

30 FERC 162, 944

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Little Rapids Corporation

)

Project No. 8015-000

ORDER GRANTING EXEMPTION FROM LICENSING OF A
SMALL HYDROELECTRIC PROJECT OF 5 MEGAWATTS OR LESS

(Issued March 27, 1985)

The Applicant 1/ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice. 2/ 3/

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and motions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and

-
- 1/ Little Rapids Corporation. Project No. 8015 filed on January 30, 1984.
- 2/ Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends inter alia, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§2705 and 2708).
- 3/ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations. 49 Fed. Reg. 29,369 (1984) (Bargia issued July 27, 1984), (to be codified at 18 C.F.R. §375.314). This order may be appealed to the Commission by any party within 30 days of its issuance pursuant to Rule 1902, 18 C.F.R. 385.1902, (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Red
FERC - DOCKETED

DC-A-15

MAR 27 1985

9503280471

-2-

conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption. 4/

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(A) Shawano Paper Mill Dam Project No. 8015 as described and designated in Little Rapids Corporation application filed on January 30, 1984, is exempted from all of the requirements of Part 1 of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations attached hereto as Form E-2, 18 C.F.R. §4.106 45 Fed. Reg. 76115 (November 18, 1980), and the following Special Article(s).

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 CFR 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant high hazard potential, as defined in 33 CFR Part 222, is subject to the following provisions of 18 CFR Part 12;

4/ An exemption from licensing granted by this Commission does not serve as any basis for restricting hunting and fishing access to the waterway involved except to the extent required for public safety purposes.

- 3 -

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.



Quentin A. Edson
Director, Office of
Hydropower Licensing

- 3 -

- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 CFR Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.



Quentin A. Edson
Director, Office of
Hydropower Licensing

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

ORDER OF THE COMMISSION CONCERNING THE PROJECT

(Title of Project)

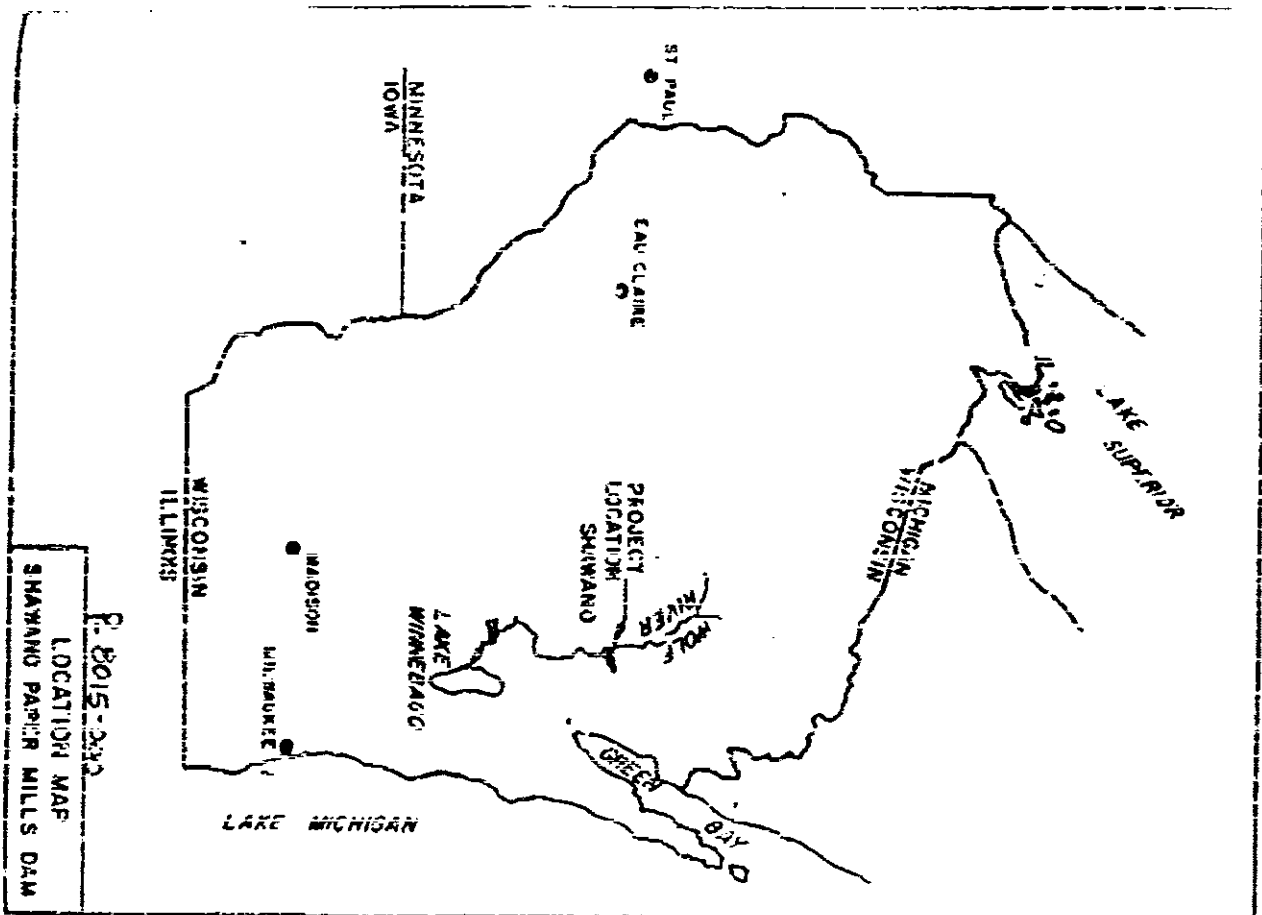
This project is a hydroelectric project located in the State of Minnesota and is subject to the Federal Energy Regulatory Commission's jurisdiction.

