

II. Suggested Format for the HYDRO General Permit Notice of Intent (NOI):

Request for General Permit Authorization to Discharge Wastewater Notice of Intent (NOI) to be covered by Hydroelectric Generating Facilities General Permit (HYDROGP) No. MAG360000 or NHG360000

Indicate Applicable General Permit for Discharge(s): MAG360000 NHG360000

A. Facility Information

1. Facility Location	Name: AYERS ISLAND HYDROELECTRIC STATION	
	Street: PUBLIC SERVICE DRIVE	
	City: BRISTOL	State: NEW HAMPSHIRE
	Zip: 03222	SIC Code: 4911
	Latitude: N43° 35' 51.1"	Longitude: W71° 42' 59.4"
	Type of Business: ELECTRIC POWER GENERATION	
2. Facility Mailing Address (if different from Location)	Street: 670 N. COMMERCIAL ST SUITE 204	
	City: MANCHESTER	State: NEW HAMPSHIRE
	Zip: 03101	
3. Facility Owner	Name: PATRIOT HYDRO, LLC	Email: SILLER@PATRIOTHYDRO.COM
	Street: 670 N. COMMERCIAL ST SUITE 204	Telephone: (603) 540 - 8238

	City: MANCHESTER	State: NEW HAMPSHIRE
	Contact Person: SEAN ILLER	Zip: 03101
4. Facility Operator (if different from above)	Name:	Email:
	Street:	Telephone:
	City:	State:
	Zip:	
5. Current Permit Status	Has prior HYDROGP coverage been granted for the discharge(s) listed in the NOI?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Permit number (if yes): NHG360019	
	Is the facility covered under an Individual Permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Is there a pending NPDES application of file with EPA for the discharge(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Date of Submittal (if yes): Click or tap to enter a date.	Permit Number (if known):
	Attach a topographic map indicating the locations. of the facility and outfall(s) to the receiving water	<input checked="" type="checkbox"/> Map Attached
	Number of turbines: 3	
	Combined turbine discharge (installed capacity) at:	Maximum capacity? 1539 cfs Minimum capacity? 320 cfs
	Is this facility operated as a pump storage project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Appendix 4 – NPDES Hydroelectric Facilities General Permit

B. Discharge Information

1. Name of Receiving Water(s): PEMIGEWASSET RIVER		<input checked="" type="checkbox"/> Freshwater <input type="checkbox"/> Marine
2. Waterbody classification: <input type="checkbox"/> Class A <input checked="" type="checkbox"/> Class B <input type="checkbox"/> Class SA <input type="checkbox"/> Class SB		
3. Is the receiving water is listed in the State’s Integrated List of Waters (i.e., CWA Section 303(d))?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. If the applicant answered yes to B.2, has the applicant identified the designated uses that are impaired, any pollutants indicated, and whether a final TMDL is available for any of the indicated pollutants in a separate attachment to the NOI?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Attach a line drawing or flow schematic showing water flow through the facility including location of intake(s), operations contributing to effluent flow, treatment units, outfalls, and receiving water(s).		<input checked="" type="checkbox"/> Line Drawing Attached
6. List each outfall (numbered sequentially) discharging effluent from the following categories and provide an estimate of the average monthly flow (in gallons per day) for each discharge type. See Parts 1.1 through 1.5 (for MA) or Parts 2.1 through 2.5 (for NH) for descriptions and permit conditions for each discharge type.		
Equipment-related cooling water	Outfalls:	gpd
Equipment and floor drain water	Outfalls: 001, 002, 003	20 gpd
Maintenance-related water	Outfalls: 004, 005, 006	50 gpd
Facility maintenance-related water during flood/high water events	Outfalls:	gpd
Equipment-related backwash strainer water	Outfalls:	gpd

