER NEW YORK

[illegible]

FILED  
OFFICE OF THE SECRETARY

01 OCT -5 AM 9:07

FEDERAL ENERGY  
REGULATORY COMMISSION

ORIGINAL

October 2, 2001

Secretary David Boergers  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington DC 20426

D-10461-000  
P-10462-000

Dear Mr. Boergers:

Reference is made to a letter to the Commission dated September 11, 2001 from Erie Boulevard Hydropower, L.P. (Erie) submitting the West Branch St. Regis River Project Offer of Settlement (Offer of Settlement). In the course of settlement negotiations that culminated in the subject Offer of Settlement, it was agreed among the U.S. Fish and Wildlife Service (USFWS), the New York State Department of Environmental Conservation (NYSDEC), Erie and other parties to this settlement that Erie should update the Commission's record (See section 2.10 of the Offer of Settlement) pertaining to rare and endangered species in the vicinity of the above referenced projects as the record presently before the Commission is more than fourteen (14) years old.

Accordingly, enclosed please find the following correspondence:

1. March 21, 2001 – Letter from Erie to the USFWS and the NYSDEC.
2. May 15, 2001 – Letter response from USFWS to Erie.
3. March 23, 2001 – Letter response from NYSDEC to Erie.

Please consider the enclosed correspondence listed above in the preparation of the ensuing environmental analysis pertaining to the respective projects. If there are any questions, please do not hesitate to contact the undersigned at (315) 413-2787.

Very truly yours,

Jerry S. Sabatino

**Jerry L. Sabattis**

Encl.

cc: Attached Service List  
Peter Leitzke, FERC

0110090375-3

J:\Steno\HYDROGEN\Debbie\2001\jls1275a.doc

DOCKETED





POWER NEW YORK

225 GREENFIELD PARKWAY, SUITE 201 • LIVERPOOL, NY 13088  
PHONE: (315) 413-2700 • FAX: (315) 461-8577

March 21, 2001

Mr. David A. Stilwell, Field Supervisor  
Attn: Mr. Michael Stoll  
U.S. Fish & Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Dear Mr. Stilwell & Mr. Stoll:

By the attached letter dated August 7, 1987 from Niagara Mohawk Power Corporation and reply letter dated August 12, 1987 from Mr. Paul Hamilton, Field Supervisor of the U.S. Fish and Wildlife Service (USFWS), the status of any federally listed threatened or endangered species in the vicinity of the Parishville (FERC No. 10461) and Allens Falls (FERC No. 10462) Hydroelectric Projects, now owned by Erie Boulevard Hydropower, LP (Erie), was last updated. In recent discussions with Mr. Stephen Patch of your staff and Mr. Leonard Ollivett of the New York State Department of Environmental Conservation (NYSDEC) Region 6 staff, I agreed to request an update on the current status of threatened or endangered species within the project boundaries of these respective projects. Accordingly, this letter is Erie's request for this information.

Kindly forward this status information to my attention at Orion Power NY, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088. Further, if you have any questions regarding this matter, I may be reached at (315) 413-2787.

By copy of this letter to Mr. Ollivett, I am requesting the NYSDEC's comments regarding any state designated threatened or endangered species within the project boundaries of these respective projects.

Your timely attention to this matter is appreciated. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Sabattis".

Jerry Sabattis  
Hydro Licensing Coordinator

Attachment.

cc: Mr. Stephen Patch w/Attachment  
Mr. Len Ollivett w/Attachment.

NY NIAGARA  
LM MOHAWK

NIAGARA MOHAWK POWER CORPORATION 300 ERIE BOULEVARD WEST, SYRACUSE, NEW YORK 13202

August 7, 1987

Mr. Paul P. Hamilton, Field Supervisor  
U.S. DEPARTMENT OF THE INTERIOR  
Fish and Wildlife Service  
100 Grange Place, Room 102  
Cortland, New York 13045-1398

Dear Mr. Hamilton:

The Niagara Mohawk Power Corporation is currently compiling environmental information which ultimately may be used to support the licensing of existing hydroelectric facilities at Allens Falls and Parishville located in St. Lawrence County on the West Branch of the St. Regis River. Enclosed is a general location map outlined in boldface to show our study area. Also enclosed is a set of seven (7) Department of Transportation maps also outlined in boldface to show the study area in detail.

To assist us in our data gathering effort, we are seeking the following information pertinent to the study area outlined on the enclosed maps:

1. Presence of federally-listed or proposed endangered and threatened species.

Kindly forward all available information on the study area to my attention at Niagara Mohawk Power Corporation, Environmental Affairs Department, 300 Erie Boulevard West, Syracuse, New York 13202. Further, if you have any questions regarding this matter, I may be reached at (315) 428-6613.

We would appreciate the information returned by September 4, 1987. Your timely attention to this matter is appreciated. Thank you.

Sincerely,



R. W. Cummings, Jr.  
Assoc. Sr. Environmental Analyst

RWC/ds  
Enclosures

xc: C. G. Foreback  
M. W. Murphy  
J. L. Sabattis  
T. M. Skutnick



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
100 Grange Place  
Room 202  
Cortland, New York 13045

August 12, 1987

Mr. R.W. Cummings, Jr.  
Assoc. Sr. Environmental Analyst  
Niagara Mohawk Power Corp.  
300 Erie Blvd. West  
Syracuse, NY 13202

Dear Mr. Cummings:

We have received your August 7, 1987, request for information on the presence of federally listed or proposed endangered and threatened species in the study area of the existing hydroelectric facilities at Allens Falls and Parishville on the West Branch of the St. Regis River in St. Lawrence County.

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. 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.

This response refers only to endangered species. We look forward to continued consultation regarding these projects. If you have any questions or desire further information, contact Mr. Stephen Patch of my staff at 607-753-9334.

Sincerely,

Paul P. Hamilton  
Field Supervisor

cc:  
NYSDEC, Albany, NY (B. Zeisel)  
NYSDEC, Watertown, NY (L. Ollivett)

RECEIVED AUG 17 1987



**New York State Department of Environmental Conservation**

**Division of Fish, Wildlife and Marine Resources, Region 6**

Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787

Phone: (315) 785-2261/62/63 • FAX: (315) 785-2242

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



John P. Cahill  
Commissioner

March 23, 2001

Mr. Jerry Sabattis  
Hydro Licensing Coordinator  
Orion Power New York  
225 Greenfield Parkway, Suite 201  
Liverpool, NY 13088

Dear Mr. Sabattis:

This letter is in response to your request for updated information on threatened and endangered species in the vicinity of the Parishville (FERC# 10461) and Allens Falls (FERC# 10462) Hydro projects. These records were last updated for Niagara Mohawk in 1987.

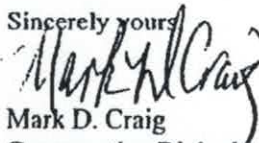
A search of our database indicates that no species or significant habitat sites have been added in the vicinity of the projects since the last update in 1987. One species was identified in the general vicinity, but the site is well over a mile from the projects.

I have enclosed a map of the area with a number of sites indicated. The triangular sites indicate a minute of coverage on a standard USGS, 7.5 min topo map. This represents a circular coverage around the site that is indicated, that extends out approximately 1.5 miles from the center.

All of the triangular sites shown are for a plant known as rugulose grape fern, they are all historic sites (50+ years since the last siting) and this is an upland plant. This is a plant to watch for due to the number of sitings in the area but it would not be affected by the operation of the hydro plants.

If you have any other questions regarding endangered species in Region 6, please feel free to contact me for information.

