

UNITED STATES OF AMERICA 110 FERC ¶ 62, 046
FEDERAL ENERGY REGULATORY COMMISSION

USGen New England, Inc

Project Nos. 1855-027

ORDER APPROVING CHANGE IN PROJECT BOUNDARY

(Issued January 21, 2005)

On October 12, 2004, USGen New England, Inc. (USGenNE), licensee, filed an application to amend the license to change the project boundary for the Bellows Falls Project, FERC No. 1855. The project is located on the Connecticut River in Cheshire and Sullivan Counties New Hampshire and in Windham and Windsor Counties Vermont.

PROPOSED AMENDMENT

USGenNE proposes to remove 8.8 acres of land that contains two unused surplus buildings and undeveloped surplus land that is not needed for project purposes. One of buildings is listed on the National Register of Historic places and the other may be eligible for listing. USGenNE proposes to transfer ownership of the property and structures to the Bellows Falls Historic Society (BFHC). The 8.8 acres of land and the buildings are located in Windham County, Vermont. In addition, USGenNE requests that the reference to one of the surplus buildings in the exhibit R be removed.

CONSULTATION

The licensee has signed a memorandum of agreement (MOA) with the Vermont Division for Historic Preservation (VDHP) and the BFHC outlining how the historic properties will be maintained. In addition to the MOA, a Programmatic Agreement (PA) was executed by the Commission, the licensee, the VDHP, and the BFHC. The PA addresses how the historic properties will be managed. The Commission sent a letter on November 30, 2004 to the Advisory Council on Historic Preservation initiating consultation. No response was received.

On October 22, 2004, the Commission issued a public notice concerning the proposed amendment application. The notice set November 22, 2004, as the deadline for filing comments, motions to intervene, and protests. No comments were filed.

ENVIRONMENTAL REVIEW

We prepared an Environmental Assessment (EA) for the proposed action which

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contains staff's analysis of the potential environmental impacts. We conclude in the EA that approval of the proposal would not constitute a major federal action significantly affecting the quality of the human environment. A copy of the EA is attached to this order.

The removal of the 8.8 acres from the project boundary would not affect terrestrial and aquatic resources or recreational opportunities at the project. The only adverse effect of the proposed action is that the 8.8 acres will be removed from federal jurisdiction. This is an adverse effect to historic properties that will be mitigated by the programmatic agreement between the Commission, the licensee, the BFHS, and the Vermont SHPO, which was executed on December 22, 2004. The historic properties would continue to be used by the public and preserved according to the PA.

The environmental analysis performed by Commission staff demonstrates that removing the lands in question from the project boundaries will not significantly affect the ability of the project to meet its purposes, including recreation, protection of historic properties, and management of the environment. We therefore conclude that the lands are not necessary for project purposes, and that their removal will not alter the public interest balancing underlying the 1979 Order Issuing New License.

DISCUSSION

This order approves the proposed boundary change by the removal of 8.8 acres of land and buildings from the license. The Exhibit K drawing filed on October 12, 2004 did not include a surveyors stamp as required by 18 C.F.R. § 4.39, and three reference points as required by 18 C.F.R. § 4.41. Since the exhibit drawing involves a change to the licensed project boundary USGenNE should file updated project boundary maps for the entire project (23 maps) that meet § 4.39 and 4.41. Ordering paragraph B requires the licensee to file revised Exhibit K drawings for the entire project. In addition, the October 12, 2004 filing did not include a revised Exhibit R drawing to reflect the deletion of the subject surplus buildings. Ordering paragraph (C) requires the licensee file a revised Exhibit R drawing.

The Director orders:

(A) The request to modify the project boundary, as described in the October 12, 2004 filing is approved.

(B) Within 45 days of the date of issuance of this order, the licensee shall file, for Commission approval revised Exhibit K drawings for the entire project (23 maps), prepared in accordance with 18 C.F.R. § 4.39 and 4.41. The revised exhibits must reflect the changes in the project boundary as approved in this order.

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(C) Within 45 days of the date of issuance of this order, the licensee shall file, for Commission approval, a revised Exhibit R drawing (General Recreation Map) for the project to reflect the deletion of the surplus buildings.

