

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

27 FERC 162, 078

Nashua Hydro Associates)

Project No. 7590-000

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

(Issued April 24, 1984)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

1/ Nashua Hydro Associates, Project No. 7590, filed on September 18, 1983.

2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).

3/ Authority to act on this matter is delegated to the Deputy Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, 18 C.F.R. §375.308 (1983). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

8404260156

DC-A-4
FERC - DOCKETED

APR 24 1984

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

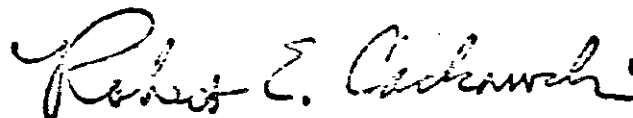
It is ordered that:

(A) Jackson Mills Project No. 7590-000 as described and designated in Nashua Hydro Associates' application filed on September 18, 1983, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12;

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.



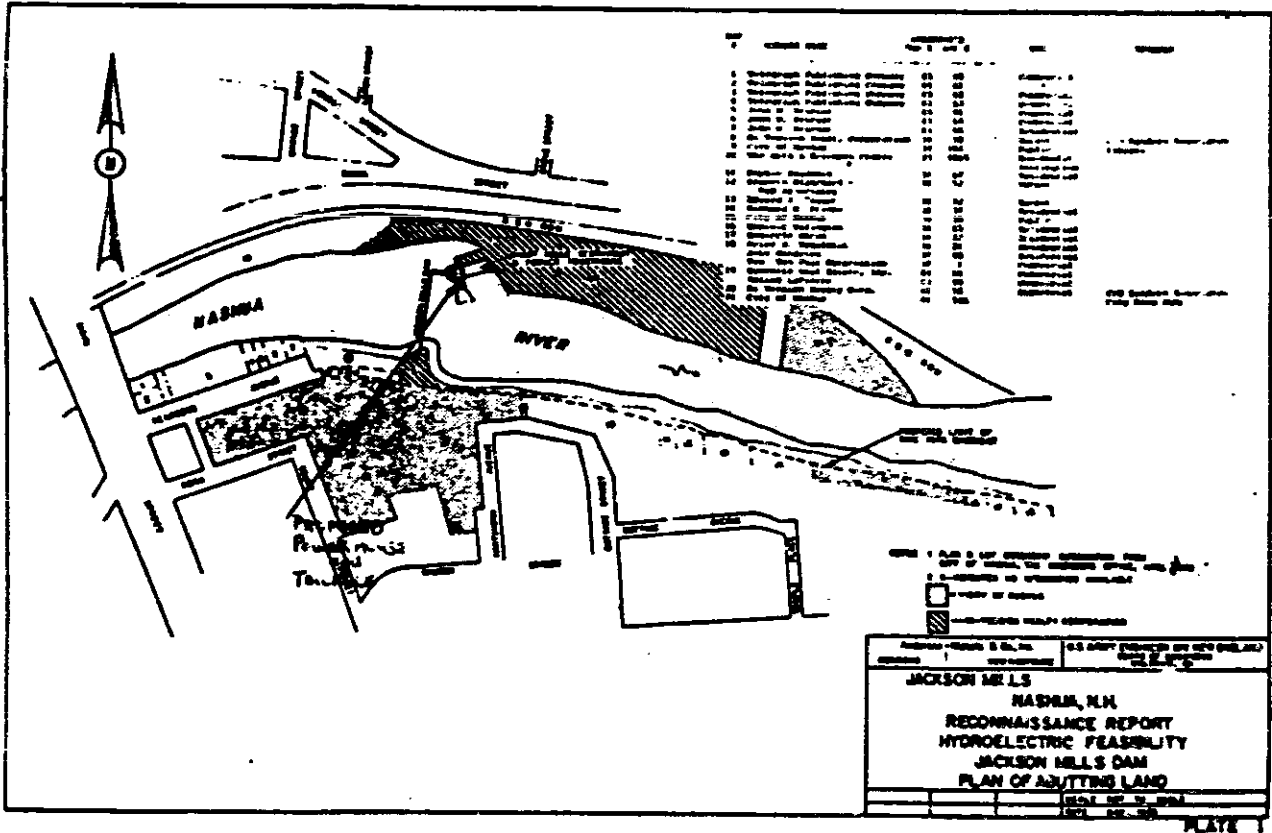
Robert E. Cackowski
Deputy Director, Office of
Electric Power Regulation

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(January 24, 1984)