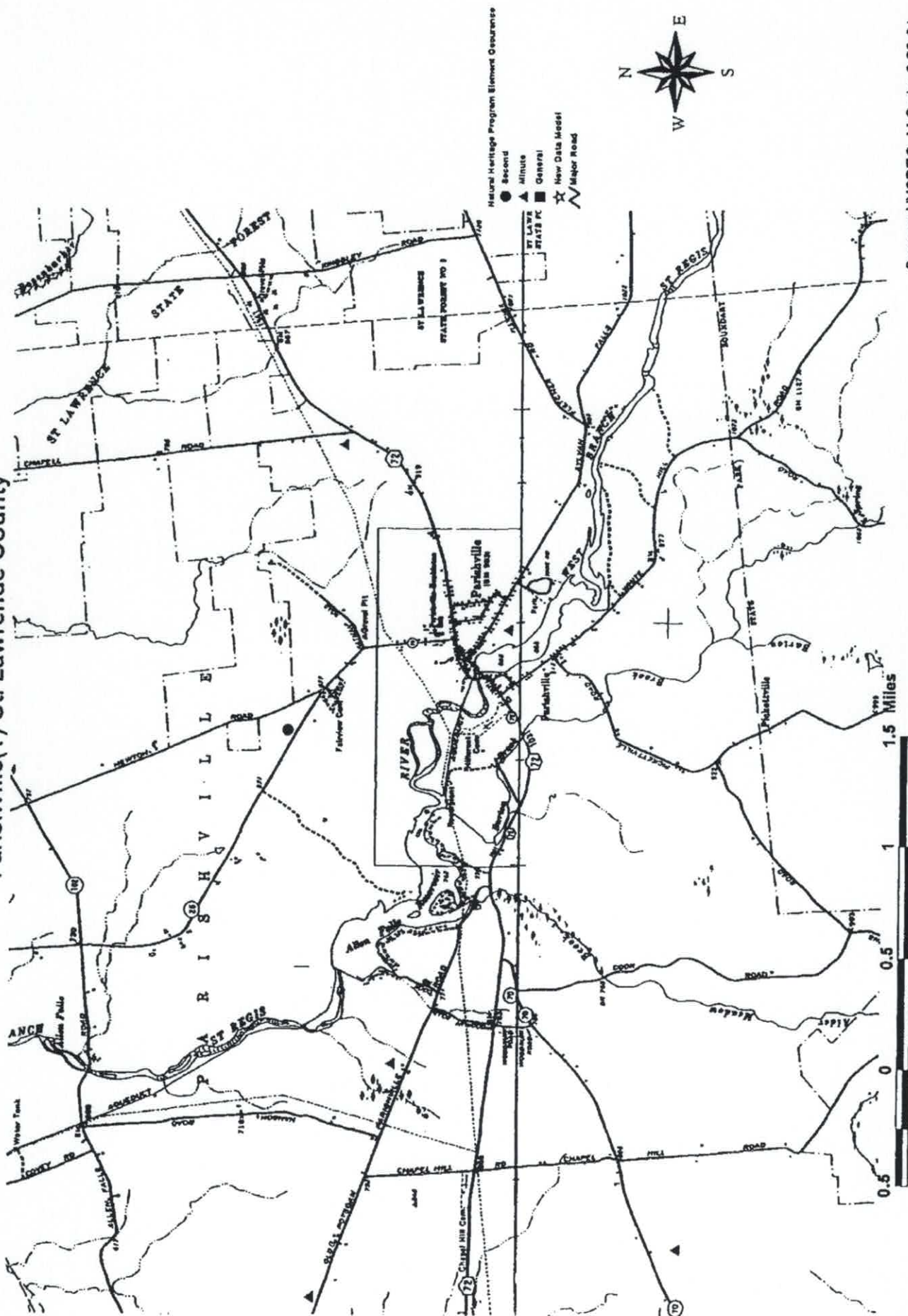
Sincerely yours,

  
Mark D. Craig  
Conservation Biologist, (Ecology)  
Region 6

Enc.

cc: L. Ollivett  
L. Ambeau  
G. Edinger

# Orion Projects Parishville(T) St. Lawrence County





## United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 LUKER ROAD  
CORTLAND, NY 13045

May 15, 2001

Mr. Jerry Sabattis  
Hydro Licensing Coordinator  
Orion Power New York  
225 Greenfield Parkway, Suite 201  
Liverpool, NY 13088

Dear Mr. Sabattis:

This responds to your letter of March 21, 2001, requesting information on the presence of endangered or threatened species in the vicinity of the Parishville and Allens Falls Hydroelectric Projects on the West Branch St. Regis River in the Town of Parishville, St. Lawrence County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the respective project impact areas. In addition, no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

In addition to the contact you made with Watertown, for additional information on fish and wildlife resources or State-listed species, we suggest you contact the New York State Department of Environmental Conservation at:

New York State Department of Environmental Conservation  
Wildlife Resources Center-Information Services  
New York Natural Heritage Program  
700 Troy-Schenectady Road  
Latham, NY 12110-2400  
(518) 783-3932



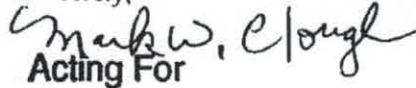
National Wetlands Inventory (NWI) maps may or may not be available for the respective project areas. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems  
302 Rice Hall  
Cornell University  
Ithaca, NY 14853  
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,

  
Acting For

David A. Stilwell  
Field Supervisor

Enclosures

cc: NYSDEC, Watertown, NY (Environmental Permits)  
NYSDEC, Latham, NY  
COE, Buffalo, NY

# FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES IN NEW YORK

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>FISHES</u>			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
<u>REPTILES</u>			
Turtle, bog	<i>Clemmys mühlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
<u>BIRDS</u>			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Plover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed Proposed Critical Habitat - Eastern Lake Ontario shoreline from Salmon River (Oswego County) to Stony Point (Jefferson County)
Tern, roseate	<i>Sterna dougallii dougallii</i>	T E	Remainder of coastal New York Southeastern coastal portions of state
<u>MAMMALS</u>			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor couguar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic
<u>MOLLUSKS</u>			
Snail, Chittenango ovate amber	<i>Succinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmidonta heterodon</i>	E	Orange County - lower Neversink River Delaware and Sullivan Counties - Delaware River

