

UNITED STATES OF AMERICA 53 FERC 62,032
FEDERAL ENERGY REGULATORY COMMISSION

Rock River Power and Light
Corporation

Project No. 10117-002
Wisconsin

ORDER GRANTING EXEMPTION FROM LICENSING
(5 MW or LESS)

(Issued October 12, 1990)

On September 13, 1989, Rock River Power and Light Corporation filed an application to exempt the Lower Watertown Dam Project from the licensing requirements set forth in Part I of the Federal Power Act. The proposed small hydropower project is described in the attached public notice. The comments of interested agencies and individuals, including the U.S. Fish and Wildlife Service and the state fish and wildlife agency, have been fully considered in determining whether to issue this exemption from licensing.

Article 2 of this exemption requires compliance with the terms and conditions prepared by federal or state fish and wildlife agencies to protect fish and wildlife resources. These mandatory terms and conditions are contained in the attached letters commenting on the exemption application. If contested, the Commission will determine whether any mandatory term or condition is outside the scope of article 2.

After considering the mandatory terms and conditions designed to protect fish and wildlife resources, the environmental information in the exemption application, the staff's independent assessment ^{1/}, and other public comments, the Director finds that issuance of this order is not a major federal action significantly affecting the quality of the human environment.

The Director orders:

(A) The Lower Watertown Dam Project is exempted from the licensing requirements of Part I of the Federal Power Act, subject to the attached articles. See section 4.106 of the Commission's regulations and the following additional article:

1/ Environmental Assessment, Lower Watertown Dam, FERC Project No. 10117-002, Federal Energy Regulatory Commission, September 28, 1990. This document is available in the Commission's public file associated with this proceeding.

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Article 10. Before commencing any ground-disturbing or spoil-producing activities, the exemptee, in consultation and cooperation with the appropriate federal, state, and local agencies (including the Soil Conservation Service and any federal agency with managerial authority over any part of the project lands), shall prepare a plan to control erosion and dust, stabilize slopes, and minimize the quantity of sediment or other potential water pollutants resulting from construction and operation of the project. The plan shall identify critical areas, include functional design drawings and map locations of control measures, and establish schedules for implementation, monitoring, maintenance, and periodic review.

The exemptee may commence ground-disturbing or spoil-producing activities 30 days after submitting the final plan to the consulted agencies, or sooner if the plan is approved by the Soil Conservation Service and any federal agency with managerial authority over any part of project lands. Any consulted agency that objects to the exemptee's final plan should notify the Commission, specify the objection, and recommend alternative measures. The Commission reserves the right to modify the final plan.

(B) Article 2 of this exemption is amended to include the National Marine Fisheries Service as a fish and wildlife agency that can provide terms and conditions.

(C) The exemptee shall serve copies of any Commission filing required by this order on any entity specified in this order to be conducted on matters related to the filing. Proof of service on these entities must accompany the filing with the Commission.

(D) This order is issued under authority delegated to the Director and is final unless appealed to the Commission within 30 days from the date of this order.

Dean L. Shumway
Director, Division of
Project Review

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