7. For each outfall listed above, provide the following information (attach additional sheets if necessary). Outfalls may be eligible for alternative pH effluent limits. See Parts 1.8 and 2.8 of the permit for additional information. Contact MassDEP or NHDES to determine the required information and protocol to request alternative pH effluent limits.				
Outfall No. 001	Latitude: N 43° 35' 51.0"		Longitude: W 71° 43' 01.8"	
	Discharge is: <input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	.00002 MGD	Average Monthly Flow <.00002 MGD	
	Maximum Daily Temperature	Varies °F	Average Monthly Temperature Varies °F	
	Maximum Daily Oil & Grease	15 mg/L	Average Monthly Oil & Grease <15 mg/L	
	Maximum Monthly pH s.u.	8.0	Minimum Monthly pH s.u.	6.5
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Outfall No. 002	Latitude: N 43° 35' 50.8"		Longitude: W 71° 43' 01.3"	
	Discharge is: <input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	.00002 MGD	Average Monthly Flow <.00002 MGD	
	Maximum Daily Temperature	Varies °F	Average Monthly Temperature Varies °F	
	Maximum Daily Oil & Grease	15 mg/L	Average Monthly Oil & Grease <15 mg/L	
	Maximum Monthly pH s.u.	8.0	Minimum Monthly pH s.u.	6.5
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

7. For each outfall listed above, provide the following information (attach additional sheets if necessary). Outfalls may be eligible for alternative pH effluent limits. See Parts 1.8 and 2.8 of the permit for additional information. Contact MassDEP or NHDES to determine the required information and protocol to request alternative pH effluent limits.		
Outfall No. 003	Latitude: N 43° 35' 50.8"	Longitude: W 71° 43' 01.1"
	Discharge is: <input checked="" type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow .00002 MGD	Average Monthly Flow .<00002 MGD
	Maximum Daily Temperature Varies °F	Average Monthly Temperature Varies °F
	Maximum Daily Oil & Grease 15 mg/L	Average Monthly Oil & Grease <15 mg/L
	Maximum Monthly pH s.u. 8.0	Minimum Monthly pH s.u. 6.5
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
Outfall No. 004	Latitude: N43° 35' 51.0"	Longitude: W 71° 43' 01.6"
	Discharge is: <input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow .00000014 MGD	Average Monthly Flow < .00000014 MGD
	Maximum Daily Temperature Varies °F	Average Monthly Temperature Varies °F
	Maximum Daily Oil & Grease 15 mg/L	Average Monthly Oil & Grease <15 mg/L
	Maximum Monthly pH 8.0 s.u.	Minimum Monthly pH 6.5 s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

Appendix 4 – NPDES Hydroelectric Facilities General

7. For each outfall listed above, provide the following information (attach additional sheets if necessary). Outfalls may be eligible for alternative pH effluent limits. See Parts 1.8 and 2.8 of the permit for additional information. Contact MassDEP or NHDES to determine the required information and protocol to request alternative pH effluent limits.		
Outfall No. 005	Latitude: N43° 35' 50.8"	Longitude: W71° 43' 01.2"
	Discharge is: <input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow .00000014 MGD	Average Monthly Flow <.00000014 MGD
	Maximum Daily Temperature Varies °F	Average Monthly Temperature Varies °F
	Maximum Daily Oil & Grease 15 mg/L	Average Monthly Oil & Grease <15 mg/L
	Maximum Monthly pH s.u. 8.0	Minimum Monthly pH s.u. 6.5
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
Outfall No. 006	Latitude: N43° 35' 50.8"	Longitude: W 71° 43' 01.1"
	Discharge is: <input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow .00000014 MGD	Average Monthly Flow <.00000014 MGD
	Maximum Daily Temperature Varies °F	Average Monthly Temperature Varies °F
	Maximum Daily Oil & Grease 15 mg/L	Average Monthly Oil & Grease <15 mg/L
	Maximum Monthly pH 8.0 s.u.	Minimum Monthly pH 6.5 s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