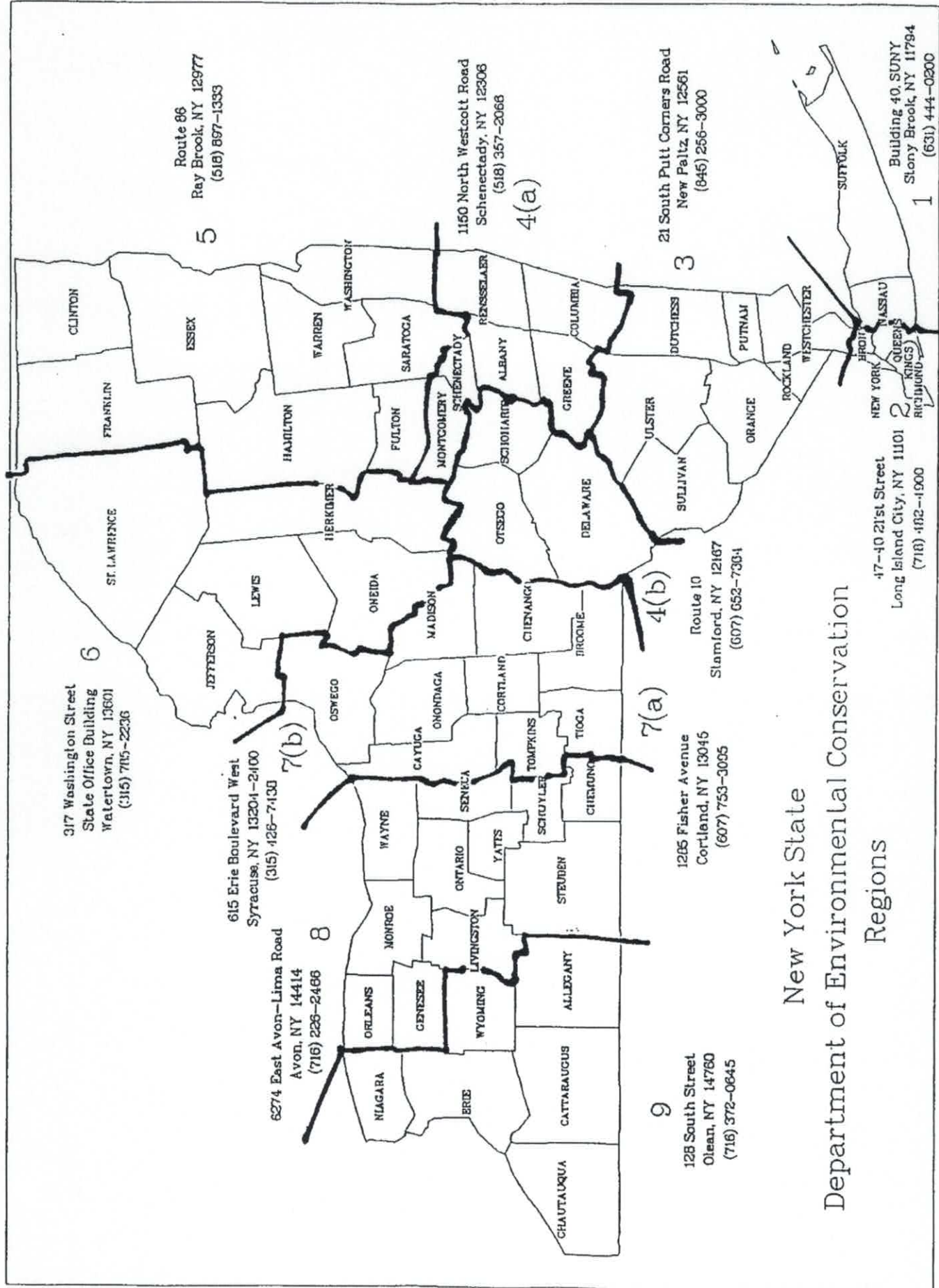
\* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES  
IN NEW YORK (Cont'd)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<b><u>BUTTERFLIES</u></b>			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
<b><u>PLANTS</u></b>			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled Swamp pink	<i>Isotria medeoloides</i> <i>Helonias bullata</i>	T T	Entire state Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Roseroot, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

E=endangered    T=threatened    P=proposed





New York State  
Department of Environmental Conservation  
Regions

317 Washington Street  
State Office Building  
Watertown, NY 13601  
(315) 715-2236

615 Erie Boulevard West  
Syracuse, NY 13204-2400  
(315) 428-7430

6274 East Avon-Lima Road  
Avon, NY 14414  
(716) 226-2486

128 South Street  
Olean, NY 14760  
(716) 372-0645

1285 Fisher Avenue  
Cortland, NY 13045  
(607) 753-3005

Route 10  
Stamford, NY 12167  
(507) 652-7304

47-49 21st Street  
Long Island City, NY 11101  
(718) 482-1900

Building 40, SUNY  
Stony Brook, NY 11794  
(516) 444-0200

Route 86  
Ray Brook, NY 12977  
(518) 897-1333

1150 North Westcott Road  
Schenectady, NY 12306  
(518) 357-2066

21 South Pitt Corners Road  
New Paltz, NY 12561  
(845) 256-3000

U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise brief description of the project/action.
2. Name of the hamlet/village/city/town/county where the project/action occurs.
3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
4. A map showing the project/action location. Preferably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.

## **OTHER CORRESPONDENCE**





ER 01/230

## United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
408 Atlantic Avenue - Room 142  
Boston, Massachusetts 02210-3334

OFFICE OF THE SECRETARY  
FILED  
01 JUL 16 PM 3:38  
FEDERAL ENERGY  
REGULATORY COMMISSION

July 13, 2001

**RE: COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, AND  
PRESCRIPTIONS Parishville Hydroelectric Project FERC No. 10461  
St. Lawrence County, New York**

Mr. David Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, DC 20426

Dear Mr. Boergers:

The U.S. Department of the Interior (Department) has reviewed the March 27, 2001, Notice of Application Ready for Environmental Analysis (Notice) for the existing Parishville Hydroelectric Project (Project) (FERC #10461), located on the West Branch of the St. Regis River in St. Lawrence County, New York. The Project, which is unlicensed, was formerly owned and operated by Niagara Mohawk Power Corporation, who filed the license application in 1990. The Federal Energy Regulatory Commission (FERC) issued an order approving the transfer of the pending license application to Erie Boulevard Hydropower, L.P. (Erie). Erie proposes to continue operating the existing Parishville Project. The original License Application has been modified and superseded by the West Branch St. Regis River Offer of Settlement (Settlement), which will soon be transmitted to FERC by Erie. The Department, through the U.S. Fish and Wildlife Service (Service), will be a signatory to that Settlement. Wherever the Settlement differs from the License Application, our comments reflect proposals in the Settlement.

### GENERAL COMMENTS

#### Background

The Notice originally set a comment deadline of May 26, 2001. At the request of the applicant, with concurrence by the Department and other parties, FERC extended the comment deadline until July 23, 2001. In addition to our April 23, 2001, comment letter concurring with the time extension request, the Department filed comments, recommendations, terms and conditions, and prescriptions on this Project on December 14, 1990, and again on April 8, 1993, both times in response to FERC Notices of Project Ready for Environmental Analysis. The following comments, recommendations, terms and conditions, and prescriptions, supersede all previous comments on the Parishville Project.

#### Project Setting

The West Branch of the St. Regis River originates in a series of ponds located near Saranac Lake, New York, and flows approximately 35 miles to the Parishville impoundment. It then travels an

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additional 20 miles to its junction with the St. Regis River, which enters the St. Lawrence River about 20 miles downriver from the junction.

### Fishery Resources

The West Branch of the St. Regis River supports a mixed coolwater-warmwater fishery. Among the more abundant game species are brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), smallmouth bass (*Micropterus dolomieu*), and rock bass (*Ambloplites rupestris*). The potential for reintroduction of Atlantic salmon (*Salmo salar*) into the St. Regis River is being explored by the Department in conjunction with the St. Regis Mohawk Tribe.

### Cumulative Basin-Wide Impacts

This Project is operated in tandem with the downstream Allens Falls Project (FERC #10462), which is the subject of a separate, but concurrent, FERC licensing action. The Settlement recommends that both projects be combined into one project with two developments. The Department concurs with that aspect of the Settlement.

### Offer of Settlement

Each of the impacts of Project operations was carefully considered in developing the Settlement, which is being filed by Erie as a supplement to the application. Representatives of the Service worked diligently with Erie and other interested parties to develop a mutually agreeable Settlement for long-term project management. The Department supports the Settlement and expects that the FERC will include license conditions, which are consistent with this agreement. In addition, we highly recommend that the FERC complete the licensing of these two projects expeditiously, since it has been over 10 years since the applications were filed, during which time Project impacts have continued unabated. Failure to complete licensing in a timely fashion will delay the implementation of important fish and wildlife protection and enhancement measures.