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

- a. Type of Application: 5 MW Exemption
- b. Project No: 7590-000
- c. Date Filed: September 10, 1983
- d. Applicant: Nashua Hydro Associates
- e. Name of Project: Jackson Mill
- f. Location: Nashua River, City of Nashua, Millborough County, New Hampshire.
- g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, Pub. L. 96-294, 94 Stat. 611 (16 U.S.C. §§2705 and 2708 as amended).
- h. Contact Person: Thomas A. Tarpey, Nashua Hydro Associates, 99 N. State Street, Concord, New Hampshire 03301.
- i. Comment Date: MAR 9 1984
- j. Description of Project: The proposed project would consist of: (a) an existing 33-foot-high, 180-foot-long stone masonry uncontrolled spillway dam with a concrete cap and 1-foot-high flashboards; (2) an existing 40-acre reservoir with no usable storage capacity and a normal maximum water surface elevation of 116.6 feet N.G.V.D. with flashboards installed; (3) an existing powerhouse (the basement of the Chart House Restaurant) located at the north dam abutment partially containing a new 1.1 MW turbine-generator and a new powerhouse extension constructed to house part of the turbine-generator which would extend beyond the existing building; (4) a tailrace channel; (5) a transmission line; (6) a fishway (to be constructed one year following the completion of such facilities at the downstream Lowell Project, FERC No. 2790); and (7) appurtenant facilities. The project would generate up to 4,000,000 kWh annually.
- k. Purpose of Project: The project's output would be sold to Public Service Company of New Hampshire.
- l. This notice also consists of the following standard paragraphs: A, A9, B, C and D3a.
- m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license Applicants that would seek to take or develop the project.



