



Centennial Island Hydroelectric · Methuen Falls Hydroelectric

February 27, 2013

Low Impact Hydropower Institute
c/o Dr. Michael Sale
Executive Director
PO BOX 194
Harrington Park, New Jersey 07640

Re: Application of Methuen Falls Hydroelectric Project for Certification by the Low Impact Hydropower Institute

Dear Dr. Sale:

Attached please find an application for certification by the Low Impact Hydropower Institute ("LIHI") of the Methuen Falls Hydroelectric Project (the "Project" or the "Facility") of Olson Electric Development Co., Inc. ("OED").

For purposes of responding to inquiries regarding the application, persons should contact the following:

Primary Contact

Kevin Olson
Olson Electric Development Co., Inc.
30r Hampshire Street
Methuen MA 01844
(978) 975-0400 Office
(978) 204-9775 Cell
kevin@olsonelectric.com

Secondary Contact

William P. Short III
P.O. Box 237173
New York, NY 10023-7173
(917) 206-0001
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w.shortiii@verizon.net

The following text or computer files are attached to this application:

1. LIHI Questionnaire Form
2. Appendix 1, FERC Order Issuing License (Minor) and Dismissing Application for Preliminary Permit with Prejudice (Issued March 27, 1986)
3. Appendix 2, Agency Contacts
4. Appendix 3-1, Description of the Facility & Mode of Operation
5. Appendix 3-2, Photos
6. Appendix 3-3, Maps
7. Appendix A, Flows
8. Appendix A-1, MDEP Request for Comments
9. Appendix A-2, MDEP Comments
10. Appendix A-3, MDFW Request for Comments
11. Appendix A-4, MDFW Comments
12. Appendix A-5, USFWS Request for Comments
13. Appendix A-6, USFWS Comments
14. Appendix A-7, USNMFS Request for Comments
15. Appendix A-8, Bypass Flow Study
16. Appendix A-9, Bypass Flow Study Transmittal
17. Appendix A-10, MDFW Approval Email
18. Appendix A-11, USFWS Approval Email
19. Appendix B, Water Quality
20. Appendix B-1, MDEP Request for Comments
21. Appendix B-2, MDEP Comments
22. Appendix C, Fish Passage and Protection
23. Appendix C-1, MDFW Request for Comments
24. Appendix C-2, MDFW Comments
25. Appendix C-3, USFWS Request for Comments
26. Appendix C-4, USFWS Comments
27. Appendix C-5, USNMFS Request for Comments
28. Appendix C-6, Statement of Commitment
29. Appendix D, Watershed Protection
30. Appendix D-1, MDFW E-mail, Dated June 22, 2012
31. Appendix D-2, FWS E-mail, Dated August 27, 2012
32. Appendix E, Threatened and Endangered Species Protection
33. Appendix E-1, MDFW Request for Comments
34. Appendix E-2, MDFW Comments
35. Appendix E-3, USFWS Request for Comments
36. Appendix E-4, USFWS Comments
37. Appendix F, Cultural Resource Protection
38. Appendix F-1, MHC Request for Comment
39. Appendix F-2, MHC Comments
40. Appendix G, Recreation
41. Appendix G-1, FERC Request for Comment
42. Appendix G-2, MDFG Request for Comment
43. Appendix H, Facilities Recommended for Removal

The application is arranged such that the control document is the LIHI Questionnaire. Back-up documents are cited in the questionnaire and may be found in the appendices.

I request that you review this application and let me know if anything additional is needed in order to place this application in front of the agency contacts and eventually the board of directors of LIHI for consideration.

Best Regards,
Olson Electric Development Co., Inc.

A handwritten signature in black ink, appearing to be 'K Olson', with a stylized flourish extending to the right.

Kevin Olson

enclosures

APPENDIX 1

METHUEN FALLS HYDROELECTRIC PROJECT

FERC ORDER ISSUING LICENSE (MINOR) AND DISMISSING APPLICATION FOR PRELIMINARY PERMIT WITH PREDJUDICE (ISSUED MARCH 27, 1986)

A copy of FERC Order may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix 1”



A View of the Falls

APPENDIX 2

PUTTS BRIDGE PROJECT

AGENCY CONTACTS



Methuen Falls
c. 1890

Army Corps of Engineers
Brian Valiton; (978) 318-8166
Brian.E.Valiton@usace.army.mil

Environmental Protection Agency
Ralph Abele; (617) 918-1629
abele.ralph@epa.gov

Federal Energy Regulatory Commission
Kimberly D. Bose, Secretary; (202) 502-8400
kimberly.bose@ferc.gov