Recent decisions by the FERC (e.g., regarding the Black River Project and the Clarks Fork Projects) have cast doubts on the FERC's willingness to support and enforce settlement offers in their entirety, even when the FERC accepts the settlement as in the public interest. A refusal by the FERC to include settlement terms and conditions as license articles is, in the Department's view, tantamount to those terms and conditions being unenforceable. The Department's expectation regarding the West Branch St. Regis River Offer of Settlement is that the FERC will incorporate all of the Settlement's terms and conditions as express license articles, such that all of the Settlement terms and conditions are enforced by the FERC. This would include, for example, the agreement at Section 2.6 that the Licensee shall consult with all signatories before seeking to modify license conditions through a license amendment or reopener. In addition, to the extent that any of the Settlement's terms and conditions are not incorporated as express license articles, but the FERC, for some reason, determines the terms and conditions and/or express license articles are not enforceable, the FERC will expressly identify each Settlement term and condition which is not enforceable in its licensing order. Any Settlement term and condition not so expressly identified by the FERC as unenforceable, shall be deemed, by all parties, as enforceable by the FERC. Retention of settlement terms such as these, as enforceable license conditions, is a necessary and bargained-for part of the agreement. Because of the uncertainty created by the FERC's decisions in this arena, the Department is rethinking its support for and participation in settlements.



## **SPECIFIC COMMENTS**

### **Impoundment Fluctuations**

The Parishville impoundment is fluctuated as necessary on a daily basis to optimize power production. The Settlement restricts daily drawdowns to 0.5 feet, which reflects current operations. These fluctuation restrictions will maintain the existing shallow water littoral and wetland habitats.

### **Base Flows**

Base flows are not an issue at Parishville as the tailrace and bypassed reach enter directly into the Allens Falls impoundment. However, base flows downstream of Allens Falls are an important issue and will be addressed in our comments on the Allens Falls Project.

### **Bypassed Reach Flows**

The current Project operations frequently dewater a 4,175-foot reach of the West Branch of the St. Regis River. The Settlement requires a nominal flow of 20 cfs in the bypassed reach at all times. This flow will vary slightly with impoundment fluctuations. The Parishville bypassed reach is normally wetted during spring spillage and is periodically wetted during high flow events that can result in spillage at any time of the year. The negotiated instream flow is designed to restore the periodically dewatered bypassed reach to a year-round river reach. The negotiated flow provides relatively high attainment of management goals for brook trout, riffle-dwelling fish species, and benthic macroinvertebrate production, while enhancing fish movement and habitat for riparian wildlife. Lower flows do not adequately meet management goals.

### **Fish Protection**

The Settlement recommends that fish protection measures be installed at the Project. These measures will consist of trashracks with maximum 1" clear-spaced openings. These overlays or replacement racks will be installed when the existing trashracks, which have 1-5/16" clear spacing, need to be replaced. This measure will increase protection from turbine mortality for adult gamefish and should discourage many smaller fish from entering the turbines.

Although no site-specific entrainment study was conducted, all of the studies on similar sites in New York have demonstrated that turbine mortality is occurring. The species and sizes of fish being killed or injured and the level of mortality have been highly variable among different sites. The narrower-spaced trashracks are designed to protect the most valuable component of the fishery from turbine mortality.

### **Fish Passage**

Downstream fish movement currently occurs during frequent spillage events. Additional movement is not being encouraged due to the fact that the reservoir is being managed by the New York State Department of Environmental Conservation (NYSDEC) primarily as a warmwater fishery, while the bypassed reach has potential as a coolwater fishery with coldwater refuge areas. Therefore, the Department is not requiring any downstream fish passage facilities at this time. No upstream fish passage facilities are being required at this time. However, the Department reserves the right to require that the Licensee install fish passage facilities in the future.



## Recreation

The Settlement includes a variety of recreational amenities, which have been determined to be compatible with fish and wildlife resources and their associated habitats. These amenities are generally linked to improved access.

## **RECOMMENDATIONS**

- 1. All measures included in the Settlement, except those that are specifically flagged by the signatories as not to be included in the FERC license, shall be included in their entirety, without modification, as numbered license articles in any license issued by the FERC and shall be enforceable by the FERC.**
- 2. The Licensee shall implement all of the recreational facility measures described in Section 3.5 of the Settlement within 15 months of license issuance, provided that the license is issued consistent with this portion of the Settlement.**

## **TERMS AND CONDITIONS**

Pursuant to Section 10(j) of the Federal Power Act, as amended, and the Fish and Wildlife Coordination Act, the Department recommends that the following special articles be included in any license the FERC issues for this project. Reporting and further consultation requirements should be stipulated by the FERC to ensure timely and adequate compliance with the license articles.

- 1. The Licensee shall limit the daily impoundment fluctuations to a maximum of 0.5 feet below dam crest (as described in Section 3.1 of the Settlement).**
- 2. The Licensee shall continuously provide a nominal flow of 20 cfs to the bypassed reach (as described in Section 3.2 of the Settlement) within 15 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement.**
- 3. The Licensee shall develop a flow monitoring plan (as described in Section 3.3 of the Settlement) in consultation with all signatories to the Settlement within 6 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement. The flow-monitoring plan shall include all gauges and/or equipment for the purposes of:**
  - a. determining the minimum flow release to the bypassed reach;**
  - b. determining project headpond and tailwater elevation;**
  - c. providing an appropriate means of independent verification of water levels by the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (Service).**

**The flow-monitoring plan must be submitted to the NYSDEC for review and concurrence. Permanent staff gauges shall be installed to allow independent verification of headpond and tailwater elevations. Such staff gauges should be visible to the general public. Access to staff gauges will be provided to the Service and NYSDEC. All gaging equipment required by the monitoring plan shall be made**

operational and fully calibrated within 15 months of license issuance, assuming the license is issued consistent with this portion of the Settlement.

The Licensee shall notify the U.S. Department of the Interior (Department), and request that the Department provide any comments and approve any request for extension to comply with the requirement to develop a flow monitoring plan, before such request is submitted to the Federal Energy Regulatory Commission.

4. The Licensee shall implement the following fish protection measures (as described in Section 3.4 of the Settlement):

In order to reduce fish entrainment through the turbines, a physical barrier with a maximum 1" clear spacing will be installed at the location of the existing trashrack structure when the current structure needs replacement.

#### **PRESCRIPTIONS**

In order to allow for the timely implementation of fishways, including effectiveness measures, the Department requests that the FERC include the following condition in any license it may issue for the Parishville Hydroelectric Project:

Pursuant to Section 18 of the Federal Power Act, as amended, the Secretary of the Department of the Interior, as delegated to the U.S. Fish and Wildlife Service, exercises the authority under Section 18 by reserving the authority to prescribe the construction, operation, and maintenance of such fishways as deemed necessary, including measures to evaluate the need for fishways, and to determine, ensure, or improve the effectiveness of such fishways. This reservation includes authority to prescribe fishways for any fish species to be managed, enhanced, protected, or restored to the basin during the term of the license.

**All previous prescriptions filed for the Parishville Project are hereby withdrawn.**

\* \* \* \* \*

We appreciate the opportunity to provide comments, recommendations, terms and conditions, and prescriptions on this application for original license.