Appendix 4 – NPDES Hydroelectric Facilities General

D. Chemical Additives

1.	Does the facility use or plan to use non-toxic chemicals for pH adjustment?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2.	Does the facility use or plan to use chemicals for anti-freeze purposes?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3.	If the answer to D.2 is yes, provide the following for EACH chemical additive used for anti-freeze:		
Chemical Name and Manufacturer:			
Maximum Dosage Concentration Used:		Average Dosage Concentration Used:	
Maximum Concentration in Discharge: mg/L		Average Concentration in Discharge: mg/L	
Material Safety Data Sheet (MSDS) or other toxicity documentation for each chemical attached? <input type="checkbox"/> Yes <input type="checkbox"/> No			

E. Endangered Species Act Certification

Appendix 2 to the HYDROGP explains the certification requirements related to threatened and endangered species and designated critical habitat. Indicate under which criteria the discharge is eligible for coverage under the HYDROGP:	
1. ESA eligibility for species under jurisdiction of USFWS	<p>Criterion A: No endangered or threatened species or critical habitat are in proximity to the discharges or related activities or come in contact with the “action area.” See Appendix 2, Part B for documentation requirements. Documentation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p><input checked="" type="checkbox"/> Criterion B: Formal or informal consultation with the USFWS under Section 7 of the ESA resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the discharges and related activities are “not likely to adversely affect” listed species or critical habitat. Has the operator completed consultation with USFWS and attached documentation?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, is consultation underway? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

	<input type="checkbox"/> Criterion C: Using the best scientific and commercial data available, the effect of the discharges and related activities on listed species and designated critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the operator and affirmed by EPA, that the discharges and related activities will have “no effect” on any federally threatened or endangered species or designated critical habitat under the jurisdiction of the USFWS. Has the applicant attached documentation of the “no effect” finding? <input type="checkbox"/> Yes <input type="checkbox"/> No
2. ESA eligibility for species under jurisdiction of NMFS	<p>Is the facility located on: the Connecticut River between the Massachusetts/Connecticut state line and Turners Falls, MA; the Taunton River; the Merrimack River between Lawrence, MA and the Atlantic Ocean; the Piscataqua River including the Salmon Falls and Cocheco Rivers; or a marine water?</p> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<p>If yes, was the applicant authorized to discharge from the facility under the 2009 HYDROGP?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No
	<p>If the discharge is to one of the named rivers above or to a marine water <i>and</i> the facility was not previously covered under the 2009 HYDROGP, has there been any previous formal or informal consultation with NMFS? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Documentation of consultation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. National Historic Properties Act Eligibility

1. Indicate under which criterion the discharge(s) is eligible for covered under the HYDROGP:
<input type="checkbox"/> Criterion A: No historic properties are present.
<input checked="" type="checkbox"/> Criterion B: Historic properties are present. The discharges and related activities do not have the potential to impact historic properties.
<input type="checkbox"/> Criterion C: Historic properties are present. The discharges and related activities have the potential to impact or adversely impact historic properties.

2.	Has the applicant attached supporting documentation for NHPA eligibility described in Appendix 3, Part C of the HYDROGP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3.	Does supporting documentation include a written agreement from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or other tribal representative that outlines measures the operation will carry out to mitigate or prevent any adverse effects on historic properties? <input type="checkbox"/> Yes <input type="checkbox"/> No

G. Supplemental Information

Please provide any supplemental information, including antidegradation review information applicable to new or increased discharges. Attach any certifications required by the HYDROGP. Supplemental information attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

H. Signature Requirements

1.	The NOI must be signed by the operator in accordance with the signatory requirements of 40 C.F.R. § 122.22, including the following certification:	
	<i>I certify under penalty of law that no chemical additives are used in the discharges to be authorized under this General Permit except for those used for pH adjustment or anti-freeze purposes and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</i>	
2.	Notification provided to the appropriate State, including a copy of this NOI, if required?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Signature: 	Date: Click or tap to enter a date. <i>04-25-2023</i>
	Print Name and Title: <i>Sean J. Iller , EHS Manager</i>	

