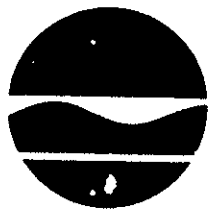


Dex 401



Robert F. Flacke
Commissioner

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

October 30, 1981

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

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

Dear Secretary Plumb:

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

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

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

1. Water Quality

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

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

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

2. Fish Passage

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

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

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

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

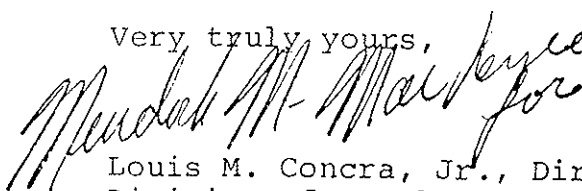
Kenneth Plumb, Secretary

3.

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

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

Very truly yours,

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

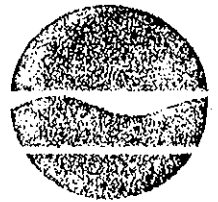
Louis M. Concra, Jr., Director
Division of Regulatory Affairs

LMC/MMK:ssf

cc: Mark Quallen ✓
Fred Springer

Dexter 40.5.1

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



Robert F. Flacke
Commissioner

May 19, 1980

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

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

Dear Mr. Quallen:

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

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

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

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

Mr. Mark E. Quallen

2.

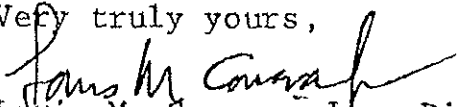
- III. The following requirements, which shall become conditions on any Federal Energy Regulatory Commission (FERC) license for the Dexter Project, pursuant to Section 401(d) of the Act, are complied with:
- a. Copies of any environmental and/or dam safety reports which HDG submits to any federal, state, or local agency shall also be submitted concurrently to DEC.
 - b. All reports which HDG provides to DEC pursuant to this certificate shall be submitted to the Director of Regulatory Affairs in Albany and to the Regional Supervisor of Regulatory Affairs in Watertown.
 - c. DEC reserves the right to require the Hydro Development Group to implement temporary modifications to the project, if required by emergencies beyond the control of the licensee, to assure the protection of the quality of the water and its biota. The DEC also reserves the right to require the Hydro Development Group to prepare studies and make whatever reasonable modifications are necessary to alleviate any future adverse impacts upon the resource that can be directly attributed to the existence and operation of the project.
- IV. The Hydro Development Group shall, as directed by the DEC, construct and maintain such fish passage facilities and comply with such reasonable modifications to the operation of the project as may be required to assure the conservation and development of fish and wildlife resources that have been identified with this project.

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

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

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

Very truly yours,


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

cc: K. Plumb, J. Kenna.

NEGATIVE DECLARATION

Notice of Determination of No Significance

January 28, 1980

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

Description of Action

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

Location

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

Reasons for Determination

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

Identification Number

#623-06-0252

For Further Information Contact

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


Terence P. Curran, Director
Division of Regulatory Affairs

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

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

APR -5 1994

401.S.1



Langdon Marsh
Acting Commissioner

April 4, 1994

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

RE: Water Quality Certifications

Dear Mr. Quallen:

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

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

Sincerely yours,

C. Randy Vaas
Regional Supervisor of
Regulatory Affairs
Region 6

CRV:dmt