Essential Power, LLC

c/o William P. Short III
44 West 62nd Street
P.O. Box 2371773
New York, New York 10023-7173

Re: LIHI Certification for Indian Orchard Hydroelectric Project #10678
Flow Issues

Dear Mr. Short,

The 2003 Chicopee River Water Quality Assessment Report is the latest report we have on water quality in the vicinity of Indian Orchard Dam. This report presents the following for the Designated Use Assessment – Aquatic Life Use in river segment MA36-24:

The Aquatic Life Use, however, is on “Alert Status” due to the potential impacts of hydromodification due to hydropower operations.

RECOMMENDATIONS: Monitor the effects of hydropower activities on the Chicopee River. This may involve fish population sampling or benthic invertebrate sampling.

The Massachusetts Department of Environmental Protection acknowledges the statements and evidence presented to verify compliance with the exemption minimum flow requirements at the Indian Orchard Hydroelectric Project. Since we have no flow records, the Federal Energy Regulatory Commission’s (FERC) is the appropriate agency to verify compliance. The existing exemption requirements allow a mode of operation which allows for impoundment drawdowns by six inches during part of the year and up to one foot for the rest of the year.

The Department’s criteria for an applicant to be considered low impact is to have hydroelectric projects operate in an instantaneous run-of-river mode with inflows equal to outflows and a stable pond level within a narrow band.

November 21, 2012
Since the FERC issues exemptions in perpetuity and licenses over multiple decades, we view the incentive to obtain LIHI certification and RPS I or RPS II generator designation a prime opportunity for operators to voluntarily operate in a more environmentally sensitive manner than allowed under their FERC license.

Accordingly, the Department does not support the application for LIHI certification at this time.

If there are any questions, please call me at 508-767-2854.

Sincerely,

[Signature]

Robert Kubit, P.E.

Cc: Caleb Slater/MADFW