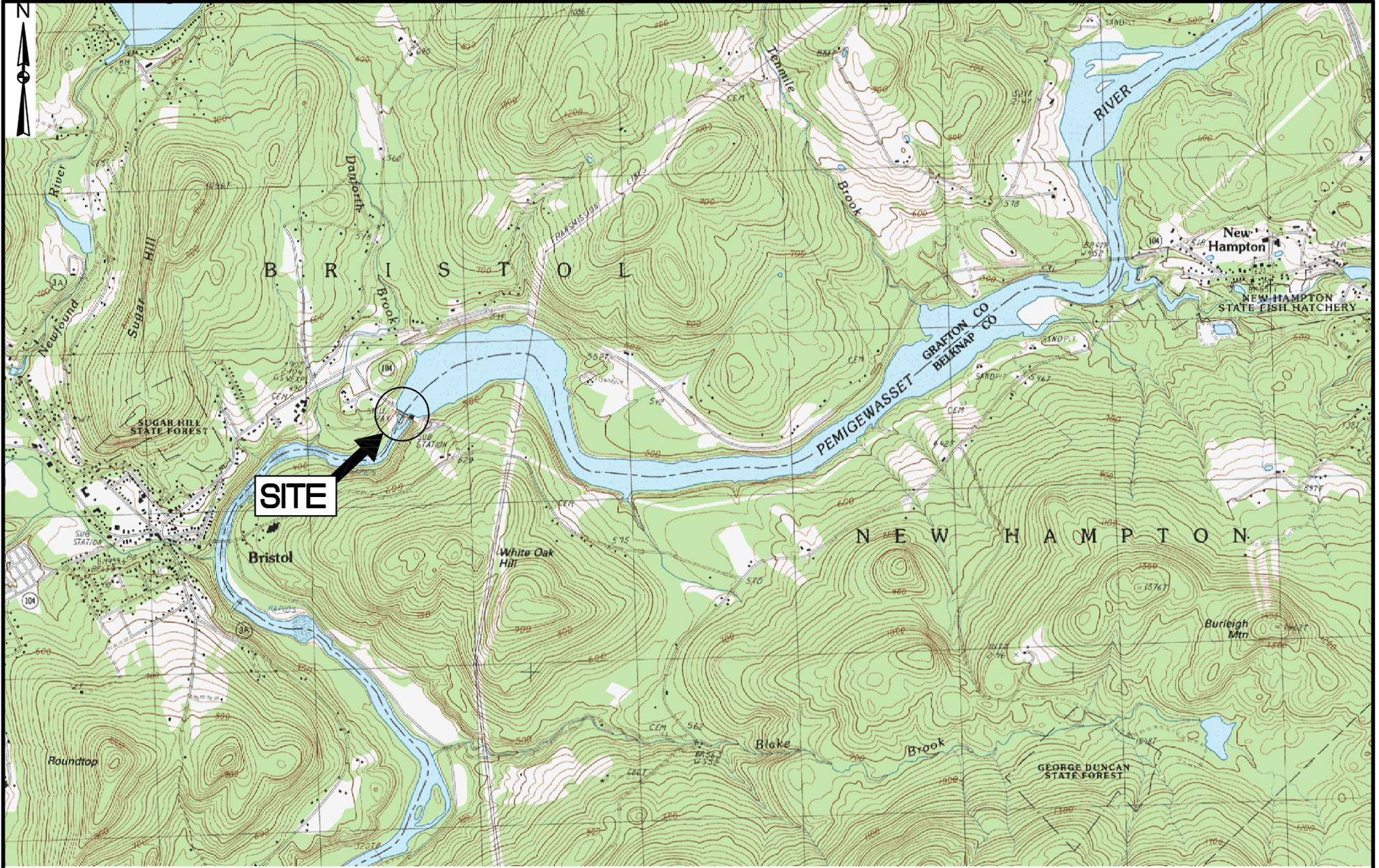
**Public Service Company of New Hampshire
Ayers Island Hydro Station**

