

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Tannery Island Hydroelectric Project)

Project No. 4908-011

ORDER AMENDING EXEMPTION AND APPROVING AS-BUILT EXHIBITS B & G

MAY 13 1997

Mary Jane Ruderman, the exemptee, for the Tannery Island Hydroelectric Project, FERC No. 4908, has submitted as-built exhibits B and G to the Commission for approval. The project is located on the Black River in the Village of Carthage, Township of Wilma, in Jefferson County, New York.

BACKGROUND

The exemption, issued by operation of law on June 7, 1982, approves two powerhouses with 5 generating units for a total generating capacity of 3,650-kW, and an authorized hydraulic capacity of 3,532 cfs. The exemptee's submittal of as-built exhibits contained several differences from the authorized project features as follows:

- The omission of a second powerhouse containing one 2,450-kW generating unit.
- The installation of 5 generating units in powerhouse no. 1 with a combined rated generating capacity of 1,500 kW at best gate, rather than the authorized 4 generating units with a combined rated capacity of 1,200 kW.
- The reduction in the projects hydraulic capacity to 1,865 cfs, rather than the authorized hydraulic capacity of 3,532 cfs.

On November 28, 1995, the exemptee supplemented the filing of the as-built drawings with a request to amend the project to include the seasonal use of 1-foot-high flashboards from April 15 (at the earliest) until December 17 (at the latest). The filing was supplemented by additional information filed January 4, 1996, June 23, 1996, and January 6, 1997. Proof was submitted that the 1-foot-high flashboards existed previously, and would not raise the project impoundment above historical levels.

AGENCY CONSULTATION

The exemptee consulted with the New York State Department of Environmental Conservation (NYDEC) and the U.S. Fish and Wildlife Service (USFWS) on its proposed amendment application. By letter dated November 14, 1995, the NYDEC states it does not object to

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the proposed amendment. By letter dated December 18, 1996, the USFWS indicates that it does not object to the proposed amendment and suggests certain measures be followed regarding the release and measurement of minimum flows during periods when the flashboards are removed. By letter dated January 6, 1997, the exemptee states it agrees with the USFWS's December 18, 1996 letter.

In a letter dated January 22, 1997, the Commission requested concurrence from the New York State Historic Preservation Officer (SHPO) of its determination pursuant to section 106 of the National Historic Preservation Act. The SHPO concurred with the Commission's "no effect" determination in a letter dated February 11, 1997.

PUBLIC NOTICE

On August 8, 1996, the Commission published a public notice of the exemptee's amendment application. The comment period ended September 6, 1996. The Commission did not receive any comments, protests, or motions to intervene in response to the notice.

ENVIRONMENTAL DISCUSSION AND ANALYSIS

Standard article 2 of the exemption requires the exemptee to comply with terms and conditions specified by Federal and state fish and wildlife agencies to prevent loss of, or damage to, fish and wildlife resources. By letter dated April 9, 1982, the USFWS specified terms and conditions for the project. These terms and conditions require, among other things, the exemptee to operate the project in a run-of-river mode and, when adequate flows exist, to provide excess flow over the project spillway. There are no minimum flow requirements in the project's terms and conditions.

In its application, the exemptee proposes to fully comply with the project's terms and conditions while the proposed flashboards are installed. In addition, the exemptee identifies its plans to implement certain measures to monitor compliance with NYDEC minimum flow requirements. To monitor compliance during non-flashboard periods, the exemptee plans to validate and verify the crest elevations of Big and Little Spicer dams and the accuracy of existing pond level sensor readings. Further, the exemptee plans to prepare a report of its findings and other information for submission to the USFWS. Finally, the exemptee plans to install a well-marked staff gage to monitor reservoir elevations. The exemptee plans to install the staff gage on the abutment of a bridge in the impoundment of the reservoir.

An environmental assessment (EA) was completed for the proposed action in March 1997.^{1/} The EA found that the above measures would assist the exemptee in achieving compliance with exemption operating requirements, including the required run-of-river operation. For this reason, the EA recommends and the order requires the exemptee file with the Commission a copy of the proposed report to the USFWS and a plan to complete the above measures. The plan should include all the information specified in ordering paragraph (D) of this order.

The EA concludes the installation, removal, and operation of the proposed flashboards would not adversely affect environmental resources in the project area. Further, the EA finds the seasonal flashboards would not affect the exemptee's compliance with the terms and conditions for the exemption. The exemptee will maintain project operations in accordance with exemption requirements. The EA finds that the seasonal flashboards would allow the exemptee to meet NYDEC minimum flow requirements and better protect aquatic resources downstream of the project.^{2/} Given this information, the EA concludes approval of the proposed action would not constitute a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The project consists of:

(1) All lands, to the extent of the exemptee's interests in those lands, enclosed by the project boundary shown by exhibit B:

<u>Exhibit</u>	<u>FERC No.</u>	<u>Title</u>
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B-1	4908-5	General Location Map
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(2) Project works consisting of: (a) Tannery Dam "A", a 14-foot-high, 125-foot-long timber crib dam with concrete cap; Dam "B", also known as Little Spicer Dam, a 6-foot-

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- 1/ Environmental Assessment completed in March 1997 for Application for Amendment of Exemption filed November 28, 1995 for the Tannery Island Project, FERC No. 4908-011. Supplemental information was filed on January 4 and June 28, 1996, and January 6, 1997. A copy of the EA is attached to this order.
- 2/ In its state permit requirements for the project, the NYDEC requires the exemptee to release certain minimum flows over the project dams. These requirements are not part of the project's terms and conditions.

high, 115-foot-long concrete gravity dam; (c) Dam "C", also known as Big Spicer Dam, a 6-foot high, 290-foot-long concrete gravity dam; (d) a reservoir having a surface area of 8.5 acre, and a storage capacity of approximately 60 acre-feet; (e) a forebay with trash racks; (f) a 50-foot-long X 36.5-foot-wide open flume type powerhouse structure containing 5 Flygt submersible-type turbine/generators having a best gate generating capacity of 1500 kW, a maximum generating capacity of 1875 kW at 15.8 feet net head, and a maximum hydraulic capacity of 1,865 cfs; (g) a control building; and (h) appurtenant facilities.