SYMBOL	DESCRIPTION
(Symbol)	EXISTING DAM
(Symbol)	PROPOSED DAM
(Symbol)	EXISTING ROAD
(Symbol)	PROPOSED ROAD
(Symbol)	EXISTING TRAIL
(Symbol)	PROPOSED TRAIL
(Symbol)	EXISTING BUILDING
(Symbol)	PROPOSED BUILDING
(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING UTILITY LINE
(Symbol)	PROPOSED UTILITY LINE
(Symbol)	EXISTING POWER LINE
(Symbol)	PROPOSED POWER LINE
(Symbol)	EXISTING WATER MAIN
(Symbol)	PROPOSED WATER MAIN
(Symbol)	EXISTING SEWER
(Symbol)	PROPOSED SEWER
(Symbol)	EXISTING DRAINAGE CANAL
(Symbol)	PROPOSED DRAINAGE CANAL
(Symbol)	EXISTING EROSION CONTROL
(Symbol)	PROPOSED EROSION CONTROL
(Symbol)	EXISTING VEGETATION
(Symbol)	PROPOSED VEGETATION
(Symbol)	EXISTING OPEN SPACE
(Symbol)	PROPOSED OPEN SPACE
(Symbol)	EXISTING WATER BODY
(Symbol)	PROPOSED WATER BODY
(Symbol)	EXISTING ROADWAY
(Symbol)	PROPOSED ROADWAY
(Symbol)	EXISTING TRAILWAY
(Symbol)	PROPOSED TRAILWAY
(Symbol)	EXISTING FENCE LINE
(Symbol)	PROPOSED FENCE LINE
(Symbol)	EXISTING UTILITY TOWER
(Symbol)	PROPOSED UTILITY TOWER
(Symbol)	EXISTING POWER TOWER
(Symbol)	PROPOSED POWER TOWER
(Symbol)	EXISTING WATER TOWER
(Symbol)	PROPOSED WATER TOWER
(Symbol)	EXISTING SEWER TOWER
(Symbol)	PROPOSED SEWER TOWER
(Symbol)	EXISTING DRAINAGE TOWER
(Symbol)	PROPOSED DRAINAGE TOWER
(Symbol)	EXISTING EROSION TOWER
(Symbol)	PROPOSED EROSION TOWER
(Symbol)	EXISTING VEGETATION TOWER
(Symbol)	PROPOSED VEGETATION TOWER
(Symbol)	EXISTING OPEN SPACE TOWER
(Symbol)	PROPOSED OPEN SPACE TOWER
(Symbol)	EXISTING WATER BODY TOWER
(Symbol)	PROPOSED WATER BODY TOWER
(Symbol)	EXISTING ROADWAY TOWER
(Symbol)	PROPOSED ROADWAY TOWER
(Symbol)	EXISTING TRAILWAY TOWER
(Symbol)	PROPOSED TRAILWAY TOWER
(Symbol)	EXISTING FENCE LINE TOWER
(Symbol)	PROPOSED FENCE LINE TOWER
(Symbol)	EXISTING UTILITY TOWER TOWER
(Symbol)	PROPOSED UTILITY TOWER TOWER
(Symbol)	EXISTING POWER TOWER TOWER
(Symbol)	PROPOSED POWER TOWER TOWER
(Symbol)	EXISTING WATER TOWER TOWER
(Symbol)	PROPOSED WATER TOWER TOWER
(Symbol)	EXISTING SEWER TOWER TOWER
(Symbol)	PROPOSED SEWER TOWER TOWER
(Symbol)	EXISTING DRAINAGE TOWER TOWER
(Symbol)	PROPOSED DRAINAGE TOWER TOWER
(Symbol)	EXISTING EROSION TOWER TOWER
(Symbol)	PROPOSED EROSION TOWER TOWER
(Symbol)	EXISTING VEGETATION TOWER TOWER
(Symbol)	PROPOSED VEGETATION TOWER TOWER
(Symbol)	EXISTING OPEN SPACE TOWER TOWER
(Symbol)	PROPOSED OPEN SPACE TOWER TOWER
(Symbol)	EXISTING WATER BODY TOWER TOWER
(Symbol)	PROPOSED WATER BODY TOWER TOWER
(Symbol)	EXISTING ROADWAY TOWER TOWER
(Symbol)	PROPOSED ROADWAY TOWER TOWER
(Symbol)	EXISTING TRAILWAY TOWER TOWER
(Symbol)	PROPOSED TRAILWAY TOWER TOWER
(Symbol)	EXISTING FENCE LINE TOWER TOWER
(Symbol)	PROPOSED FENCE LINE TOWER TOWER
(Symbol)	EXISTING UTILITY TOWER TOWER TOWER
(Symbol)	PROPOSED UTILITY TOWER TOWER TOWER
(Symbol)	EXISTING POWER TOWER TOWER TOWER
(Symbol)	PROPOSED POWER TOWER TOWER TOWER
(Symbol)	EXISTING WATER TOWER TOWER TOWER
(Symbol)	PROPOSED WATER TOWER TOWER TOWER
(Symbol)	EXISTING SEWER TOWER TOWER TOWER
(Symbol)	PROPOSED SEWER TOWER TOWER TOWER
(Symbol)	EXISTING DRAINAGE TOWER TOWER TOWER
(Symbol)	PROPOSED DRAINAGE TOWER TOWER TOWER
(Symbol)	EXISTING EROSION TOWER TOWER TOWER
(Symbol)	PROPOSED EROSION TOWER TOWER TOWER
(Symbol)	EXISTING VEGETATION TOWER TOWER TOWER
(Symbol)	PROPOSED VEGETATION TOWER TOWER TOWER
(Symbol)	EXISTING OPEN SPACE TOWER TOWER TOWER
(Symbol)	PROPOSED OPEN SPACE TOWER TOWER TOWER
(Symbol)	EXISTING WATER BODY TOWER TOWER TOWER
(Symbol)	PROPOSED WATER BODY TOWER TOWER TOWER
(Symbol)	EXISTING ROADWAY TOWER TOWER TOWER
(Symbol)	PROPOSED ROADWAY TOWER TOWER TOWER
(Symbol)	EXISTING TRAILWAY TOWER TOWER TOWER
(Symbol)	PROPOSED TRAILWAY TOWER TOWER TOWER
(Symbol)	EXISTING FENCE LINE TOWER TOWER TOWER
(Symbol)	PROPOSED FENCE LINE TOWER TOWER TOWER
(Symbol)	EXISTING UTILITY TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED UTILITY TOWER TOWER TOWER TOWER
(Symbol)	EXISTING POWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED POWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING WATER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED WATER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING SEWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED SEWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING DRAINAGE TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED DRAINAGE TOWER TOWER TOWER TOWER
(Symbol)	EXISTING EROSION TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED EROSION TOWER TOWER TOWER TOWER
(Symbol)	EXISTING VEGETATION TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED VEGETATION TOWER TOWER TOWER TOWER
(Symbol)	EXISTING OPEN SPACE TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED OPEN SPACE TOWER TOWER TOWER TOWER
(Symbol)	EXISTING WATER BODY TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED WATER BODY TOWER TOWER TOWER TOWER
(Symbol)	EXISTING ROADWAY TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED ROADWAY TOWER TOWER TOWER TOWER
(Symbol)	EXISTING TRAILWAY TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED TRAILWAY TOWER TOWER TOWER TOWER
(Symbol)	EXISTING FENCE LINE TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED FENCE LINE TOWER TOWER TOWER TOWER
(Symbol)	EXISTING UTILITY TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED UTILITY TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING POWER TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED POWER TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING WATER TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED WATER TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING SEWER TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED SEWER TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING DRAINAGE TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED DRAINAGE TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING EROSION TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED EROSION TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING VEGETATION TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED VEGETATION TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING OPEN SPACE TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED OPEN SPACE TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING WATER BODY TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED WATER BODY TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING ROADWAY TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED ROADWAY TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING TRAILWAY TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED TRAILWAY TOWER TOWER TOWER TOWER TOWER
(Symbol)	EXISTING FENCE LINE TOWER TOWER TOWER TOWER TOWER
(Symbol)	PROPOSED FENCE LINE TOWER TOWER TOWER TOWER TOWER

SCALE: 1" = 100' (VERTICAL SCALE 1" = 20')
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 DATE: JULY 1954

ARMSTRONG-HARRIS & CO., INC.
 100 STATE STREET, NEWTON, MASSACHUSETTS
 U.S. GOVERNMENT PRINTING OFFICE: 1954 O-548,500

JACKSON MILL'S DAM
NASHUA, N.H.
RECONNAISSANCE REPORT
HYDROELECTRIC FEASIBILITY
JACKSON MILL'S DAM
PLAN OF ADJUTING LAND

§ 4.106 Standard terms and conditions of exemption from licensing.

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

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

(c) Article 3. The Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for those purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for those purposes has not been obtained within one year from the date on which this exemption was granted.