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

Mohamad Fayyad
Engineering Team Lead
Division of Hydropower Administration
and Compliance

ENVIRONMENTAL ASSESSMENT

APPLICATION FOR NON-CAPACITY RELATED LICENSE AMENDMENT

REMOVAL OF PROPERTY FROM PROJECT BOUNDARY

Bellows Falls Hydroelectric Project
FERC No. 1855-027
Vermont

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Administration and Compliance
888 First Street, NE
Washington, DC 20426

January 2005

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ENVIRONMENTAL ASSESSMENT

**Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Administration and Compliance
Washington, DC**

**Bellows Falls Project
FERC Project No. 1855-027**

1.0 APPLICATION

Application Type:	Non-capacity related license amendment
Date Filed:	October 12, 2004
Applicant:	USGen New England, Inc.
Water Body:	Connecticut River
Counties:	Cheshire and Sullivan
State:	New Hampshire
Counties:	Windham and Windsor
State:	Vermont

2.0 PURPOSE AND NEED FOR ACTION

On October 12, 2004, USGen New England, Incorporated (licensee) filed a non-capacity related license amendment application. The licensee requests authorization to remove 8.8 acres from the project boundary.

The licensee requested the change because the land contains two unused surplus buildings and undeveloped surplus land that is not needed for project purposes. The two surplus buildings are of interest to the Bellows Falls Historic Society (BFHS) since one of the buildings (the Adams Grist Mill) serves as the BFHS' museum and is listed on the National Register of Historic Places. The other building may be eligible for listing. The licensee proposes to transfer ownership of the property and its structures to the BFHS for their continued use and preservation.

3.0 PROJECT DESCRIPTION

The Bellows Falls Project consists of a 643-foot long, 30-foot high concrete gravity dam that creates a reservoir with a surface area of about 2,804 acres, a length of 26 miles and a shoreline of 72 miles. The project has a 1,700 foot long power canal and a 900 foot long tailrace. The powerhouse contains three generating units each rated at 13,600 kW.

The 8.8 acres proposed for removal is located downstream of the powerhouse at the southern terminus of the project boundary. The land has a right-of-way granted to the Town of Rockingham for an access road to the municipal sewer plant located on an adjacent parcel of

Town-owned-land. The easement runs through the center of the property proposed for transfer. The licensee will maintain a 100-foot-wide easement to continue to provide a southerly route of ingress and egress to the powerhouse. The property lies between the Connecticut River and the Boston and Maine Railroad. The historic structures are located in the more urban northern portion of the property to be transferred, while the remaining property is undeveloped land characterized by shrubby vegetation and scattered trees. The southern boundary of the 8.8 acres is bordered by the sewage treatment facility.

4.0 PROPOSED ACTION AND ALTERNATIVES

4.1 Proposed Action

The licensee is proposing to remove 8.8 acres of undeveloped surplus land and two surplus buildings from the project boundary and convey the property including the buildings to the BFHC. The licensee has signed a Memorandum of Agreement (MOA) with the Vermont Division for Historic Preservation (VDHP) and the BFHC outlining how the historic properties will be maintained.

4.2 No-Action Alternative

Under the no-action alternative the Commission would deny the amendment application and require the licensee to retain the land and the two surplus buildings within the project boundary.

5.0 CONSULTATION

The Commission issued a public notice of the application for amendment of license on October 22, 2004. The comment period ended on November 22, 2004. No comments were received on the public notice. In addition to the MOA, a Programmatic Agreement (PA) was executed by the Commission, the licensee, the VDHP, and the BFHC on December 22, 2004. The PA addresses how the historic properties will be managed after the transfer of lands. A letter initiating consultation was sent to the Advisory Council on Historic Preservation on November 30, 2004. No response was received from the Council, indicating that they did not wish to participate in this proceeding or to provide comments.

6.0 AFFECTED ENVIRONMENT

6.1 Terrestrial Resources

The Bellows Falls Project is located on the Connecticut River one mile above the Saxtons River and three miles below the Williams River in the towns of Rockingham, Vermont and Walpole, New Hampshire. The project is located in a fairly populated area although the topography is hilly and thickly forested below the dam. Railroad lines run along both banks of the reservoir. Many natural areas along the shoreline are managed for wildlife. The remaining project lands are either undeveloped or used for cropland or livestock grazing.