The project works generally described above are more specifically described in exhibit A of the amendment application, as supplemented by the January 4, 1996 filing, and shown by the following exhibit G drawings:

<u>Exhibit</u>	<u>FERC No.</u>	<u>Title</u>
G-1	4908-1	Site Plan
G-2	4908-2	Spicer Dam Elevations and Sections
G-3	4908-3	Tannery Dam Elevations and Sections
G-4	4908-4	Powerhouse Plan and Sections

(B) Exhibit A, B, and G, as described in Ordering Paragraph (A) are approved and made part of the exemption for the Tannery Island Project.

(C) Within 90 days of the date of issuance of this order, the exemptee shall file three original aperture cards of the approved exhibit B & G drawings. The originals should be reproduced on silver or gelatin 35mm microfilm. All microfilm should be mounted on type D (3 1/4" x 7 3/8") aperture cards.

Prior to microfilming, the FERC Drawing Number (4908-1 through 4908-5) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number should be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC exhibit (i.e. G-1 through G-4, B-1), Drawing Title, and date of this order should be typed on the upper left corner of each aperture card. See Figure 1.

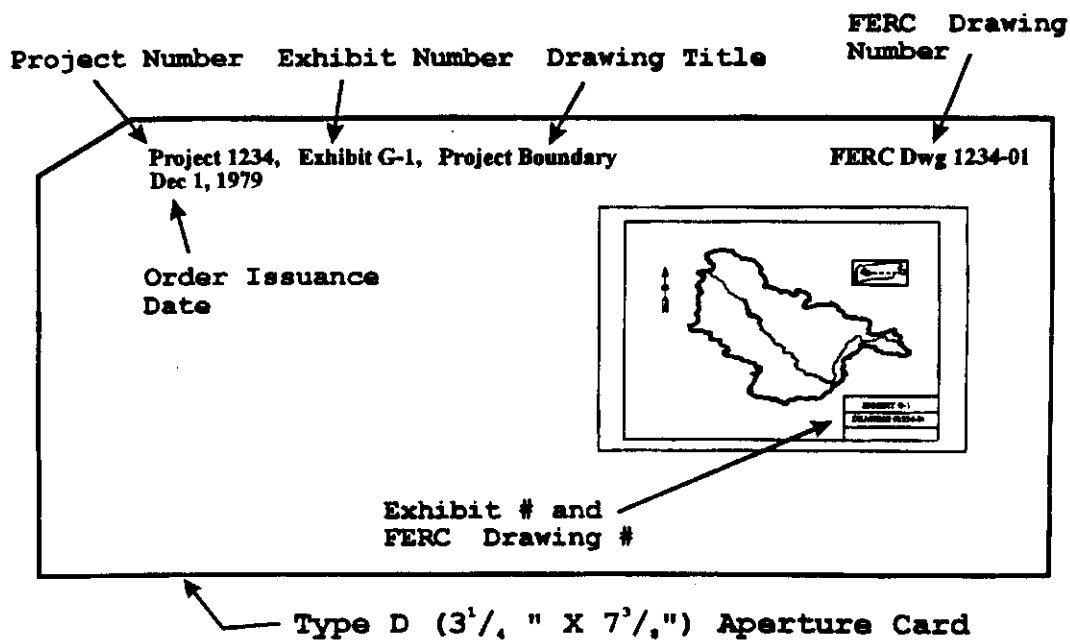


Figure 1. Sample Aperture Card Format

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

(D) Within 90 days from the issuance date of this order, the exemptee shall file with the Commission a plan to monitor compliance with the project's run-of-river requirement. The required plan shall address implementation of the specific measures identified in the text of this order.

Specifically, the plan shall include the following:

- (1) a description of the planned location of the staff gage;
- (2) a schedule for installation of the staff gage;
- (3) a schedule for providing the Commission a copy of the planned report to the U.S. Fish and Wildlife Service; and
- (4) provisions and appropriate implementation schedules addressing the following:
 - (a) the establishment of a bench mark for installation of the gage.
 - (b) calibration and re-calibration of the staff gage, including the qualifications of the individual who

- will calibrate the gage;
- (c) the development of a rating curve or table for the gage;
- (d) reading and maintaining the gage;
- (e) reporting of possible run-of-river violations; and
- (f) replacement and re-calibration if the gage is damaged.

The filing shall include documentation of consultation with the U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation on the required plan. The exemptee must allow the agencies a minimum of 30 days to provide comments on the plan. If the agencies do not reply, the filing shall include a copy of the exemptee's written request to the agencies. If the agencies reply, the filing shall include a copy of the agencies comments and the exemptee's responses to any specific comments or recommendations on the required plan.

(E) The Commission reserves the right to require changes to the plan required under paragraph (D) based on the information provided.

(F) The licensee shall notify the Commission of any future proposed changes in the project prior to implementing them.

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



Kevin P. Madden
Acting Director
Office of Hydropower Licensing