



PERMIT PROGRAM

**TURNERS FALLS PROJECT
FERC Project No. 1889**

and

**NORTHFIELD PROJECT
FERC Project No. 2485**

1. INTRODUCTION

The overall administration of FirstLight Power Resources (FLPR) interests in Northfield and Turners Falls Project land, including hydro project land owned in fee by FLPR or in which FLPR has an interest, is the responsibility of the Northfield Mountain Station Manager. The use of the hydro project land will be consistent with hydro generation operating procedures and is subject to the general policies and guidelines established by FLPR.

2. GENERAL INFORMATION

FLPR hydro projects may be either licensed by the Federal Energy Regulatory Commission (FERC) or non-licensed. For both types of projects, it is the FLPR policy to protect the scenic, recreational, and other environmental values of the project consistent with safe, efficient operation. This policy describes the criteria by which proposed uses of the hydro land will be evaluated.

Land within the defined project boundary area of the Northfield and Turners Falls FERC licensed hydro projects is also subject to the requirements set forth in Exhibit 1. This Exhibit, which represents the Standard Land Use Article of the Northfield and Turners Falls Project licenses, is concerned with the use and occupancy of hydro project lands by parties other than FLPR.

Under this FERC standard article, certain categories of uses are permitted, with varying levels of FERC notification and control requirements. For the purpose of this policy, the categories are defined as follows:

Category A: Miscellaneous uses and/or conveyances of interests not addressed in subsequent categories which may require FERC approval.

Category B: Uses associated with a single-family residential dwelling abutting the Project boundary such as (1) landscape planting; (2) non-commercial piers, landings, boat docks or similar facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline.

Category C: Municipal and utility uses such as (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas and electric distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir.

Category D: Uses such as (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not

discharge into project waters; (4) non-project overhead electric transmission lines that require erection or support structures within the project 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 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 the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development acres conveyed under this category in any calendar year.

FLPR should also, to the extent practical, be sure that proposed conveyances of FLPR land abutting hydro projects will not adversely affect the operation of that project.

3. INSTRUCTIONS

- 3.1** The responsibility for granting approval for any proposed use or conveyance of hydro lands shall rest with FPLR. No commitments shall be made or implied without such approval.
- 3.2** Requests for short term license agreements, generally for one or two day events, may be approved by the Station Manager.
- 3.3** Requests for long term leases or conveyance of hydro land use shall be referred by the Station Manager to FLPR Senior Management. All proposals for leases or conveyance of hydro project lands shall be made to FLPR Senior Management in writing, with the accompanying background/support information and, also, any appropriate recommendations and comments from station management.
- 3.4** FLPR Senior Management shall then review the proposed use with input, as appropriate, from other FLPR departments including the General Counsel.
- 3.5** In conducting the review of proposed uses for FERC-licensed projects, FLPR shall also use the criteria summarized in Exhibit 2.
 - 3.5.1** FLPR shall have the authority to grant permission for certain types of use and/or occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior FERC approval. FLPR shall exercise the authority only if the proposed use and/or occupancy are consistent with the purposes of protecting and/or enhancing the scenic, recreational, and other environmental values of the project.
 - 3.5.2** FLPR shall have continuing responsibility to control the use and occupancies for which it grants the covenants of the instrument of conveyance for any interest that it has conveyed. If a permitted use and occupancy violates any condition of the Standard Land Use Article or any other condition imposed by FLPR for protection and/or enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of the article is violated, FLPR shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if

necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

3.5.3 For Category “A” uses, station management shall consult with the appropriate FLPR departments and determine the proper method of processing the proposed use/conveyance request.

3.5.4 For Category “B” uses, FLPR may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover FLPR’s costs of administering the permit program.

FLPR shall place emphasis on multiple use and occupancy of facilities for access to project lands or waters. FLPR shall also assure to the extent practical that the uses and occupancies for which it grants permission are maintained in good repair and comply with the applicable State and local environmental, health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, FLPR shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation, grading, or other strategies would be adequate to control erosion at the site, (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline.

3.5.5 For Category “C” uses, no later than January 15 of each year, FLPR shall prepare a report for each licensed project briefly describing, for each conveyance made during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed. Three copies of this report shall be filed with FERC no later than January 31 of each year.

3.5.6 For Category “D” uses at least 90 days before conveying any interest in project lands, station management shall notify FLPR Senior Management of its intent to convey the interest and briefly describe the type of interest and location of the lands to be conveyed (a marked Exhibit G or K 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. The Station Manager shall be responsible for filing the letter with FERC at least 60 days prior to the conveyance. Unless FERC, within 45 days from the filing date, requires FLPR to file an application for prior approval, FLPR may convey the intended interest at the end of that period.

3.5.7 For both Categories “C” and “D” uses, before notifying the FERC, the appropriate FLPR function shall consult with Federal and State Fish and Wildlife or Recreation Agencies, as appropriate, and the State Historic Preservation Officer.

Also, before notifying the FERC, station management, with the appropriate inputs, 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 lands to be conveyed do not have recreational value.

The instrument of conveyance must include covenants running with the land adequate to ensure that: the use of the lands conveyed shall not endanger the health, create a nuisance, or otherwise be incompatible with overall project recreational use; and the grantee shall take all reasonable precautions to ensure 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.

3.5.8 If a proposed conveyance does not meet the criteria of the Standard Land Use Article, then additional steps shall be taken to affect the conveyance. These steps shall be determined based upon consultation with counsel and may include, for instance, a request for FERC prior approval.

3.5.9 To facilitate meeting the requirements above, the Station Manager shall maintain an up-to-date list of all approved uses.

4 EXHIBITS

- Standard Land Use Articles (Exhibit 1):
 - License Article No. 49 – FERC Project No. 2485 Northfield, dated 10/6/80.
 - License Article No. 43 – FERC Project No. 1889 Turners Falls, dated 10/6/80.
- Summary of Standard Land Use Article Requirements (Exhibit 2)