- a. Type of Application: MW Exemption
- b. Project No: R45-000
- c. Date Filed: January 30, 1984
- d. Applicant: Little Rapids Corporation
- e. Name of Project: Shannon Paper Mills Dam
- f. Location: On the Wolf River in Shawano County, Wisconsin
- g. Filed pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. §§ 1701 and 1708, as amended)
- h. Contact Person: Robert A. Olson, 2131 Larsen Road, P.O. Box 7625, Grand Bay, Wisconsin 54303
- i. Common Data: R45-000
- j. Description of Project: The proposed run-of-river project is presently operating and would consist of: (1) an existing concrete dam with overall length of approximately 232 feet and maximum height of about 12.5 feet; (2) a reservoir with normal pool elevation of 802.5 feet NGVD and storage capacity of approximately 1,400 acre-feet and surface area of about 233 acres; (3) an existing powerhouse approximately 18 feet by 20 feet, housing two existing turbine-generator units with a total installed capacity of 370 kW. Modifications will be made to unit number two to increase the efficiency; (4) an existing 480-volt transmission line approximately 400 feet in length; and (5) abutment facilities. Applicant estimates that the average annual energy would be 1,042,000 kWh. Owner of the dam and powerhouse is the Little Rapids Corporation.
- k. Purpose of Project: The Applicant anticipates that project authority will be utilized in their paper mill operations.
- l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D1a.