Equipment and Floor Drain Water

Outfall	Description	Location	Contributing Operations	Average Flow	Total Average Flow	Occasional or Consistent Discharge	Discharging Water	Sample Location or Representative Outfall	Possible Annual Sampling
001	Wheel Pit Drain Generator 1	N 43° 35' 51.0" W 71° 43' 01.8"	Gate stem leakage	0-20 GPD	0-20 GPD	Consistent	Pemigewasset River	Grab sample from wheel pit prior to discharge	Yes
002	Wheel Pit Drain Generator 2	N 43° 35' 50.8" W 71° 43' 01.3"	Gate stem leakage	0-20 GPD	0-20 GPD	Consistent	Pemigewasset River	Representative Outfall 001	Yes
003	Wheel Pit Drain Generator 3	N 43° 35' 50.8" W 71° 43' 01.1"	Gate stem leakage	0-20 GPD	0-20 GPD	Consistent	Pemigewasset River	Representative Outfall 001	Yes

Maintenance - Related Water

004	Scroll Case Drain for Gen. # 1	N 43° 35' 51.0" W 71° 43' 01.6"	Scroll case drain	0-50 GPY	0-50 GPY	Intermittent	Pemigewasset River	Discharge inaccessible	No
005	Scroll Case Drain for Gen. # 2	N 43° 35' 50.8" W 71° 43' 01.2"	Scroll case drain	0-50 GPY	0-50 GPY	Intermittent	Pemigewasset River	Discharge inaccessible	No
006	Scroll Case Drain for Gen. # 3	N 43° 35' 50.8" W 71° 43' 01.1"	Scroll case drain	0-50 GPY	0-50 GPY	Intermittent	Pemigewasset River	Discharge inaccessible	No



SCALE IN MILES

PREPARED BY:  **GZA GeoEnvironmental, Inc.**
 Engineers and Scientists
 380 HARVEY ROAD
 MANCHESTER, NEW HAMPSHIRE 03103
 (603) 623-3600