Federal Energy Regulatory Commission – New York Regional Office
Gerald L. Cross, Regional Engineer; (212) 273-5911
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Fish and Wildlife Service
Melissa Grader; (413) 548-9138, x-124
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Fish and Wildlife Service
John Warner; (603) 223-2541, x-15
john_warner@fws.gov

National Marine Fisheries Service
Marjorie Mooney; (978) 281-9175
Marjorie.Mooney-Seus@noaa.gov

National Park Service, Rivers and Special Studies Branch
Kevin Mendik; (617) 223-5299
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Natural Resources Conservation Service
David Hvizdak; (413) 253-4370
david.hvizdak@ma.usda.gov

Massachusetts Department of Conservation and Recreation
Alice Bilbo-Miles; (617) 626-1310
alice.biblo-miles@state.ma.us

Massachusetts Department of Fish and Game

John P. Sheppard; (617) 727-1843

jack.sheppard@state.ma.us

Massachusetts Department of Environmental Protection

Robert D. Kubit; (508) 767-2854

robert.kubit@state.ma.us

Massachusetts Division of Ecological Restoration

Russell Cohen; (617) 626-1543

russ.cohen@state.ma.us

Massachusetts Division of Fisheries and Wildlife

Caleb Slater; (508) 389-6331

caleb.slater@state.ma.us

Massachusetts Historical Commission (SHPO)

Brona Simon; (617) 727-8470

mhc@sec.state.ma.us

American Rivers

Brian Graber; (202) 347-7550

bgraber@americanrivers.org

American Whitewater

Mark Singleton; (828) 586-1930

mark@americanwhitewater.org

Appalachian Mountain Club

Ken Kimball; (no telephone listing)

kkimball@outdoors.org

Conservation Law Foundation

Cynthia Liebman; (617) 350-0990

cliebman@clf.org

Connecticut River Watershed Council

Andrea F. Donlon, M.S.; (413) 772-2020

crwc@ctriver.org

Pioneer Valley Trout Unlimited

Paul Beaulieu; (413) 875-1302

pgbeauliu@tighebond.com

Trout Unlimited

Jeff Reardon; (207) 622-2273

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APPENDIX 3-1

METHUEN FALLS HYDROELECTRIC PROJECT

Description of the Facility and Mode of Operation

The Methuen Falls Hydroelectric Project (the Project) is located in the City of Methuen, Essex County, Massachusetts on the Spicket River near Route 28, south of the junction of Routes 28 and 213.

The Spicket River (the River), a tributary of the Merrimack River, part of the Gulf of Maine watershed, is a 17.7-mile-long river located in both New Hampshire and Massachusetts. The Spicket begins at the outlet of Island Pond in Derry, New Hampshire, and flows south into Salem, New Hampshire, passing through the Arlington Mill Reservoir. The river continues through Salem, and enters the city of Methuen, Massachusetts, where it drops nearly 100 feet over a series of dams on its way to the Merrimack River in Lawrence. The drainage area is approximately 73.8 square miles. There are two USGS gauges on the river. USGS 01100561 SPICKET RIVER NEAR METHUEN is located 1½ miles upstream from the Project at the Hampshire Road Bridge on the Salem NH and Methuen MA boarder. USGS 01100505 SPICKET RIVER AT NORTH SALEM, NH is located 9 miles upstream from the Project on the boarder of Salem and Derry.

The Project utilizes the Methuen Falls Dam (ID #605921) (the Dam) to achieve it hydraulic head. Methuen Falls is the second of five existing dams on the river. The first and most immediate upstream is Wheeler Dam (ID #870816) located approximately 7 miles to the north at the outlet of Arlington Mill Reservoir in Salem, New Hampshire. The third, and most immediate downstream, is Harvey's Falls Dam located approximately ½ mile to the south. The Dam, which was originally constructed in 1880 to 1890, is a gravity dam made of cut granite built on a bedrock foundation. The downstream face is vertical dry stone masonry laid on a running bond pattern. Its maximum height above the river bed is twenty feet with three feet of plywood flashboards on the crest. The overflow spillway consists of three sections separated by two large masonry piers and has a total length of 130 feet. There are (2) 3 foot wide by 4 foot high fully automated flood gates located on the southern pier. The dam is classified as a "Low Hazard" dam.

The Project intake is located on the northern side of the dam. The intake structure consists of a formed concrete box protected by 16 foot wide by 10 foot deep galvanized trash racks. The intake is sealed by a 10 foot wide by 10 foot deep fully automated aluminum head gate. Water is transported to the power house via a 150 foot long, 7 foot high by 10 foot wide granite topped brick channel that transitions into a 4 foot diameter steel penstock at a ninety degree angle. The penstock transfers water into a 7 foot high by 20 foot square concrete pressure case which houses Unit #1. A 3 foot long, 3 foot diameter steel penstock supplies water from the concrete pressure case to a 6 foot high by 6 foot square steel pressure case that houses Unit #2. Each pressure case passes water to the tailrace via conical draft tubes.

