

30 FERC P 62098 (F.E.R.C.), 1985 WL 64525
**1 Office Director Orders

City of Granite Falls, Minnesota

Project No. 8423-000
Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less
(Issued January 28, 1985)

*63111 Quentin A. Edson, Director, Office of Hydropower Licensing.

The Applicant¹ 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 the 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 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:

Granite Falls Hydro Project No. 8423 as described and designated in City of Granite Falls, Minnesota application filed on July 11, 1984, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in §4.106, of the Commission's regulations, [18 C.F.R. §4.106](#), [45 Fed. Reg. 76,115 \(November 18, 1980\)](#), 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 C.F.R. § 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 C.F.R. Part 222, is subject to the following provisions of 18 C.F.R. Part 12;

(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 C.F.R. 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.

***63112 Appendix A**

Notice of Application

(Issued November 15, 1984)

****2** a. Type of Application: 5 MW Exemption

b. Project No.: 8423-000

c. Date Filed: July 11, 1984

d. Applicant: City of Granite Falls, Minnesota

e. Name of Project: Granite Falls Hydro

f. Location: On the Minnesota River in Yellow Medicine and Chippewa Counties, Minnesota

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 ([16 U.S.C. §§2705](#) and [2708](#), *as amended*)

h. Contact Person: Mr. Richard Voller, City Manager, 885 Prentice, Granite Falls, Minnesota 56241

i. Comment Date: December 31, 1984

j. Description of Project: The proposed project would consist of: (1) an existing concrete overflow spillway about 250 feet long and 18 feet in height; (2) the removal of the contiguous existing 74-foot-long flood gate structure, which will be replaced by three concrete Tainter gate bays with a gate height of 14 feet; (3) an existing powerhouse structure integral with the dam, 28 feet by 40 feet, housing two existing turbine-generator units with a total installed capacity of 470 kW; (4) the addition of a new powerhouse, adjacent to the existing powerhouse which will house a third turbine-generator unit with an installed capacity of 710 kW; (5) a reservoir 3.5 miles in length and water surface area of approximately 60 acres at normal maximum water surface elevation of 900.74 feet, m.s.l.; (6) a proposed 4.16-kV transmission line approximately 100 feet long; and (7) appurtenant facilities. The applicant estimates that the average annual energy for all three units would be 4,360,000 kWh.

[Note: Remainder of notice omitted in printing.]

Federal Energy Regulatory Commission

Footnotes

- 1 City of Granite Falls, Minnesota, Project No. 8423, filed July 11, 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) (Errata 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.
- 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.

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