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OFFICE OF THE SECRETARY  
United States Department of the Interior  
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OFFICE OF THE SECRETARY  
Office of Environmental Project Review  
REGULATORY  
15 State Street  
Boston, Massachusetts 02109

ER-R1/2337

December 15, 1981

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

Dear Mr. Plumb:

The Department of the Interior has reviewed the October 23, 1981, Notice of Application by Hydro Development Group, Incorporated, for an exemption from licensing the proposed High Falls Project (Project No. 3754) located on the Deer River in the Town of Denmark, Lewis County, ~~New York.~~

The proposed High Falls Project would consist of an existing concrete gravity type dam, an existing reservoir having negligible storage capacity, new headgates and trash racks, a new penstock, an existing powerhouse with new generating units, a new transmission line, and appurtenant facilities.

#### Cultural and Historical Resources

Based on the limited information contained in the application notice, it does not appear that exempting this project from licensing will adversely impact any programs of the National Park Service, provided there are no significant changes in the existing project works or operations that would appreciably alter present water levels or flow patterns. The project should also be reviewed by the State Historic Preservation Officer (SHPO) for a determination of possible impacts to existing or potential cultural resources. The review should include an assessment of the historical engineering importance of the High Falls Project, whose development dates back to the turn of the century. The SHPO for New York is Mr. Orin Lehman, Commissioner, Parks and Recreation, Agency Building #1, Empire State Plaza, Albany, New York 12238.

#### Fish and Wildlife Resources

Fishery resources, in the vicinity of the proposed project, consist primarily of smallmouth bass, rock bass, and yellow perch.

FEDERAL ENERGY REGULATORY COMMISSION  
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Except for occasional transient species, 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 U.S. Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of federally listed endangered and threatened species in New York is enclosed for your information.

The following comments are submitted pursuant to the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The proposed High Falls Project would have no significant adverse impact on existing fish and wildlife resources. Therefore, the U.S. Fish and Wildlife Service has no objection to the issuance of the proposed exemption provided the following terms and conditions, pursuant to Section 30(c) of the Federal Power Act, and Section 408 of the Energy Security Act, are stipulated in any exemption order issued by the Federal Energy Regulatory Commission for Project No. 3754:

1. The Exemptee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operations, as may be ordered by the Federal Energy Regulatory Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.
2. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Exemptee shall permit the United States or its designated agency to use, free of cost, such of the Exemptee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Exemptee shall modify the project operations as may be reasonably prescribed

by the Federal Energy Regulatory Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this condition. This condition shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Exemptee of any obligation under this license.

3. So far as is consistent with proper operation of the project, the Exemptee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Exemptee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: Provided, that the Exemptee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Sincerely,



William Patterson  
Regional Environmental Officer

Enclosure

FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES  
IN NEW YORK

Common Name	Scientific Name	Status	Distribution
<b>FISHES:</b>			
Cisco, longjaw	<u>Coregonus alpenae</u>	E	Lake Erie-probably extinct
Pike, blue	<u>Stizostedion vitreum</u> <u>glaucum</u>	E	Deep water of Lake Erie & Lake Ontario - probably extinct
Sturgeon, shortnose*	<u>Acipenser brevirostrum</u>	E	Hudson River and other Atlantic Coastal rivers
<b>REPTILES:</b>			
Turtle, green*	<u>Chelonia mydas</u>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<u>Eretmochelys imbricata</u>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<u>Dermochelys coriacea</u>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<u>Caretta caretta</u>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<u>Lepidochelys kempi</u>	E	Oceanic summer resident coastal waters
<b>BIRDS:</b>			
Eagle, bald	<u>Haliaeetus leucocapalus</u>	E	Entire state
Falcon, American peregrine	<u>Falco peregrinus anatum</u>	E	Entire state - re-establishment to former breeding range in progress
Falcon, Arctic	<u>Falco peregrinus tundrius</u>	E	Entire state migratory - no nesting
<b>MAMMALS:</b>			
Bat, Indiana	<u>Myotis sodalis</u>	E	Entire state
Cougar, eastern	<u>Felis concolor cougar</u>	E	Entire state - probably extinct
Whale, blue*	<u>Balaenoptera musculus</u>	E	Oceanic
Whale, finback*	<u>Balaenoptera physalus</u>	E	Oceanic
Whale, humpback*	<u>Megaptera novaeangliae</u>	E	Oceanic
Whale, right*	<u>Eubalaena spp. (all species)</u>	E	Oceanic
Whale, sei*	<u>Balaenoptera borealis</u>	E	Oceanic
Whale, sperm*	<u>Physeter catodon</u>	E	Oceanic

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

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

Common Name	Scientific Name	Status	Distribution
<u>MOLLUSKS:</u>			
Snail, chittenango ovate spher	<u>Succinea ovalis</u> <u>chittenangoensis</u>	T	Madison County
<u>PLANTS:</u>			
Monkshood, northern wild	<u>Aconitum noveboracense</u>	T	Ulster County