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UNITED STATES OF AMERICA
 JUN 30 1980 FEDERAL ENERGY REGULATORY COMMISSION

FEDERAL ENERGY
 REGULATORY COMMISSION
 Northwestern Wisconsin
 Electric Company

Project No. 2894

ORDER ISSUING LICENSE (MINOR)

(Issued January 22, 1980)

On December 18, 1978, Northwestern Wisconsin Electric Company (Applicant) filed an application for a minor license for a hydroelectric project to be known as the Black Brook Dam Project, FERC No. 2894. 1/ The project will be located on the Apple River, a navigable waterway of the United States, 2/ near the town of Amery in Polk County, Wisconsin.

Project Description

The project would utilize the existing Black Brook Dam, presently owned by Polk County, comprising a 131-foot-long and 32-foot-high gravity dam structure, which includes a 26-foot-wide overflow section, and three 12-foot-high gated spillway sections. New generating facilities would be built on top of the existing wheel house structure. It is understood that the original generating facilities were in operation until about 1967, and subsequently removed. The existing dam and powerhouse sections were built about 1917. The existing reservoir extends about two miles upstream of the dam and has a surface area of approximately 98 acres.

The proposed hydroelectric generating facilities would consist of two vertical shaft turbine-generator units with a total rated capacity of 650 kW. A step-up transformer substation would be constructed near the powerhouse.

Power generated at the project would be transmitted by the Applicant to the Dairyland Power Cooperative to be credited against the Applicant's purchases from the Cooperative.

1/ Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under Section 3.5(g) of the Commission's regulations 18 CFR 3.5(g), as amended in Docket No. RM78-19 (August 14, 1978) and in Docket No. RM79-59 (July 23, 1979)].

2/ See, Order Ruling on Declaration of Intention, (February 13, 1978), Docket No. E-9586

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A financial feasibility study of the project, based on the estimated alternative cost of equivalent power from a coal-fired steam electric plant, indicated that the project is economically feasible.

The project's average annual generation would be 1,791,000 KWh. The energy produced would represent annual savings equivalent to approximately 2,900 barrels of oil or 800 tons of coal.

Safety and Adequacy

The project dam was inspected on August 22, 1979, and was found to be in satisfactory condition. Project structures have been checked for stability under various combinations of normal pool, ice and earthquake loadings and the 100-year flood. All structures were found to be safe against sliding and overturning. The 100-year and 500-year floods at the dam were estimated to be 1,640 cfs and 2,040 cfs, respectively. Because the spillway can pass a flow in excess of 4,500 cfs, the spillway capacity is considered adequate. The dam, which has been in existence for some 62 years, is considered safe for continued operation.

Public Notice and Agency Comments

Public notice of the filing of the application was given in accordance with the Act. No protests were received. Intervention was granted to the Wisconsin Department of Natural Resources (WDNR), which did not oppose the issuance of a license.

As part of its application, Applicant filed letters of comment from the WDNR, the State Historical Society of Wisconsin and the U.S. Fish and Wildlife Service (FWS). The WDNR waived certification of the project pursuant to Section 401(a) of the Federal Water Pollution Control Act. None of the agencies opposed issuance of a license for the project.

The United States Department of the Interior (Interior) and the U.S. Army Corps of Engineers also filed letters of comment on the application. Neither agency opposed issuance of a license for the project.

The FWS, concurring with the suggestion of WDNR, suggested that reservoir fluctuations be held to a minimum to protect fish, wildlife and recreational interests upstream from the dam. Applicant proposes to limit the variation in pool elevation to a maximum of 1.13 feet (i.e. between elevations of 96.24 and 97.37 feet), except during times of heavy rains, drought or as required by State or Federal orders. Applicant's proposal satisfies the concerns of the FWS and the WDNR.

The FWS and the WDNR also commented concerning minimum flow releases from the project dam. Wisconsin state law requires that

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at least twenty-five percent of base flow in a stream be allowed to pass through a dam at all times. Discussions with the Applicant and WDNR indicate that neither party is presently able to quantify the term "base flow" as it relates to the Apple River at the project site. This concern is provided for by Articles 9 and 22 of the license. Together, these articles would allow for the determination and implementation of a minimum flow release schedule appropriate to protect downstream fish, wildlife, and recreational interests.