Sincerely,



Andrew L. Raddant  
Regional Environmental Officer





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
408 Atlantic Avenue - Room 142  
Boston, Massachusetts 02210-3334

ER 01/231

July 13, 2001

**RE: COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, AND  
PRESCRIPTIONS Allens Falls Hydroelectric Project FERC No. 10462  
St. Lawrence County, New York**

Mr. David Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, DC 20426

FILED  
OFFICE OF THE SECRETARY  
JUL 16 PM 3:37  
FEDERAL ENERGY  
REGULATORY COMMISSION

Dear Mr. Boergers:

The U.S. Department of the Interior (Department) has reviewed the March 27, 2001, Notice of Application Ready for Environmental Analysis (Notice) for the existing Allens Falls Hydroelectric Project (Project) (FERC #10462), located on the West Branch of the St. Regis River in St. Lawrence County, New York. The Project, which is unlicensed, was formerly owned and operated by Niagara Mohawk Power Corporation, who filed the license application in 1990. The Federal Energy Regulatory Commission (FERC) issued an order approving the transfer of the pending license application to Erie Boulevard Hydropower, L.P. (Erie). Erie proposes to continue operating the existing Allens Falls Project. The original License Application has been modified and superseded by the West Branch St. Regis River Offer of Settlement (Settlement), which will soon be transmitted to FERC by Erie. The Department, through the U.S. Fish and Wildlife Service (Service), will be a signatory to that Settlement. Wherever the Settlement differs from the License Application, our comments reflect proposals in the Settlement.

## GENERAL COMMENTS

### Background

The Notice originally set a comment deadline of May 26, 2001. At the request of the applicant, with concurrence by the Department and other parties, FERC extended the comment deadline until July 23, 2001. In addition to our April 23, 2001, comment letter concurring with the time extension request, the Department filed comments, recommendations, terms and conditions, and prescriptions on this Project on February 27, 1991, and again on April 14, 1993, both times in response to FERC Notices of Project Ready for Environmental Analysis. The following comments, recommendations, terms and conditions, and prescriptions supersede all previous comments on the Allens Falls Project.

### Project Setting

The West Branch of the St. Regis River originates in a series of ponds located near Saranac Lake, New York, and flows approximately 35 miles to the Parishville impoundment. It then travels through the Allens Falls impoundment, then approximately 20 additional miles to its junction

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with the St. Regis River, which enters the St. Lawrence River about 20 miles downriver from the junction.

#### Fishery Resources

The West Branch of the St. Regis River supports a mixed coolwater-warmwater fishery. Among the more abundant game species are brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), smallmouth bass (*Micropterus dolomieu*), and rock bass (*Ambloplites rupestris*). The potential for reintroduction of Atlantic salmon (*Salmo salar*) into the St. Regis River is being explored by the Department in conjunction with the St. Regis Mohawk Tribe.

#### Cumulative Basin-Wide Impacts

This Project is operated in tandem with the upstream Parishville Project (FERC #10461), which is the subject of a separate, but concurrent, FERC licensing action. The Settlement recommends that both projects be combined into one project with two developments. The Department concurs with that aspect of the Settlement.

#### Offer of Settlement

Each of the impacts of Project operations was carefully considered in developing the Settlement which is being filed by Erie as a supplement to the application. Representatives of the Service worked diligently with Erie and other interested parties to develop a mutually agreeable Settlement for long-term project management. The Department supports the Settlement and expects that the FERC will include license conditions, which are consistent with this agreement. In addition, we highly recommend that the FERC complete the licensing of these two projects expeditiously, since it has been over 10 years since the applications were filed, during which time Project impacts have continued unabated. Failure to complete licensing in a timely fashion will delay the implementation of important fish and wildlife protection and enhancement measures.

Recent decisions by the FERC (e.g., regarding the Black River Project and the Clarks Fork Projects) have cast doubts on the FERC's willingness to support and enforce settlement offers in their entirety, even when the FERC accepts the settlement as in the public interest. A refusal by the FERC to include settlement terms and conditions as license articles is, in the Department's view, tantamount to those terms and conditions being unenforceable. The Department's expectation regarding the West Branch St. Regis River Offer of Settlement is that the FERC will incorporate all of the Settlement's terms and conditions as express license articles, such that all of the Settlement terms and conditions are enforced by the FERC. This would include, for example, the agreement at Section 2.6 that the Licensee shall consult with all signatories before seeking to modify license conditions through a license amendment or reopener. In addition, to the extent that any of the Settlement's terms and conditions are not incorporated as express license articles, but the FERC, for some reason, determines the terms and conditions and/or express license articles are not enforceable, the FERC will expressly identify each Settlement term and condition which is not enforceable in its licensing order. Any Settlement term and condition not so expressly identified by the FERC as unenforceable, shall be deemed, by all parties, as enforceable by the FERC. Retention of settlement terms such as these, as enforceable license conditions, is a necessary and bargained-for part of the agreement. Because of the uncertainty created by the FERC's decisions in this arena, the Department is rethinking its support for and participation in settlements.



## SPECIFIC COMMENTS

### Impoundment Fluctuations

The Allens Falls impoundment is fluctuated as necessary on a daily basis to optimize power production. The Settlement restricts daily drawdowns to 0.5 feet, which reflects current operations. These fluctuation restrictions will maintain the existing shallow water littoral and wetland habitats. In addition, the Settlement allows for an additional 0.3-foot drawdown to be utilized whenever necessary to ensure that instream flow requirements are met in the Allens Falls bypassed reach. This situation occurs due to the lower instream flow requirements at Parishville.

The need for the 0.3-foot additional drawdown is expected to be relatively rare and requires notification of the New York State Department of Environmental Conservation (NYSDEC). The additional drawdown is not intended for power generation benefits.

The Allens Falls impoundment is lowered 1 foot below dam crest in the winter to protect shoreline property from ice damage. The winter drawdown can only occur between November 1 and May 15. The allowable 0.5-foot and 0.8-foot daily fluctuations in the winter are measured from the point 1-foot below dam crest.

### Base Flows

Base flows below the Allens Falls powerhouse are an issue at this Project. Approximately 20 miles of river down to the confluence with the St. Regis River are potentially impacted by fluctuating water levels caused by Project operations. The higher bypassed reach flow at Allens Falls, as compared to Parishville, was partially based on the need for adequate base flows to the downstream reach.

### Bypassed Reach Flows

The current Project operations frequently dewater a 13,700-foot reach of the West Branch of the St. Regis River. The Settlement requires a seasonally varied flow regime for the bypassed reach. From April 1 through August 31, the required flow is 50 cfs. This flow drops to 40 cfs for the month of September. For the remainder of the year (October 1 through March 31), the flow requirement is 30 cfs. All flows are nominal, which means they will vary slightly (less than 1 cfs up or down) based on the level of the impoundment. The Allens Falls bypassed reach is normally wetted during spring spillage and is periodically wetted during high flow events that can result in spillage at any time of the year. The negotiated instream flow regime is designed to restore the periodically dewatered bypassed reach to a year-round river reach. The negotiated flows provide an adequate base flow to the 20-mile reach between the Allens Falls powerhouse and the St. Regis River, while providing high attainment of management goals for brook trout, Atlantic salmon, and benthic macroinvertebrate production in the bypassed reach. This flow regime also provides relatively high attainment of management goals for riffle-dwelling fish species and forage fish, while improving habitat for rainbow trout (*Oncorhynchus mykiss*) and brown trout during periods of suitable water temperature. The flow regime also enhances fish movement, riparian vegetation and wetlands, habitat for riparian wildlife, and aesthetics. Lower flows do not adequately meet management goals.

