



August 3, 2012

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c/o Brookfield Renewable Power
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Subject: LIHI Re-Certification Decision
West Branch St. Regis Hydroelectric Project (LIHI Certificate No. 27)
Brookfield Renewable Power

Daniel:

This letter confirms and contains LIHI's decision to Re-Certify Brookfield Renewable Power's ("Brookfield") West Branch St. Regis Hydroelectric Project (the "Project" or "WBSR") for a new five-year term. My decision as Executive Director to Re-Certify the WBSR is based on the research and recommendations of the Application Reviewer, Pat Mcilvaine and my review of her report and documents provided by Brookfield and other stakeholders with an interest in this re-certification. Accordingly, the West Branch St. Regis Hydroelectric Project is hereby re-certified as a Low Impact Hydropower Facility. This re-certification is valid for five years, and will expire on September 14, 2015 unless revoked.

An Annual Fee for 15% of the Application Processing Fee will be coordinated with the Annual Compliance mailing sent to all certificate holders on their first and subsequent anniversaries. An Annual Fee of \$780 due September 14, 2012 will be invoiced under separate cover. Due to the delay in processing your Re-Certification application, the Annual Fee that would have been due in September of 2011 will be waived.

I. Re-Certification Standards

Part V of the Low Impact Hydropower Institute (LIHI)'s Certification Handbook (Updated December 2011) regarding Applications for Recertification ("Recertification Standards") provides that a "request for renewal of a previously-issued LIHI certification ("re-certification") will be granted at the conclusion of the term of the existing certification if re-certification is desired by the certificate holder, and so long as (1) there have been no "material changes" at the facility that would affect the certification and (2) LIHI's certification criteria have not been revised since the previous certification was issued by LIHI."

The Recertification review criteria also provide that “[i]f the Application Reviewer can definitively determine from the submitted application materials, a review of the LIHI file containing the past certification decision(s), any public comments received during the application process, and any limited reviewer-initiated questioning by LIHI of the applicant and/or third parties, that the answer to both questions above is “no,” the Application Reviewer will recommend re-certification approval to LIHI’s Executive Director, and there will be no further application review.

II. Application Reviewer’s Report

The following italicized text is an excerpt from Pat Mcilvaine’s Report submitted to LIHI on July 20, 2012.

The West Branch St. Regis Hydroelectric Project (the “Project”) received a license (P-10461) from the Federal Energy Regulatory Commission in September 2002 through a collaborative Settlement Agreement. The project’s initial LIHI certification as “low impact” was reinstated by LIHI on April 26, 2007.

I have reviewed the materials submitted for recertification of the Project by Brookfield Renewable Power, Erie Boulevard Hydropower, Limited Partnership (Applicant) in support of its November 2010 application, as well as supplemental information provided in response to a request for additional data issued by LIHI in December 2012. As a result of that review, I requested additional information, which was supplied by the Applicant. I also reviewed the LIHI file containing the past certification decision and FERC’s public information file on the Project. Due to the completeness of the information provided, limited agency consultations were needed. I solicited comments from the individuals listed below who are knowledgeable of the Project, none of which reported any changes, known compliance issues or new concerns associated with the Project. A copy of their emails are attached as Attachment 1.

- *Mr. Steve Patch - US Fish and Wildlife*
- *Mr. William Wellman - Trout Unlimited*

An attempt was made on July 12, 2012 to reach Ms. Alice Richardson, of the New York Department of Environmental Conservation (NYDEC). I learned from speaking with her supervisor, Mr. Larry Ambeau, that she on an unexpected, undefined leave of absence. He stated he would not have any opportunity in the near future to review her files, and that she is the only one in the region to have experience with hydropower projects. We agreed that LIHI would move forward in the recertification process absent his agency’s review, with the caveat that if some significant concern is discovered within the next six months, that he would contact LIHI, and that LIHI would re-examine the recertification of this Project. A condition to this effect is noted below. As reviewer of this recertification, I will contact NYDEC in December 2012 as a reminder of this commitment.

Several attempts were made by email and telephone to reach Mr. Jerry Moore, Town Supervisor for the Town of Parishville, but no call-back was ever received. The only past issue identified in 2007 by the Town Supervisor at that time was that one recreational sign had not be installed. Consultation with the Applicant has indicated the sign was installed in 2007 in compliance with the LIHI certification process. Although I was hoping to verify this and see if any new issues have arisen, I do not believe it is warranted to delay this report. I am assuming that if significant issues have arisen, that I would have been contacted by the Town Supervisor in response to my repeated calls.

This Project's public comment period closed on February 2, 2011. In my opinion, the materials provided are sufficient to make a recertification recommendation and no further application review is needed.

II. *There have been no "material changes" at the facility that would affect the certification.*

In accordance with the Recertification Standards, "material changes" mean non-compliance and/or new or renewed issues of concern that are relevant to LIHI's criteria. Data provided has indicated that no impacts are expected to either the state or the federally protected species recently reported in the county (but not near the Project). It was also confirmed in the NYDEC 2010 report that the West Branch of the St. Regis is not 303(d) listed, as originally apparently miss-reported in earlier state records. Replacement of 1,500 foot of pipeline and the surge tank at the Allens Falls Development was implemented in 2007, with no changes to project operations resulting from this change. Based on my review of materials provided, review of FERC's public records, and consultation with the noted individuals, I found that there are no instances of non-compliance or new or renewed issues of concern.

III. *LIHI's certification criteria have not been revised since the previous certification was issued by LIHI in 2007.*

It is my understanding that LIHI's criteria, or the Board's interpretation of one or more criteria, that are applicable to the circumstances of the West Branch St. Regis Hydroelectric Project have not changed in meaningful ways since the date of the original certification.

IV. *Conclusion*

In light of the above, I recommend conditional recertification of the West Branch St. Regis Hydroelectric Project. Given the current inability to provide review and comment on the recertification of the Project by the water quality, fisheries and other resource experts at the NYDEC, the following condition would apply:

- Should the NYDEC determine by December 31, 2012 that, in their opinion, there are significant issues that may challenge the ability of the Project to meet LIHI criteria's as a "low impact facility", comments to this effect will be provided to LIHI. Should such comments be received, LIHI would re-assess the appropriateness of this recertification.*

Executive Director's Conclusions – I agree with the Application Reviewer's findings and non-standard condition offering. Furthermore, I have received a number of positive and supportive anecdotal and informal comments in conversation with resource agency staffers familiar with the Project and Brookfield. I am not aware of any compliance violations or significant issues that may challenge the ability of the Project to meet LIHI criteria's as a "low impact facility."

Should you have any questions feel free to contact me fayer@lowimpacthydro.org

Sincerely,

Fred Ayer
Executive Director