FWS also recommended that existing boat access and picnic/campground facilities, located downstream of the Black Brook Dam and outside the project boundary, be expanded for greater public use. Interior stated that project lands and waters are of sufficient importance for preparation of an Exhibit R, and proposed the establishment and maintenance of an access road, parking facilities, and a boat access area. Interior based these recommendations on recreational proposals in the Wisconsin State Comprehensive Outdoor Recreation Plan. The Commission's regulations do not require an Exhibit R for a minor project, and including a recreational development plan for a minor project would be highly unusual. Commission staff has reviewed existing public access areas and recreational development in the project vicinity and advise that they meet current recreational needs at the project. A special article, Article 26 below, is included to require the licensee to cooperate with Polk County in maintaining existing recreational facilities and access areas at the project, including improvement of the existing boat ramp.

Because of the relatively small size of the project reservoir and the facts that recreational facilities and access areas are already available at the existing reservoir and adequately satisfy present recreational demand, it is concluded that the extraordinary step in preparing an Exhibit R for this minor project is not necessary. Nevertheless, the FWS underlying concerns about development to meet future recreational demand normally covered in an Exhibit R for a major project, are generally addressed by special Article 23. That article requires the licensee to develop any reasonable recreational facilities and make reasonable modifications of the project, as the Commission may find on its own motion or the recommendation of the Department of the Interior or other interested federal or state agency.

Conclusions

The installation of generating facilities at the existing Black Brook Dam site would not materially disturb the existing soil, vegetation, or fish and wildlife resources. Operation of the facility would impart only minor changes to the environment and recreational opportunities in the project vicinity. On the basis of agency comments and the Commission Staff's independent

analysis, it is concluded that issuance of this license is not a major federal action significantly affecting the quality of the human environment. A review of the Federal Power Commission 3/ Planning Status Report for the St. Croix River Basin revealed no existing or potential hydroelectric projects on the Apple River upstream of the Black Brook Dam. The Black Brook Dam Project is not in conflict with any existing or potential development of the Apple River and will make good use of the flow and fall of the river. It is concluded therefore, that it would be best adapted to a comprehensive plan for developing the Apple River for beneficial public uses.

The License for this project is issued for a period of 40 years effective the first day of the month in which the license is issued.

It is ordered that:

(A) This license is issued to Northwestern Wisconsin Electric Company of Grantsburg, Wisconsin, for a period effective January 1, 1980, and terminating December 31, 2020, for the construction, operation, and maintenance of the Black Brook Dam Project No. 2894, located on the Apple River, a navigable water of the United States, in Polk County, Wisconsin. This license is subject to the terms and conditions of the Federal Power Act, insofar as not expressly waived here, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(B) This project consists of:

(1) All lands consisting of the project area and enclosed by the project boundary, to the extent of the Licensee's interest in those lands. The project area and the project boundary are shown and described by a certain Exhibit K drawing, FERC No. 2894-1, which also forms part of the application for license.

(2) Project works consisting of: (a) a 131-foot-long concrete gravity dam structure, 32 feet in height to the crest of a 26-foot-wide overflow spillway section; (b) a powerhouse containing two vertical-shaft turbine-generator units with a total capacity of 650 kW; (c) a 98-acre reservoir with a gross storage capacity of 1,220 acre-feet, extending about two miles upstream of the dam; (d) transmission facilities consisting of (i) generator leads and bus, and (ii) the 13.8-kV substation facilities and underground three phase power line extending approximately 1-1/4 miles to the Northern States Power Company's 69 kV power line; and (f) appurtenant facilities.

3/ The predecessor agency to the Federal Energy Regulatory Commission

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The location, nature, and character of these project works are more specifically shown and described by the exhibit cited above and by the following exhibit which also forms part of the application for license:

<u>Exhibit L, Sheet</u>	<u>FERC No. 2894</u>	<u>Showing</u>
L-1	-2	Plan and South Elevation View
L-2	-3	Sections of Gates and Spillway
L-3	-4	Powerhouse and North Elevation View

(3) All of the structures, fixtures, equipment, or facilities used or useful in the maintenance and operation of the project and located in the project area, all portable property which may be employed in connection with the project, located on or off the project area, as approved by the Commission, and all riparian or other rights, that are necessary or appropriate in the maintenance or operation of the project.