### Fish Protection

The Settlement recommends that fish protection measures be installed at the Project. These measures will consist of trashracks with maximum 1" clear-spaced openings. These overlays or replacement racks will be installed when the existing trashracks, which have 1-3/4" clear



spacing, need to be replaced. This measure will increase protection from turbine mortality for adult gamefish and should discourage many smaller fish from entering the turbines.

Although no site-specific entrainment study was conducted, all of the studies on similar sites in New York have demonstrated that turbine mortality is occurring. The species and sizes of fish being killed or injured and the level of mortality have been highly variable among different sites. The narrower-spaced trashracks are designed to protect the most valuable component of the fishery from turbine mortality.

#### Fish Passage

Downstream fish movement currently occurs during frequent spillage events. Additional movement is not being encouraged due to the fact that the reservoir is being managed by the NYSDEC primarily as a warmwater fishery, while the bypassed reach has potential as a coolwater or coldwater fishery. The downstream reach also has the potential to provide a quality coolwater/coldwater fishery. Therefore, the Department is not requiring any downstream fish passage facilities at this time. No upstream fish passage facilities are being required at this time. However, the Department reserves the right to require that the Licensee install fish passage facilities in the future.

#### Recreation

The Settlement includes a variety of recreational amenities, which have been determined to be compatible with fish and wildlife resources and their associated habitats. These amenities are generally linked to improved access.

### **RECOMMENDATIONS**

- 1. All measures included in the Settlement, except those that are specifically flagged by the signatories as not to be included in the FERC license, shall be included in their entirety, without modification, as numbered license articles in any license issued by the FERC and shall be enforceable by the FERC.**
- 2. The Licensee shall implement all of the recreational facility measures described in Section 3.5 of the Settlement within 15 months of license issuance, provided that the license is issued consistent with this portion of the Settlement.**

### **TERMS AND CONDITIONS**

Pursuant to Section 10(j) of the Federal Power Act, as amended, and the Fish and Wildlife Coordination Act, the Department recommends that the following special articles be included in any license the FERC issues for this project. Reporting and further consultation requirements should be stipulated by the FERC to ensure timely and adequate compliance with the license articles.

- 1. The Licensee shall limit the daily impoundment fluctuations to a maximum of 0.5 feet below dam crest (as described in Section 3.1 of the Settlement).**

During the winter (November 1 through May 15) drawdown period, this fluctuation is measured from a point 1 foot below the crest of the dam. In addition, throughout the year, when inflow from Parishville is inadequate to meet the Allens Falls flow requirements, an



additional 0.3 feet of fluctuation should be allowed, provided that all such fluctuations are reported to NYSDEC in accordance with Section 3.1 of the Settlement.

2. The Licensee shall continuously provide flows to the bypassed reach (as described in Section 3.2 of the Settlement) within 15 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement. The flows shall be 50 cfs from April 1 through August 31, 40 cfs from September 1 through September 30, and 30 cfs from October 1 through March 31. All flows shall be nominal, and may vary slightly depending on impoundment elevation, provided they remain within the limits established in Table 3-3 of the Settlement.
3. The Licensee shall develop a flow monitoring plan (as described in Section 3.3 of the Settlement) in consultation with all signatories to the Settlement within 6 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement. The flow-monitoring plan shall include all gauges and/or equipment for the purposes of:
  - a. determining the minimum flow release to the bypassed reach;
  - b. determining project headpond and tailwater elevation;
  - c. providing an appropriate means of independent verification of water levels by the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (Service).

The flow-monitoring plan must be submitted to the NYSDEC for review and concurrence. Permanent staff gauges shall be installed to allow independent verification of headpond and tailwater elevations. Such staff gauges should be visible to the general public. Access to staff gauges will be provided to the Service and NYSDEC. All gaging equipment required by the monitoring plan shall be made operational and fully calibrated within 15 months of license issuance, assuming the license is issued consistent with this portion of the Settlement.

The Licensee shall notify the Department, and request that the Department provide any comments and approve any request for extension to comply with the requirement to develop a flow monitoring plan, before such request is submitted to the Federal Energy Regulatory Commission.

4. The Licensee shall implement the following fish protection measures (as described in Section 3.4 of the Settlement):

In order to reduce fish entrainment through the turbines, a physical barrier with a maximum 1" clear spacing will be installed at the location of the existing trashrack structure when the current structure needs replacement.

## **PRESCRIPTIONS**

In order to allow for the timely implementation of fishways, including effectiveness measures, the Department requests that the FERC include the following condition in any license it may issue for the Allens Falls Hydroelectric Project:

Pursuant to Section 18 of the Federal Power Act, as amended, the Secretary of the Department of the Interior, as delegated to the U.S. Fish and Wildlife Service,

exercises the authority under Section 18 by reserving the authority to prescribe the construction, operation, and maintenance of such fishways as deemed necessary, including measures to evaluate the need for fishways, and to determine, ensure, or improve the effectiveness of such fishways. This reservation includes authority to prescribe fishways for any fish species to be managed, enhanced, protected, or restored to the basin during the term of the license.

**All previous prescriptions filed for the Allens Falls Project are hereby withdrawn.**

\* \* \* \* \*

We appreciate the opportunity to provide comments, recommendations, terms and conditions, and prescriptions on this application for original license.

Sincerely,



Andrew L. Raddant  
Regional Environmental Officer





UNITED STATES OF AMERICA 107 FERC ¶ 62,014  
FEDERAL ENERGY REGULATORY COMMISSION

Reliant Energy

Project No. 10461-014

ORDER MODIFYING AND APPROVING RECREATION PLAN  
UNDER ARTICLE 408

(Issued April 08, 2004)

On February 2, 2004, Reliant Energy (licensee) filed a Recreation Plan (plan) pursuant to article 408 of the Parishville Hydroelectric Project (FERC No. 10461)<sup>1</sup> license. The Parishville Hydroelectric Project (project) is located on the West Branch of the St. Regis River, in St. Lawrence County, New York.

BACKGROUND

Article 408 requires that, within one year of the license issuance, the licensee shall file for Commission approval a comprehensive recreation plan for the aforementioned project. The plan shall be prepared pursuant to the requirements specified in article 408 of the project license and to the West Branch St. Regis River Project Offer of Settlement (settlement).<sup>2</sup>

The licensee shall implement the enhancements outlined in the plan after consultation with the New York Department of Environmental Conservation (NYDEC) and members of the West Branch St. Regis River Advisory Committee (SRRAC). The enhancements shall be shown on as-built drawings filed pursuant to the license.

DESCRIPTION OF PLAN

The plan discusses various recreation enhancements at the project site, including the installation of signage designating the extent of the parking available at an informal parking area and a boat launch located at the end of Coon Road. In addition, the licensee will designate an informal parking area near the surge tank on Convey Road for public access to the project waters. A recreation plan drawing included in the plan indicates the location of the parking areas with signage.

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<sup>1</sup> 100 FERC ¶ 62,208

<sup>2</sup> Filed September 13, 2001.

Project No. 10461-014

- 2 -

The licensee will allow public access to all lands within the project boundary, with the exception of those lands and facilities specifically related to hydroelectric generation where public safety and security issues are a concern. Areas where public access will be denied include, but are not limited to: dams, dikes, gates, intake structures, water conveyance structures, powerhouses, substations, transmission lines, and certain access roads leading to such facilities.

Informal access to project waters allowed by the licensee can be found near the Parishville powerhouse to the bypass reach at the Allens Falls Road Bridge. A designated point near the Allens Falls powerhouse will also serve as a public access point. When appropriate, signage will be installed by the licensee directing the public to the lands and waters significant to this plan.

