

Swinging Bridge Project (P-10482) Fact Sheet
PUBLIC ACCESS AND RECREATION AT MIRANT PROJECTS

Explanation of Land/Public Access Articles

Article 5

Requires the licensee to acquire title in fee or the right to use in perpetuity all lands appropriate for the construction, maintenance, and operation of the project. The Commission expects the licensee to have adequate rights. If it does not have the needed rights, it must obtain them. The licensee is ultimately responsible for the activities which occur within its project boundaries.

Standard Land Use Article

This article (article 410 of the Rio license P-9690, article 408 of the Mongaup license P-10481, and article 407 of the Swinging Bridge P-10482) gives the licensee the authority to permit or to convey interests for certain types of use and occupancy of project lands and waters without prior Commission approval, provided it is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. The licensee has continuing responsibility to supervise and control the use and occupancies and to take any lawful action necessary to correct any violations including canceling permission to use and occupy the project lands and waters and/or requiring removal of any non-complying structures and facilities. The licensee may establish a program for issuing permits for specified types of uses and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for implementing this article and to require modification of those standards, guidelines, or procedures.

Currently, there are several encroachments on the Mirant's land. The licensee is working with adjacent property owners to get them into compliance with its guidelines, or plans to remove the encroachments if this is not done.

Article 18

This article, in relevant part, requires Mirant, consistent with proper operation of the project, to allow free public access, to a reasonable extent, to project waters and adjacent public lands owned by the licensee for the purpose of full public utilization of such lands and water for navigation and for outdoor recreational purposes, including fishing and hunting. It further states that a licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property. Article 18 can be found in L-10 (October 1975) of the license issued on April 14, 1992 (59 FERC ¶ 62,034).

Approved recreation plans

At each of its projects, Mirant is responsible for providing recreation facilities as required by a Memorandum of Understanding with the New York State Department of Environmental Conservation. The Commission has approved these plans which include boating facilities and general access points.