

95 FERC ¶ 62,108UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSIONEdward M. Clark
(White Mountain Hydroelectric Company)

Project No. 11313-014

ORDER AMENDING RECREATION PLAN
(Issued May 10, 2001)

On August 26, 1999, and supplemented on March 16, 2000 and March 12, 2001, Edward M. Clark, licensee for the Apthorp Project, FERC No. 11313, filed a request to amend its approved Recreation Plan to eliminate a recreational access facility at the project impoundment because it could not obtain necessary access rights.¹ The Apthorp Project is a minor project located on the Ammonoosuc River in the Town of Littleton in Grafton County, New Hampshire.

BACKGROUND

The approved recreation plan requires recreation access to the 20-acre project impoundment. This access consists of parking for 3 vehicles, a path to the project impoundment and an access information sign located on the east side of the river about a 100 feet above the dam. To gain access to the 3-vehicle parking area, one would need to cross railroad tracks that parallel Railroad Street, located within 200 feet of the water's edge.

Recreation access is also required in the tailrace area on the west side of the river. The access facility below the dam consists of parking for 2 vehicles, access path, and a location sign. There are no other recreation facilities at the project.

CONSULTATION

In a letter dated February 9, 2000, the Commission requested the licensee to consult with the U.S. Department of the Interior (U.S. Fish and Wildlife Service), New Hampshire Fish and Game Department and the New Hampshire and Vermont Railroad (Railroad). In its March 16 filing, the licensee provided a letter dated August 27, 1998, in which the Railroad stated it would not grant permission for a grade crossing right-of-way because of safety and liability concerns. In its March 12 filing, the licensee provided agency consultation documentation and stated the agencies did not comment on the proposed amendment.

¹ See: Order Approving Recreation Access Plan and Drawing, 79 FERC ¶ 62,043 (April 21, 1997). A recreation access feasibility study is required by article 411 of the project license (issued October 17, 1995).

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DISCUSSION


The licensee cannot obtain the Railroad's permission for a grade crossing right-of-way to the impoundment access facility and site restrictions prevent access to the impoundment in any other location. Access cannot be provided on the west side of the impoundment either, because of security fencing around the project powerhouse and also because of a high retaining wall at the water's edge that extends about 300 feet from the dam abutment. However, foot access for bank fishing along the east side of the river is possible for anglers who pass from upstream or downstream of the project.

For these reasons, the licensee's request to eliminate the 3-vehicle access facility to the impoundment should be approved. However, the Commission reserves the right to require improved access to project waters should demand and circumstances make this necessary.

The Director orders:

(A) The licensee's August 26, 1999, filing, supplement on March 16, 2000 and March 12, 2001, to eliminate the 3-vehicle recreation access facility to the project impoundment, is approved. The Commission reserves the right to require changes to the plan.

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



Hosein Ildari
Division of Hydropower Administration
And Compliance

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Hannula, J.:dmt 5/3/01

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