PREPARED FOR:
 PUBLIC SERVICE OF NEW HAMPSHIRE

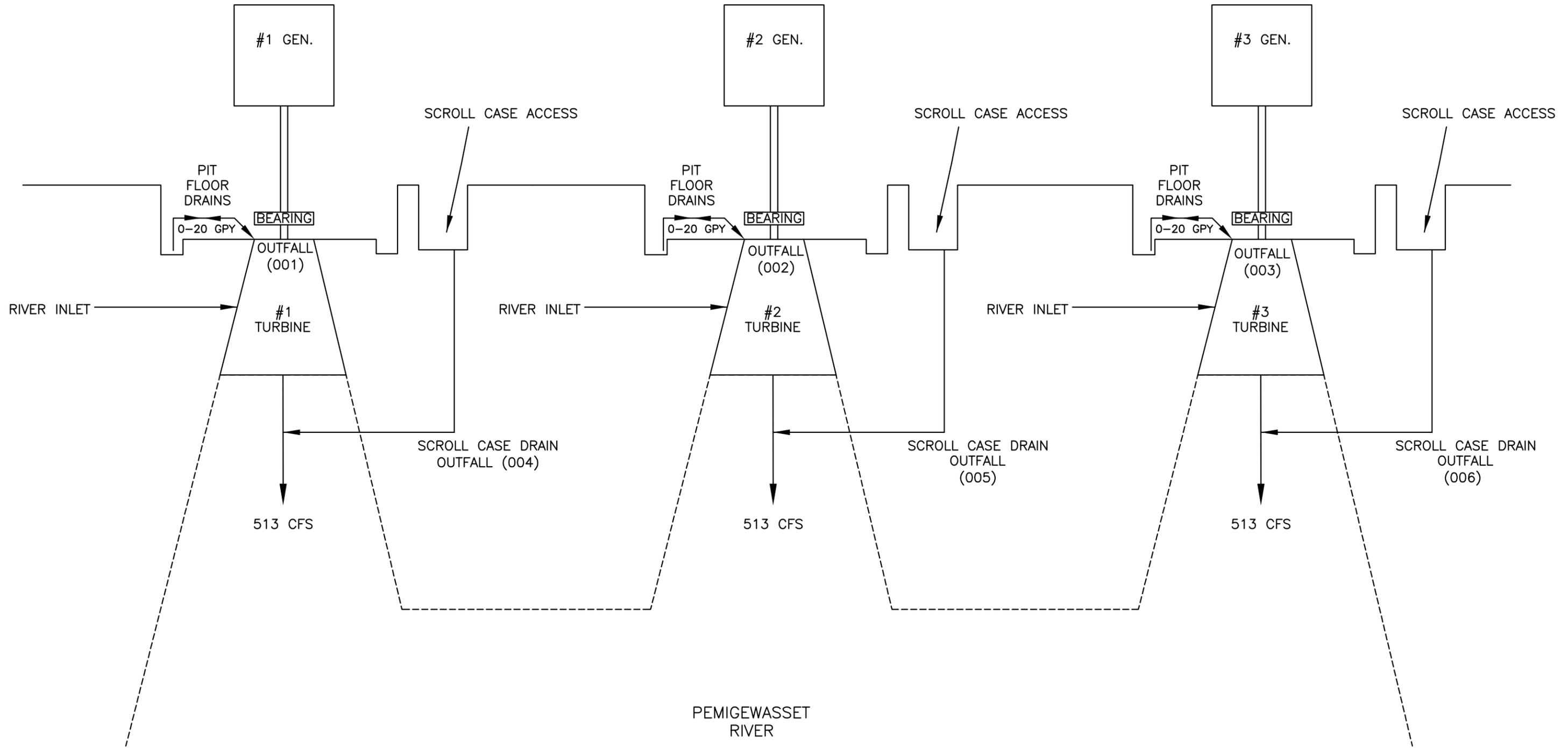
**NPDES HYDROELECTRIC GENERATING
 FACILITIES GENERAL PERMIT
 AYERS ISLAND HYDROSTATION**
 PUBLIC SERVICE OF NEW HAMPSHIRE
 ROUTE 104, NEW HAMPTON NEW HAMPSHIRE 03222

LOCUS PLAN

PROJ MGR:	KDB	DATE	FEB 2010
DESIGNED BY:	DSJ	PROJECT NO.	04.0024931.00
REVIEWED BY:	RAB	REVISION NO.	
DRAWN BY:	MA		
CHECKED BY:	KDB		
SCALE:	AS SHOWN		

FIGURE
1
SHEET NO.

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PEMIGEWASSET RIVER

NOTE: ALL FIGURES ARE BASED ON MAXIMUM CAPACITY

DRAFT

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

SCHEMATIC OF WATER FLOW PUBLIC SERVICE OF NEW HAMPSHIRE ROUTE 104, NEW HAMPTON NEW HAMPSHIRE 03222			
INTERIOR DRAINAGE PLAN			
PREPARED BY: GZA GeoEnvironmental, Inc. Engineers and Scientists <small>380 HARVEY ROAD MANCHESTER, NEW HAMPSHIRE (603) 623-3600</small>	PREPARED FOR: PUBLIC SERVICE OF NEW HAMPSHIRE 780 NORTH COMMERCIAL STREET MANCHESTER, NEW HAMPSHIRE		
PROJ MGR: KDB DESIGNED BY: DSJ DATE: FEB 2010	REVIEWED BY: RAB DRAWN BY: MA PROJECT NO.: 04.0024931.00	CHECKED BY: KDB SCALE: NOT TO SCALE REVISION NO.	FIGURE 2 SHEET NO.