(C) The Exhibits K and L designated and described above in ordering paragraph (B) are approved and made a part of the license.

(D) Pursuant to Section 10(i) of the Federal Power Act, it is in the public interest to waive the following sections of Part I of the Act, and they are excluded from the license:

4(b), except the second sentence relating to free access by the Commission or its agents to the project works and project records; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 11; 12; 14, except insofar as the power of condemnation is reserved; 15; 16; 18, except as it relates to fishways; 19; 20; and 22.

(E) This license is also subject to the terms and conditions designated Articles 1 through 19 in Form L-14, entitled "Terms and Conditions of License for Unconstructed Minor Project Affecting Navigable Waters of the United States," attached to and made a part of this license. This license is also subject to these additional special terms and conditions:

Article 20. For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, the Licensee shall pay the United States, effective the first day of the month in which this license is issued, a reasonable annual charge as determined by the Commission in accordance with the provisions of its regulations in effect from time to time. The authorized installed capacity for that purpose is 867 horsepower.

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Article 21. The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate any signs, lights, buoys, sirens, barriers, or other safety devices that may reasonably be needed to warn the public of fluctuations in flow from the project and to protect the public in its recreational use of the project lands and waters.

Article 22. The Licensee shall, in cooperation and consultation with the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources, conduct a study to determine a schedule of minimum flows to be released downstream of the Black Brook Dam Project for the purpose of protecting fish and wildlife and recreational interests downstream, and, within one year of the date of issuance of this order, shall file for approval a recommended schedule of minimum flow releases from the project.

Article 23. The Licensee shall, consistent with the primary purpose of the project, construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 24. Licensee shall file with the Commission within six months from the date of issuance of this order, implement, and modify when appropriate, an emergency action plan designed to provide an early warning to upstream and downstream inhabitants, property owners, and recreational users if there should be an impending or actual sudden release of water caused by an accident to, or failure of, project works. That plan shall include: instructions to be provided on a continuing basis to operators and attendants for actions they are to take in the event of an emergency; detailed and documented plans for notifying law enforcement agents, appropriate Federal, State, and local agencies, operators of water-related facilities, recreational users, and those residents and owners of properties that could be endangered; actions that would be taken to reduce the inflow to the reservoir, if possible, by limiting the outflow from upstream dams or control structures; and actions to reduce downstream flows by controlling the outflow from dams located on tributaries to the stream on which the project is located. Licensee shall also submit a summary of the study used as a basis for determining the areas that may be affected by an emergency, including criteria and assumptions used. Licensee shall monitor any changes in upstream or downstream conditions which may influence possible flows or affect areas susceptible to damage, and shall promptly make and file with the Commission

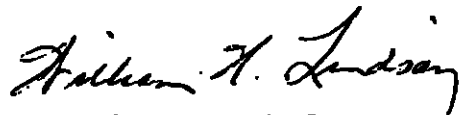
appropriate changes in the emergency action plan. The Commission reserves the right to require modifications to the plan.

Article 25. Subject to revision by Commission order, Licensee shall hold maximum reservoir pool fluctuations to 1.13 feet (i.e., between elevations of 96.24 and 97.37 feet m.s.l.), except during the times of heavy rains or drought or as required by State or Federal orders.

Article 26. The licensee shall cooperate with Polk County in maintaining the existing recreational facilities and public access areas at the project, including improving the existing boat ramp on the left bank of the reservoir in the vicinity of the County bridge that crosses the project reservoir.

(F) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance as provided in §1.7(d) of the Commission's regulations, 18 CFR 1.7(d) [as amended in Docket No. RM78-19 (August 14, 1978).] The filing of a petition appealing this order to the Commission or an application for rehearing as provided in Section 313(a) of the Act does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. The Licensee's failure to file a petition appealing this order to the Commission shall constitute acceptance of this license. In acknowledgement of this license and its terms and conditions, it shall be signed for the Licensee and returned to the Commission within 60 days from the date this order is issued.