The Herrick's Cove area has been identified as an Important Bird Area by the Vermont Audubon Society. The site is characterized as a river delta with associated riparian habitat. The site is a migratory stopover with more than 220 identified bird species (Audubon Vermont 2004). The site supports a large diversity of migratory land birds, shore birds, and waterfowl. The State of Vermont also leases, from the licensee, 100 acres of wetlands for the management of a waterfowl nesting area. Common wildlife in the area includes beaver, deer, muskrat, bobcat, and raccoon.

6.2 Aquatic Resources

The reservoir has a water surface area of 2,804 acres, a length of 26 miles and a 72 mile shoreline. The drainage area above Bellows Falls dam is over 5,400 square miles, or about 50 percent of the total Connecticut River Basin area. The facility is operated run-of-river. The 1,700 power canal and bypass reach are characterized by a deep dry gorge which only receives flow during floods and spring freshets. The project usually hosts an annual Bassmaster Fishing Tournament.

In 1981, a vertical slot fish ladder was installed as part of the Atlantic Salmon Restoration Program to return American shad and Atlantic salmon to their natural spawning grounds in the river's tributaries. The Vermont Fish and Game Department perform fish enumeration and operate the ladder. A viewing window and gallery are available to the public in the visitor center.

The licensee provides a minimum flow of 1,083 cfs below the project to protect downstream habitat and wildlife. No minimum flow is provided in the bypass reach. The Connecticut River north of the dam is generally considered safe for swimming (Connecticut River Joint Commissions 2004).

6.3 Recreation

The project provides four primary recreation sites and several smaller informal areas. One of the primary recreation sites contains a visitor center which allows public viewing of the fish ladder. The three remaining primary recreation sites offer a boat launch and picnic facilities. There is a canoe portage on the left bank of the river.

The informal sites include Indian carvings, the Frank Adams Grist Mill, and the Charlestown Canoe Rest Area, which houses a two-platform tent site used by canoeists coming down river. The project also includes the Clay Brook Natural Area which is an open tract of fee-owned land.

6.4 Cultural Resources

The project contains Indian carvings or petroglyphs, discovered in the bedrock in the bypass reach. The licensee supported an archaeological study of the area and the carvings were uncovered for public viewing. The Frank Adams Grist Mill, located near the powerhouse, was renovated and is open to the public on weekends. As previously mentioned, the Mill houses the

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headquarters and museum for the BFHS. The Grist Mill is listed on the National Register of Historic Places and a second building that the licensee is proposing to convey to the BFHS is eligible for listing.

7.0 ENVIRONMENTAL EFFECTS

7.1 Proposed Action

The removal of the 8.8 acres from the project boundary would not affect terrestrial and aquatic resources or recreational opportunities at the project. The only adverse effect of the proposed action is that the 8.8 acres will be removed from federal jurisdiction. This is an adverse effect to historic properties that will be mitigated by the programmatic agreement between the Commission, the licensee, the BFHS, and the Vermont SHPO, which was executed on December 22, 2004. The historic properties would continue to be used by the public and preserved according to the MOA and the PA.

7.2 No-Action Alternative

Under the no-action alternative, the Commission would deny the proposed change in project boundary. The project would continue to operate under the conditions of the existing license and there would be no adverse effects to historic properties.

8.0 CONCLUSIONS

We conclude that approval of the proposed removal of 8.8 acres from the project boundary not constitute a major federal action significantly affecting the quality of the human environment.

9.0 LITERATURE CITED

Audubon Vermont. 2004. Important bird areas. <http://vt.audubon.org>. Site accessed December 29, 2004.

Connecticut River Joint Commissions. 2004. Swimming in the Connecticut River. <http://www.crjc.org/swimming.htm>. Site accessed December 29, 2004.

Federal Energy Regulatory Commission. 1999. Environmental and Public Use Inspection Report. Issued December 9, 1999.

USGen New England, Inc. 2004. Request to amend project boundary and Exhibit R, Project No. 1855.

10.0 LIST OF PREPARERS

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