

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

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Jay Boeri, Jr.

Project No. 7373-009
Vermont

ORDER AMENDING LICENSE AND APPROVING AS-BUILT EXHIBITS

(Issued April 27, 1995)

Jay Boeri, Jr., licensee for the Martinsville Upper Project, FERC No. 7373, filed as-built exhibits A, F, and G on May 25, 1994, and supplemented the filing on September 14, 1994. Article 24 of the license¹ requires the licensee to file as-built exhibits within 90 days of completion of the project. Although the project was completed by 1987, the Commission never approved the as-built exhibits at that time. The licensee filed a new set of exhibits to correct this matter.

Background

In the December 28, 1984, Order Issuing License, the Commission authorized Mr. Boeri to construct, operate, and maintain the Martinsville Upper Project on the Lulls Brook in Windsor County, Vermont. The project was to consist of a concrete gravity dam with 4-foot-high flashboards, an intake structure, a 390-foot-long wood-stave penstock leading to a 100-foot-long steel penstock, a powerhouse, and a short transmission line. The powerhouse was to contain two horizontal shaft Francis turbines connected to two induction generators with rated capacities of 50 kW and 200 kW.

The project began commercial operation in December 1986. In June 1987, an engineer from the Commission's New York Regional Office performed the final construction inspection of the Martinsville Upper Project. The engineer's final construction report indicated that the project's dam was approximately 20 feet upstream and the powerhouse was approximately 60 feet downstream from the locations authorized in the license. Also, the report indicated that the licensee installed two Ossberger turbines instead of the authorized Francis turbines. The Ossberger turbines are each connected to an induction generator with a rated capacity 125 kW, for a total installed capacity of 250 kW.

Prior to the inspection, the licensee notified federal and state fish and wildlife agencies concerning the changes to the project features. By letter dated April 29, 1987, the Vermont Agency of Environmental Conservation stated that they

did not consider the changes to be significant. By letter dated August 25, 1987, the U.S. Fish and Wildlife Service stated that they have no objection to the changes in location of the project facilities.

As-Built Exhibits

As requested by the Commission's staff in a letter dated April 6, 1994, Mr. Boeri filed a new set of as-built exhibits A, F, and G. The exhibits show the constructed configuration of the Martinsville Upper Project. In particular, the exhibits describe the actual location of the project's dam and powerhouse, and the installed Ossberger turbines.

The Commission's staff reviewed the effects of the changes to the project's features. The dam and powerhouse were constructed on exposed bedrock that underlies Lulls Brook. The penstock is positioned along a steep, wooded embankment between U.S. Route 5 and Lulls Brook. Staff finds that the slight relocation of the dam and powerhouse should not affect the visual impacts of the project. Also, there are no anadromous fish in Lulls Brook. Subsequently, the change in the type of turbines should not significantly increase fish mortality.

Staff finds that the environmental impacts of the constructed project are similar to those of the project authorized in the license. Therefore, staff agrees with the conclusions from the Vermont Agency of Environmental Conservation's April 29, 1987, letter, and U.S. Fish and Wildlife Service's August 25, 1987, letter, that the changes are not significant.

This order approves the as-built exhibits and amends the project description in the license to describe the constructed configuration of the project features. This order does not change the installed capacity of the project or alter the Commission's annual charges for administration of Part I of the Federal Power Act.

The Director orders:

(A) The following exhibits filed on May 25, 1994, and supplemented on September 14, 1994, are approved and made part of the license:

Exhibit A: Pages 1 and 2 of the submittal entitled: "Martinsville Hydro, Project 7373-000 VT, Exhibit A: Project Description." This filing supersedes the exhibit A approved in the December 28, 1984, Order Issuing License.

¹ 29 FERC ¶62,399, issued December 28, 1984.

EXHIBIT	FERC NO.	TITLE	SUPERSEDED/ DELETED
F-1	7373-5	Site Plan	7373-1 ✓
F-2	7373-6	Dam & Intake Works	7373-2 ✓
F-3	7373-7	Powerhouse Plan	7373-2 ✓
F-4	7373-8	Powerhouse Plan & Details	7373-2 ✓
F-5	7373-9	Turbine/Generator Plan	7373-2 ✓
G-1	7373-10	Project Site Plan & Profile Features	7373-3 ✓

(B) The project description in ordering paragraph (B) (2) of the license is revised to read:

(2) Project works consisting of: (a) a 15-foot-high, 49-foot-long concrete gravity dam with 4-foot-high flashboards along a 37-foot-long spillway section of the dam; (b) a small impoundment with negligible storage capacity at normal maximum water surface elevation of 547.5 feet mean sea level; (c) an intake structure at the west side of the dam; (d) a 3-foot-diameter, 455-foot-long wood-stave penstock section leading to a 3-foot-diameter, 100-foot-long steel penstock section; (e) a powerhouse, approximately 26 feet long and 14 feet wide containing two 125-kw generating units; (f) 0.48-kv generator leads, a 0.48/12.47-kv transformer, and a 75-foot-long, 12.47-kv transmission line that ties into an existing distribution line; and (g) appurtenant facilities.

(C) Within 90 days of the issuance date of this order, the licensee shall file an original and two duplicate aperture cards of the approved drawings. The originals should be reproduced on silver or gelatin 35 mm microfilm. The duplicates are copies of the originals made on Diazo-type microfilm. All microfilm should be mounted on a Type D (3 1/4" x 7 3/8") aperture card.

Prior to microfilming, the FERC Drawing Number (7373-5 through 7373-10) shall be shown in the margin below the title block of the approved drawings. After mounting, the FERC Drawing Number should be typed in the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (F-1 through G-1), drawing title, and date of this order should be typed on the upper left corner of each aperture card.

The original and one duplicate set of aperture cards should be filed with the Secretary of the Commission. The remaining duplicate set of aperture cards should be filed with the Commission's New York Regional Office.

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

Joseph A. Morgan
 J. Mark Robinson
 Director, Division of Project
 Compliance and Administration