(S E A L)



William W. Lindsay
Director, Office of Electric
Power Regulation

Form L-14
(October, 1975)

FEDERAL ENERGY REGULATORY COMMISSION

TERMS AND CONDITIONS OF LICENSE FOR UNCONSTRUCTED
MINOR PROJECT AFFECTING NAVIGABLE WATERS
OF THE UNITED STATES

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes

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made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised exhibits insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the exhibits approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variation in or divergence from the approved exhibits. Such revised exhibits shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2. hereof.

Article 4. The construction, operation, and maintenance of the project and any work incidental to additions or alterations shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of the project and for any subsequent alterations to the project. Construction of the project works or any feature or alteration thereof shall not be initiated until the program of inspection for the project works or any such feature thereof has been approved by said representative. The Licensee shall also furnish to said representative such further information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance

of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and oppor-

tunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 7. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 8. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 9. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the

interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 10. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 11. The Licensee 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 operation, as may be ordered by the 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 part thereof is located, after notice and opportunity for hearing.

Article 12. 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 Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee'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 Licensee shall modify the project operation as may be reasonably prescribed by the 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 article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 13. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee 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 Licensee 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.

Article 14. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 15. The Licensee shall consult with the appropriate State and Federal agencies and, within one year of the date of issuance of this license, shall submit for Commission approval a plan for clearing the reservoir area. Further, the Licensee shall clear and keep clear

to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. Upon approval of the clearing plan all clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 16. Material may be dredged or excavated from, or placed as fill in, project lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filling in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 17. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission

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may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 18. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 19. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

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JUN 30 1980

FEDERAL ENERGY
REGULATORY COMMISSION

Project No. 2894

IN TESTIMONY of its acknowledgment of acceptance of all of the terms and conditions of this Order, Northwestern Wisconsin Electric Company this 23rd day of June, 1980, has caused its corporate name to be signed hereto by Fred E. Dahlberg, its _____ President, and its corporate seal to be affixed hereto and attested by Frank N. Dahlberg, its _____ Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 23rd day of June, 1980, a certified copy of the record of which is attached hereto.

By Fred E. Dahlberg
President


Attest:

Frank N. Dahlberg
Secretary

NORTHWESTERN WISCONSIN ELECTRIC COMPANY

I, FRANK N. DAHLBERG, hereby certify that I am Secretary of Northwestern Wisconsin Electric Company and have possession of the minute books of said Company; that attached hereto is a true and complete copy of a resolution adopted by the Board of Directors of said Company on June 23, 1980, at a meeting duly convened in accordance with the Bylaws of the Company; that a quorum of directors attended said meeting and that said resolution was unanimously adopted; that said resolution has not been rescinded or modified and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary and have affixed the corporate seal of Northwestern Wisconsin Electric Company this 23rd day of June, 1980.


Secretary

NORTHWESTERN WISCONSIN ELECTRIC COMPANY

Resolution of Board of Directors
Adopted June 23, 1980

RESOLVED, by the Board of Directors of Northwestern Wisconsin Electric Company, that the Company accept the order of the Federal Energy Regulatory Commission issued January 22, 1980, including all the terms and conditions contained therein, issuing its license to Northwestern Wisconsin Electric Company to construct, operate and maintain the Black Brook Dam on the Apple River, Polk County, Wisconsin.

FURTHER RESOLVED, that the President or a Vice President of the Company acknowledge acceptance of the Federal Energy Regulatory Commission order by executing the FERC license and such other documents as may be necessary or appropriate to carry out the intent and purpose of this resolution.

FEDERAL ENERGY REGULATORY COMMISSION
DOCKETED

JUN 3 1980
[Signature]
DOCKET SECTION

FEDERAL POWER COMMISSION
INSTRUMENT FOLDER

FORMAL FILE COPY

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PROJECT NO. 2894

NORTHWESTERN WISCONSIN ELECTRIC COMPANY

LICENSE (MINOR)

EFFECTIVE: 1/1/80 TERMINATED: 12/31/20

THIS IS AN EXECUTED LICENSED PROJECT INSTRUMENT

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