The powerhouse is located in the historically restored Methuen Company Spinning Mill #5. The c. 1840 structure contains 6000 square feet of finished interior space and sits 3½ stories above grade. The first floor houses the following major components.

- Turbine #1: 405hp Vertical Leffel - Francis Unit
- Generator #1: 285kw Vertical General Electric
- Turbine #2: 120hp Vertical S. Morgan Smith - Francis Unit
- Generator #2: 90kw Vertical Westinghouse
- Switchgear, Excitation, HPU, & other Controls & Automation Equipment

On average, the facility produces approximately one million kilowatt hours of electricity on an annual basis. As is the case with most hydroelectric facilities' production varies seasonally. The spring "run-off" months of March, April, May and June typically make up the largest percentage (42%) of annual production. The dryer summer and fall months of July, August, September and October make up the smallest percentage (20%) with the winter months of November, December, January and February making up the balance (38%).

The project operates as a true run-of-river project and discharges a continuous minimum flow of 3 cfs through the one 150 foot long bypass reach. The project is also in compliance with its requirement to provide an instantaneous instream flow release of at least 37 cfs, or inflow, whichever is less.

The project is located within the Spicket Falls Historic District. The Historic District is part of the Methuen Multiple Resource Area which is listed on the National Register of Historic Places. The Methuen Company Spinning Mill #5, which houses the power plant, has been preserved and restored in accordance with Historic District guidelines.

Fish passage facilities have not been recommended for the facility.

APPENDIX 3-2

METHUEN FALLS HYDROELECTRIC PROJECT

Project Photographs

A file containing Project Photographs may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix 3-2“



APPENDIX 3-3

METHUEN FALLS HYDROELECTRIC PROJECT

Project Maps & Aerials

A file containing Project Maps & Aerials may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix 3-3”



APPENIDX A

METHUEN FALLS HYDROELECTRIC PROJECT

Flows

The Facility is in compliance with resource agency recommendations issued after December 31, 1986 regarding flow conditions for fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations) for both the reach below the tailrace and all bypassed reaches.

APPENIDX A-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Department of Environmental Protection Request for Comment -Flows

On April 9, 2012, OED requested comment from the Massachusetts Department of Environmental Protection (MDEP) regarding project flows. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix A-1“

APPENIDX A-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Department of Environmental Protection Response to Request for Comment -Flows

On June 7, 2012, MDEP responded with comments regarding project flows. A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix A-2“

APPENIDX A-3

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Request for Comment -Flows

On April 9, 2012, OED requested comment from the Massachusetts Division of Fisheries & Wildlife (MDFW) regarding project flows. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix A-3“

APPENIDX A-4

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Response to Request for Comment -Flows

On May 24, 2012, MDFW responded with comments regarding project flows. The response provided MDFW stated the following:

Run-of River operation:

The project already operates in an instantaneous run-of-river mode. Run-of-river operation is a requirement for the Division to consider any project as eligible for low impact certification.

Bypass Flows:

The basis for the existing 3 cfs minimum bypass flow is not clear, and our files show neither a description of bypass reach habitat nor any assessment of flow needs for fish and aquatic life. A 3 cfs flow is substantially below the US Fish and Wildlife Service's default aquatic base flow for your site of 37 cfs and it is unlikely that 3 cfs protects aquatic resources in the project bypass reach. In order for the Division to consider the project eligible for low impact certification, we would need Olson Electric to provide an assessment of the bypass reach habitat and the flows needed to protect aquatic resources in that reach.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix A-4"

APPENIDX A-5

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Request for Comment -Flows

On April 9, 2012, OED requested comment from the United States Fish and Wildlife Service (USFWS) regarding project flows. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix A-5"

APPENIDX A-6

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Response to Request for Comment -Flows

On May 23, 2012, USFWS responded with comments regarding project flows. The response provided by USFWS stated the following:

Regarding bypass flows, the basis for the existing 3 cfs bypass flow is not clear, and our files show neither a description of bypass reach habitat nor any assessment of flow needs for fish and aquatic life. A 3 cfs flow is substantially below the Service's default aquatic base flow for your site of 37 cfs and it is unlikely that 3 cfs protects aquatic resources in the subject reach. In order for us to consider the project eligible for low impact certification, we would need Olson Electric to provide an assessment of the bypass reach habitat and the flows needed to protect aquatic resources in that reach.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix A-6"

APPENIDX A-7

METHUEN FALLS HYDROELECTRIC PROJECT

United States National Marine Fisheries Service Request for Comment -Flows

On April 9, 2012, OED requested comment from the United States National Marine Fisheries Service (USNMFS) regarding project flows.

