

EXHIBIT 4

<http://www.gpo.gov/fdsys/pkg/FR-1995-02-02/html/95-2598.htm>

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[Notices]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Section 4(e) Conditions for the Kerr Hydroelectric Project, Montana

AGENCY: Department of the Interior.

ACTION: Extension of public comment period.

SUMMARY: On November 22, 1994 (59 FR 60158), the Department of the Interior published a notice of availability and a request for comment regarding its proposed Section 4(e) conditions for the Kerr Hydroelectric Project license. The public comment period was subsequently extended on December 19, 1994 (59 FR 65379). In an effort to allow more time for public participation the Department is extending the comment period through March 7, 1995. Pursuant to the Federal Power Act, 16 U.S.C. 797(e), the proposed Section 4(e) conditions provide for the adequate protection and utilization of the Flathead Indian Reservation and the Flathead Waterfowl Production Area administered by the Fish and Wildlife Service.

DATES: The Department will consider all comments on the proposed Section 4(e) conditions received on or before March 7, 1995 in the formulation of the Secretary's final Section 4(e) conditions for the Kerr Hydroelectric Project.

ADDRESSES: Comments should be sent to Anne Crichton, Department of the Interior, Office of the Solicitor, 1849 C Street NW., Mail Stop 6456, Washington, DC 20240.

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FOR FURTHER INFORMATION CONTACT: Janice Schneider, Department of the Interior, Office of the Solicitor, 1849 C Street NW., Mail Stop 6456, Washington, DC 20240, 202-208-6967.

SUPPLEMENTARY INFORMATION: The November 22, 1994 (59 FR 60158) notice of availability and request for comment provided a 30 day period during which the Department would receive comments regarding its proposed Section 4(e) conditions for the Kerr Hydroelectric Project. Pursuant to the Federal Power Act, 16 U.S.C. 797(e), the proposed Section 4(e) conditions provide for the adequate protection and utilization of the Flathead Indian Reservation and the Flathead Waterfowl Production Area administered by the Fish and Wildlife Service. The proposed conditions for the Flathead Indian Reservation provide for the imposition of a base load operational scenario at the Kerr Project. This operational scenario precludes the use of Kerr Dam as a load regulating or peak power generation facility, and requires minimum flows, certain restrictions on flow fluctuations (ramping rates), and a two year ramping rate study. In addition, the proposed conditions provide for non-operational measures designed to protect and provide for adequate utilization of the Flathead Indian Reservation in conjunction with operational measures. The non-operational measures include the development of a Fish and Wildlife Implementation Strategy, development of an operational rule curve, habitat acquisition, habitat development, fishery supplementation and reintroduction, development of recreational resources, and the identification and projection of cultural resources on the Flathead Indian Reservation. The proposed conditions for the Flathead Waterfowl Production Area provide for the imposition of erosion control on the north shore of Flathead Lake and the upper Flathead River, island restoration, and habitat acquisition and development. The costs of all measures will be borne by the project licensees.

The habitat acquisition component of the proposed Section 4(e) conditions has recently been amended.

On December 19, 1994, the Department extended the public comment period and announced the availability of two technical documents that support the proposed Section 4(e) conditions, the "Kerr Hydro-electric Project Report" by Stetson Engineers, Inc., and "An Evaluation of the Wildlife Components of the Kerr Dam Project Mitigation and Management Plan and Recommended Section 4(e) Articles" by BioSystems Analysis, Inc. Due to unforeseen delays in the public release of the report entitled "An Evaluation of the Wildlife Components of the Kerr Dam Project Mitigation and Management Plan and Recommended Section 4(e) Articles," the Department is extending the public comment period until March 7, 1995. The comment period, which began on November 22, 1994, therefore, consists of a total of 105 days. All comments are due to the Department on or before March 7, 1994. The proposed conditions and the above referenced reports are available for review and copying at the Department of the Interior, 1849 C Street NW., Washington, DC in room 6443. Copies of the proposed Section 4(e) conditions and the above referenced reports will be made available to all interested parties upon request.

Dated: January 30, 1995.
Willie R. Taylor,
Director, Office of Environmental Policy and Compliance.

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