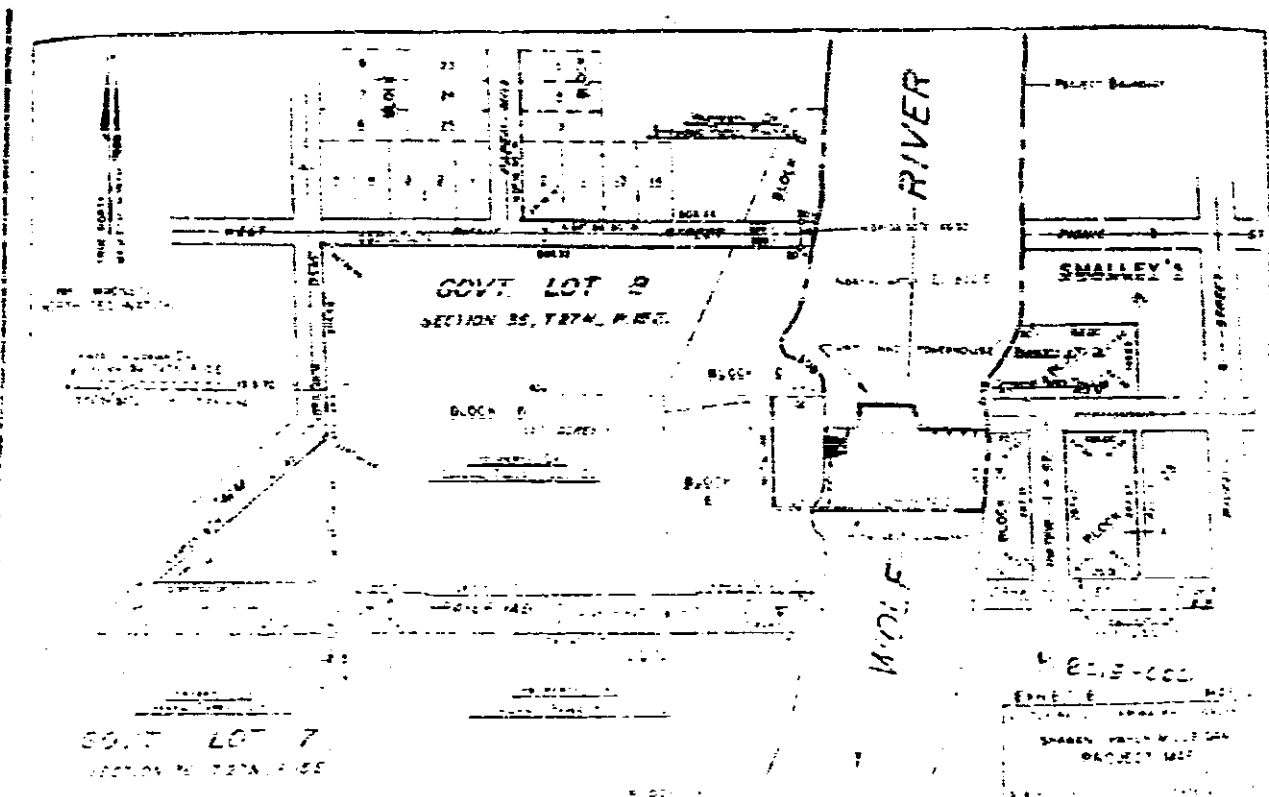
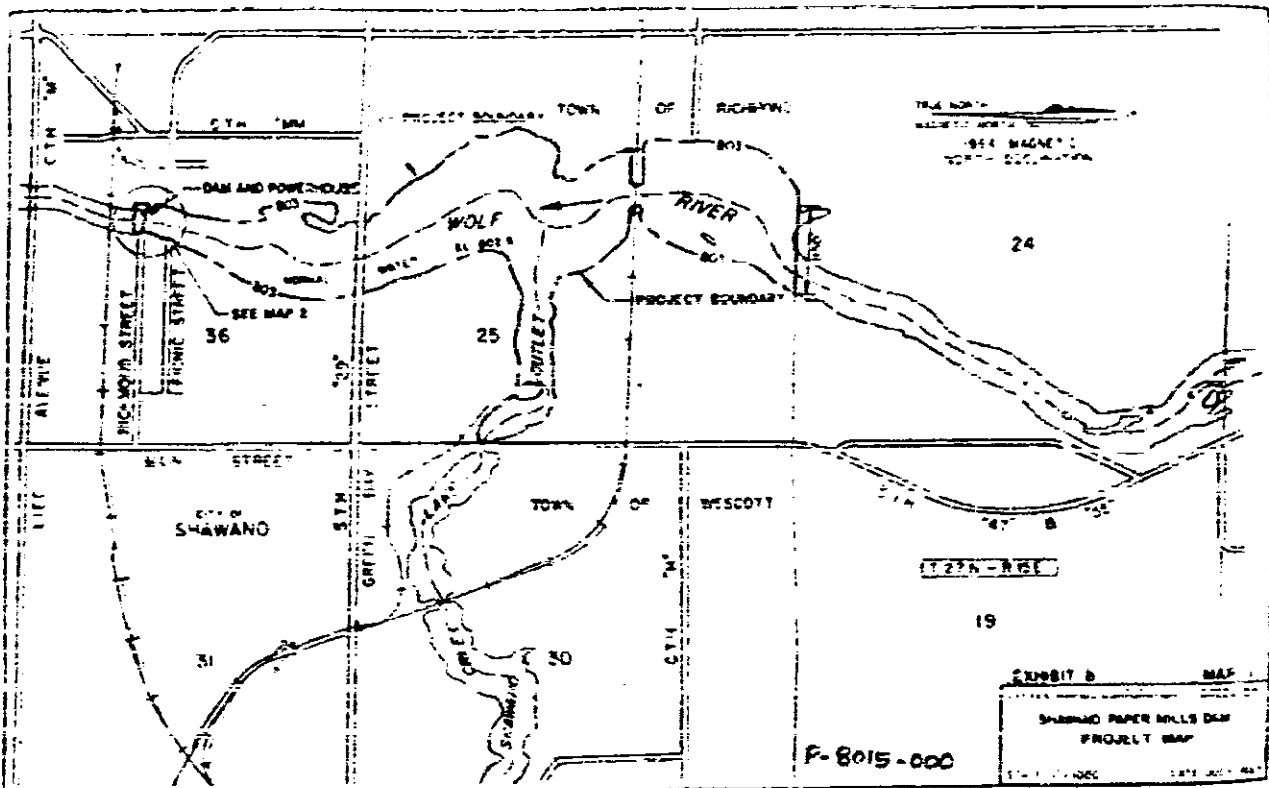
01a.