Ayers Island License.txt
Comprehensive Plan shall include the following:

- Ø Bald Eagle Management Plan
- Ø Wildlife Management Plan
- Ø Buffer Zone Management Plan

The Licensee shall prepare the final Comprehensive Land Use, Wildlife, Bald Eagle and Recreation Management Plan after consultation with the U.S. Fish and Wildlife Service and the New Hampshire Department of Fish and Game. The Licensee shall include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the U.S. Fish and Wildlife Service and the New Hampshire Department of Fish and Game, and specific descriptions of how the agencies' comments and recommendations are accommodated by the plan. The Licensee shall allow 30 days for the agencies to comment and make recommendations before filing the plan with the Commission. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on project-specific information. The Commission reserves the right to require changes to the plan. No land-disturbing activities shall begin at the project until the Licensee is notified by the Commission that the plan is approved. Upon Commission approval, the Licensee shall implement the plan, including any changes required by the Commission.

Bald Eagle Management Plan

The final project-specific Bald Eagle Management Plan shall include, but not be limited to the following:

- (1) a description of the Licensee's role and necessary measures to participate in the existing Statewide Wintering Bald Eagle Monitoring Program;

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- (2) policies for cooperation with and facilitating access to areas for personnel affiliated with the existing Statewide Wintering Bald Eagle Monitoring Program;
- (3) the specific methodology of implementing the necessary measures identified in part 1, above;
- (4) the cost of implementation and maintenance of the protection measures;
- (4) an implementation schedule for the necessary measures for the statewide program;
- (5) a description of provisions to be taken to develop site-specific protection and enhancement measures in the event that bald eagles become established at the project site in the future; and

(6) a monitoring and annual reporting format and schedule for participation in both the statewide program and for site-specific bald eagle monitoring.

Wildlife Management Plan

The final wildlife Management Plan shall provide for, but not be limited to the following:

- (1) cooperating with the Audubon Society of New Hampshire in conducting a survey of swallow nest sites and foraging areas within the Ayers Island Project area for a minimum of two seasons;
- (2) filing a Swallow Survey Schedule and a schedule for filing survey results and agency comments with the Commission for review;
- (3) pending survey results, if deemed necessary by the Commission, developing and filing for Commission approval, and upon approval implement a site-specific management plan to enhance nest site availability for swallows.

Buffer Zone Management Plan

The Licensee shall consult with the Towns of Bristol, Bridgewater, New Hampton, and Ashland and, at a minimum, shall include the following in the Buffer Zone Management Plan:

- (1) map of project showing project boundary;
- (2) the Buffer Zone Management Plan to include (for project lands owned by the applicant):

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- (a) the criteria used for selecting the buffer zone widths (using 200 feet as a rule of thumb);
- (b) allowable uses for the buffer zone lands;
- (c) conditions to be specified for such allowable uses;
- (d) maps delineating the shoreland protective buffer zone area; and
- (e) how existing zoning rules of the Pemigewasset Overlay District were incorporated into the plan.

Article 412. Within 6 months of license issuance, the Licensee shall file for Commission approval and, upon approval, shall implement, a final recreation plan to include the following:

- (1) an additional picnic table and trash cans at the

boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (d), the Licensee must submit a letter to the Director, Office of Hydropower Licensing, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior

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approval, the Licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved exhibit R or approved report on recreational resources of an exhibit E; or, if the project does not have an approved exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include the following covenants running with the land : (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to insure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

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(g) The authority granted to the Licensee under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

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

(F) This order is final unless a request for rehearing is filed within 30 days from the date of its issuance, as provided in Section 313(a) of the FPA. The Licensee's failure to file a request for rehearing shall constitute acceptance of this license.

By the Commission.

(S E A L)

Linwood A. Watson, Jr.,
Acting Secretary.

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