The licensee shall also provide an unimproved trail in the vicinity of the Allens Falls powerhouse, which will serve as an informal access point to project waters near the powerhouse. Boat barriers were installed at the tailrace in 2003 and will continue to be installed annually, on a seasonal basis.

A flow notification system will be maintained by the licensee to provide the public with information regarding known spillage events that may provide recreational opportunities below the project dams. This information will be made available via the internet, through a national electronic publication known as "Waterline."<sup>3</sup> The licensee currently posts flow information on Waterline, and will begin posting known spillage events for the project in 2004.

The licensee consulted with the NYDEC several times concerning the design and implementation of appropriate erosion and sediment control measures for various activities. A drawing titled "Standard Details Erosion Control System" depicting various erosion and sediment control measures was included with the plan. The licensee will formalize its consultation process with the NYDEC for the unimproved trail and access point near the Allens Falls powerhouse before undertaking any field activities. All future activities requiring erosion and sediment control measures will be discussed with the NYDEC prior to implementation.

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<sup>3</sup> Waterline provides water flow forecasts and water level reports over the telephone and on the internet for the safety and convenience of anglers and canoeists. Information pertaining to daily operations at various hydroelectric sites is provided to Waterline and is updated in real time. This information can be retrieved by calling 1-800-452-1742 or on the internet at [www.h20line.com](http://www.h20line.com).



Project No. 10461-014

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Five years after Commission approval of the plan, and every six years thereafter, the licensee will consult with the members of the SRRAC and the NYDEC to further examine reasonable opportunities to develop access to project lands and waters. The FERC Form 80 will serve as a basis for the additional development of public access to project lands and waters. FERC's Critical Energy Infrastructure policy, public safety issues, and vandalism concerns will be thoroughly evaluated before the licensee commits to any additional recreation enhancements. The licensee intends to implement this plan by December 31, 2004.

#### AGENCY CONSULTATION

The licensee consulted with the U.S. Fish and Wildlife Service (USFWS), NYDEC, Adirondack Mountain Club (ADK), and the St. Lawrence County Planning Office (SLCPO).<sup>4</sup>

The USFWS stated that the plan complied fully with the license requirements. They suggested that in lieu of the project license requirement for the licensee to consult with SRRAC, an advisory council that has yet to be established, the licensee should consult with the NYDEC to create the SRRAC as soon as possible. The licensee responded that an initial meeting has been discussed between the licensee and the NYDEC, although the final date(s), location, and agenda for the initial meeting have yet to be determined. Parties to the settlement will be contacted in the first quarter of 2004 regarding availability for the initial meeting.

The NYDEC also received a copy of the draft recreation plan and also advised the licensee to begin consultation with their department (NYDEC) and other parties to the settlement agreement, to form SRRAC. The NYDEC also stated that a SPDES General Permit for Stormwater Discharge may be required, depending upon the amount of area to be disturbed by constructing the trail. The NYDEC noted the plan's lack of a construction schedule, and commented that a schedule should be provided stating that all the requirements of the plan shall be in place by the end of the 2004 construction season. The NYDEC looks forward to further consultation with the licensee when a final plan is developed for the unimproved trail and access points.

The licensee responded that an initial meeting has been discussed between the licensee and the NYDEC, although the final date(s), location, and the agenda for the initial meeting have yet to be determined. Parties to the settlement will be contacted in

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<sup>4</sup> The licensee was not required by the project license or by the settlement agreement to consult the SLCPO, but did this in lieu of consulting the SRRAC, which has not been formed yet.



Project No. 10461-014

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the first quarter of 2004 regarding availability for the initial meeting. The licensee also emphasized their financial contributions to the St. Regis River Fund, added an implementation schedule to the plan, and has agreed to consult with the NYDEC concerning the possibility of a SPDES General Permit for Stormwater discharge.

One comment from the ADK stated that the first item on the plan concerning public access seems overly vague. The ADK says that they would have expected a proposal for an additional fence, locks on doors, gates on roads, etc. to address security and public safety concerns. They added that the informal access to water near the Parishville powerhouse is barely mentioned in item 2 of the plan, and encouraged the licensee to include the location of this access area on the attached drawing.

The licensee justified the vague language of item 1 by stating that the licensee has a confidential security plan in place which addresses security concerns, issues, and necessary implementation measures. The licensee reiterated that site security is a top priority to them when considering recreational measures and access requirements. Additionally, the licensee reasoned that the Parishville powerhouse was "barely mentioned" in the plan because historically informal access has been provided via lands near the Parishville powerhouse, which is different from other access areas agreed upon in the settlement. The licensee intends to comply with the settlement in not precluding any informal access that may exist near the powerhouse, but it does not intend to advertise access in the vicinity of the powerhouse through signage or notification on the map.

Comments from the SLCPO centered on concerns over the vague language used in the plan, and the licensee's definition of "informal" and "unimproved." The SLCPO also had questions concerning if there was a designated point near the Allens Falls powerhouse, and if there is, why it has not been identified on a separate drawing. The SLCPO also requested clarification on the licensee's definition of "water access" (i.e., whether it involves a boat launch, and if so, which types of boats will be able to utilize this launch. They also questioned whether additional parking spaces will be created. The SLCPO asked the licensee to describe what "Waterline" is and how the public can access this resource.

Concerning the definition of "informal" and "unimproved," the licensee responded that very few, if any, physical improvements will be needed at public access areas or at the trail. The objective of the plan is to recognize access areas by denoting them with signage, where appropriate. The licensee interprets the term "informal" access to mean public access areas that currently exist, and require no physical construction to formalize them. The "unimproved" trail refers to the trail that currently exists, which consists of a worn path created by the public accessing project lands and waters. There will be no improvements to this path and it will be considered an informal access to project waters near the powerhouse. The licensee contended that they have, and will continue to offer,



access at its boat launch facilities. The licensee has no intention of increasing the number of parking spaces provided on the site at this time, given the current level of recreational usage. The parking situation will be reevaluated every six years when the licensee files their FERC Form 80. Additionally, the licensee acknowledged that some information regarding the flow notification system was omitted, and has since offered an explanation and resources for accessing the "Waterline."

## DISCUSSION AND CONCLUSION

The plan appropriately addresses all the requirements of article 408 and the settlement agreement. Additional signage and public access areas will enhance public recreation at the project site. The licensee will allow public access to all lands within the project boundary, except for those lands and facilities related to hydroelectric generation, where public safety and security issues are a concern. Informal access and an unimproved trail have been included in the plan, and will allow the licensee to provide these amenities to the public without requiring construction. Signage will be installed where appropriate to provide directional assistance to pertinent lands and waters, and to designate the extent of parking available at the informal parking lot and boat launch, and at the parking area near the surge tank.

In addition, boat barriers were installed on the tailrace in 2003,<sup>5</sup> and will continue to be installed seasonally. An up-to-date flow notification system will be provided by the licensee via the internet. The licensee has appropriately consulted with the NYDEC, USFWS, and the ADK, as required in the project license. Consultation with the SRRAC was also required; however, this advisory group has not yet been formed. The licensee consulted with the SLCPO in lieu of the SRRAC. Every six years, the licensee, in conjunction with the FERC Form 80, will reevaluate whether the recreation needs of the public are being met at this site. The Form 80 will serve as a basis for the consideration of further development of public recreational needs. The licensee intends to implement the aforementioned recreational enhancements by December 31, 2004.

The recreation plan should be approved. As-built drawings including a map of the facility showing access areas, parking areas, signage, and the trail shall be filed within six months of the completion. The location and text of all signage should be included.