Agency Comments: The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game Management are requested, for the purpose set forth in section 104 of the Energy Security Act of 1974, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. Agency comments concerning the project and its location are requested; however, specific terms and conditions are not included as a condition of exemption may be directly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments if they may have an accordance with their jurisdictional responsibilities. No other formal requests for comments will be made. Comments should be continued to the date of issue relevant to the granting of an exemption. If an agency does not file comments within 60 days in the state of issuance of this notice, it will be presumed to have no comment. One copy of an agency's comments must also be sent to the applicant's representative.

Annabeth P. Plumb
Secretary



P. 2015-232
LOCATION MAP
SHAWANO PAPER MILLS DAM



§ 4.206 Standard terms and conditions of exemption from licensing

Any exemption from licensing granted under this subpart for a small hydroelectric power project is subject to the following standard terms and conditions:

(a) Article 1. The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalty under Part III of the Federal Power Act.

(b) Article 2. The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act, as specified in Exhibit B of the application for exemption from licensing or in the comments submitted in response to the notice of the exemption application.

(c) Article 3. The Commission may accept a license application by any qualified licensee applicant and revoke this exemption if actual construction or development of any proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which this exemption was granted. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

(d) Article 4. This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

(e) Article 5. This exemption does not confer any right to use or occupy any Federal lands that may be necessary for the development or operation of the project. Any right to use or occupy any Federal lands for these purposes must be obtained from the administering Federal land agencies. The Commission may accept a license application by any qualified license applicant and revoke this exemption, if any necessary right to use or occupy Federal lands for these purposes has not been obtained within one year from the date on which this exemption was granted.

Document Content(s)

13301806.tif.....1-9