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<sup>5</sup> The licensee's last public safety plan was approved by NYRO on December 3, 2001. This plan does not show any boat barriers at the tailrace, only warning signs on the Taintor gates. The licensee is required to update their public safety plan with NYRO to include the aforementioned boat barriers.

Project No. 10461-014

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The Director orders:

(A) The recreation plan filed February 2, 2004, pursuant to article 408 of the project license and the West Branch St. Regis River Project Offer of Settlement, as modified by paragraphs (B) and (C), is approved.

(B) The licensee shall complete all recreation enhancements by December 31, 2004. As-built drawings shall be filed for Commission approval by June 31, 2005. The as-built drawings shall include a map of the facility showing the access areas, parking areas, the trail, and signage in relation to project features and boundaries. The location and text of all signage should be included on the drawings.

(C) The licensee shall file an updated public safety plan with the New York Regional Office within 3 months of the issuance date of this order.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of this order, pursuant to 18 C.F.R. 385-713.

John E. Estep  
Division of Hydropower Administration  
and Compliance





UNITED STATES OF AMERICA 107 FERC ¶ 62, 045  
FEDERAL ENERGY REGULATORY COMMISSION

Erie Boulevard Hydro LP

Project No. 10461-015

ORDER MODIFYING AND APPROVING HISTORIC PROPERTIES  
MANAGEMENT PLAN PURSUANT TO ARTICLE 409

(Issued April 16, 2004)

On January 16, 2004, Erie Boulevard Hydro LP (licensee) filed a Historic Properties Management Plan (HPMP) pursuant to Article 409 of the West Branch St. Regis River Project license<sup>1</sup>. The project is located on the West Branch St. Regis River, in St. Lawrence County, New York.

BACKGROUND

Article 409 requires the licensee to develop a HPMP for the West Branch St. Regis River Project within one year of issuance of the project license. The purpose of the plan is to avoid, or minimize and appropriately mitigate any adverse effects on historic properties including the historic mill ruins near the Parishville dam. Arrangements for the unanticipated discovery of historical properties are to be included. The plan is to be developed in consultation with the New York State Historic Preservation Officer (SHPO). Documentation of consultation and recommendations should be filed with the plan for Commission approval. If a recommendation is not adopted, the licensee should include the reason, based on project-specific information. The Commission reserves the right to require changes to the plan.

DESCRIPTION OF PLAN

The filing includes (1) a description of the archeological surveys conducted within the Area of Potential Effect (APE) of the project; (2) the determinations of eligibility for inclusion in the National Register of Historic Places (NRHP); (3) a description of how unanticipated discoveries will be handled; and (4) documentation of agency consultation.

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<sup>1</sup> 100 FERC ¶ 62,208 (2002)

The APE for the West Branch St. Regis Project consists of the project boundaries for each of the project's two developments. Two sites were specifically identified for consideration for the NHRP. The main hydroelectric plants, including the powerhouses for the Allens Falls and Parishville dams, are considered eligible for the NRHP. The two properties are eligible pursuant to criteria C, which says that a property "embodies the distinctive characteristics of a type, period, or method of construction, etc." According to the SHPO the plants are representative of hydroelectric architecture and engineering that reflects the Post World War I standardization of hydro facilities.

Implementing the project's license articles will not require ground breaking activities or disturbance of any known historical properties. If in the future, ground-breaking activities, including recreational developments, are proposed within the project's APE the licensee will first consult with the SHPO. The SHPO will have 30 days to review and comment on the project, and if the activity will not adversely affect historic properties the licensee may proceed in accordance with agreed measures or conditions. If there is a potential for an adverse effect the licensee and SHPO will consult to develop a strategy for avoiding or mitigating adverse effects.

Erie employees will be trained on the principles and procedures of this plan in order to protect known historical properties and unanticipated discoveries. If an unanticipated discovery is made, the licensee will stop work and if necessary, stabilize the area. The SHPO will be notified within 3 days of discovery. After consulting with the SHPO, further analysis and investigations will be conducted if appropriate, and any artifacts that are collected will be managed in accordance with the New York Archaeological Council standards.

## AGENCY CONSULTATION AND COMMENTS

The licensee developed the plan with the New York SHPO. A draft plan was also sent for review. On January 6, 2004, The New York SHPO replied that Parishville and Allens Falls Hydroelectric Plants had been found eligible for the NRHP. The licensee was reminded that any work that could visually impair these sites should be reviewed by the SHPO beforehand. Also, the SHPO reminded the licensee to follow the procedures outlined in the document titled A Compendium of Compatible Operation and Maintenance Activities that was entered into by the project's previous licensee. The Compendium is included as Appendix D of the HPMP. This guide to historic properties management was developed by the previous licensee and the SHPO, and was adopted by Erie Boulevard Hydro LP. The guide lists the type of activities that may be carried out without informing the SHPO, such as routine maintenance and upgrades to the electric systems. Ground disturbing activities and those activities that have the potential to disturb identified historical properties must be reported to the SHPO before the activity commences.



## DISCUSSION

The filing adequately fulfills Article 409 requirements. The plan provides appropriate protection for the two NRHP eligible sites by outlining procedures for routine maintenance and for activities that may have potential adverse effects. Unanticipated finds will be handled through consultation with the SHPO. The licensee, in consultation with SHPO, should decide if an effort is needed to contact any Native American tribes that may have had a historical presence in the area and would be interested in the unanticipated discovery. If appropriate, the tribes should be included in consultation concerning mitigation or preservation of the finds. Any changes made to this plan as a result of unanticipated discoveries or otherwise must be approved by the Commission after consultation with the SHPO. The Historic Properties Management Plan should be approved.

### The Director orders:

- (A) The Historic Properties Management Plan, filed on January 16, 2004, pursuant to Article 409 of the project license is approved, as modified by paragraph (B).
- (B) The licensee in consultation with the New York State Historic Preservation Officer should decide if consultation with tribes with a historical presence is needed after an unanticipated discovery is made. If appropriate, the tribes should be included in consultation.
- (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 CFR § 385.713.

John E. Estep  
Division of Hydropower Administration  
and Compliance



FILED  
OFFICE OF THE  
SECRETARY

225 Greenfield Parkway, Suite 201  
Liverpool, NY 13088

**PUBLIC**

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ORIGINAL

FEDERAL ENERGY  
REGULATORY COMMISSION

**PUBLIC Information**

Hon. Magalie Roman Salas, Secretary  
Federal Energy Regulatory Commission  
Mail Code DLC, HL-11.1  
888 First Street, NE  
Washington, DC 20426

RE: **West Branch St. Regis River Project (FERC Project No. 10461)**  
**Submittal of Historic Properties Management Plan**

Dear Secretary Salas:

Pursuant to License Article 409 of the license for the West Branch St. Regis Project (FERC 10461), Erie Boulevard Hydro Power (Erie) is submitting a Historic Properties Management Plan (HPMP) for the Project. In accordance with the license article, the HPMP was prepared in consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSHPO). Attachment A of the HPMP provides copies of the correspondence resulting from the consultation process.

Due to the potential sensitive nature of historic properties identified in this report, this submittal has been labeled **NON-PUBLIC Information** and in addition to filing an original and eight (8) copies of this submittal with the Commission Secretary, a conforming copy is being sent to the NYSHPO.

If there are any questions pertaining to this submittal, please call the undersigned at (315) 413-2787 or Tom Skutnik at (315) 413-2789.

Very truly yours,

*Jerry L. Sabattis*

Jerry L. Sabattis  
Hydro Licensing Coordinator

Enclosure:  
xc w/Encl: Robert Kuhn, NYSHPO  
S. S. Hirschey  
W. J. Madden