No response was provided on behalf of the USNMFS.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix A-7”.

APPENIDX A-8

METHUEN FALLS HYDROELECTRIC PROJECT

Bypass Flow Study

On June 15, 2012, at the request of MDFW & USFWS, OED hired Normandeau Associates, Inc. to perform an assessment of the bypass reach habitat and the flows needed to project aquatic resources in that reach (Bypass Flow Study). A file containing the study may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix A-8”.

APPENIDX A-9

METHUEN FALLS HYDROELECTRIC PROJECT

Transmittal of Bypass Flow Study to Relevant Agencies

On October 24, 2012 OED transmitted the Bypass Flow Study to the MDFW & USFWS and requested a letter (or e-mail) stating that the Project meets the LIHI criteria. On January 3, 2013, after receiving no response from either agency regarding the study or request, OED transmitted an additional request.

As of the date of this application, no response has been provided.

A file containing the requests may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix A-9".

APPENIDX B

METHUEN FALLS HYDROELECTRIC PROJECT

Water Quality

The Facility is in compliance with the quantitative water quality standards established by the state that support designated uses pursuant to the federal Clean Water Act in the Facility area and in the downstream reach.

APPENDIX B-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Department of Environmental Protection Request for Comment - Water Quality

On April 9, 2012, OED requested comment from the Massachusetts Department of Environmental Protection (MDEP) regarding Water Quality. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix B-1”

APPENDIX B-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Department of Environmental Protection Response to Request for Comment – Water Quality

On June 7, 2012, MDEP responded with comments regarding Water Quality. The response provided by MDEP stated the following:

The 1999 Merrimack River Water Quality Assessment Report is representative of current conditions in the vicinity of the Methuen Falls Dam. The Spicket River (MA84A-10) is heavily impacted by urbanization and is listed as a Category 5 water: “Waters Requiring a TMDL”.

The Department believes that the Methuen Falls Hydroelectric Project and its operations neither cause nor contribute to the presence of pathogens, Escherichia coli and fecal coliform both immediately up and downstream of or in the Project area.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix B-2”

APPENDIX C

METHUEN FALLS HYDROELECTRIC PROJECT

Fish Passage and Protection

The Facility is in compliance with mandatory fish passage prescriptions for upstream and downstream passage of anadromous and catadromous fish issued by resource agencies after December 31, 1986.

APPENIDX C-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Request for Comment - Fish Passage and Protection

On April 9, 2012, OED requested comment from the MDFW regarding Fish Passage and Protection. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix C-1"

APPENIDX C-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Response to Request for Comment - Fish Passage and Protection

On May 24, 2012, MDFW responded with comments regarding Fish Passage & Protection. The response provided MDFW stated the following:

Review of the project's FERC license indicates that passage for anadromous and/or catadromous (American eel) fish is not currently required. However, the potential of fish passage needs at some future date was raised during licensing in the 1980's. Due to the recent dramatic decline of American eel stocks, the Division and other fishery agencies are engaged in efforts to facilitate upstream eel passage and to implement downstream eel passage measures at hydropower facilities in areas where American eels exist.

A review of our River and Stream Inventory Database indicates that the latest fish surveys of the Spicket River (3) occurred in the summer of 2011. All three samples were dominated by American eel. Of the 124 individual fish of 12 different species that were captured, 48 were American eel ranging from in size from 130mm to 750mm total length. All the sample sites were downstream of the project dam, but one sample was upstream of the first dam on the river (Harvey's Falls Dam). As eels are clearly passing that dam without installed passage measures it is likely some eels pass the project dam as well. Therefore, the Division will be looking for downstream as well as upstream passage measures at your site in the near future.

For us to consider your project eligible as a low impact project, we would need a definitive commitment by Olson Electric to implement eel passage measures when so notified. Those measures are likely to include an upstream eelway and downstream passage measures in the form of seasonally installed narrow-spaced screens or seasonal nighttime shutdown. Implementation would require consultation with, and approval of facilities by the Division and the US Fish and Wildlife Service. Passage measures would need to be implemented within 2 years of notification although interim measures should be in place as soon as possible after such notification.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix C-2"

APPENIDX C-3

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Request for Comment - Fish Passage and Protection

On April 9, 2012, OED requested comment from the USFWS regarding Fish Passage and Protection. A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix C-3"

APPENIDX C-4

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Response to Request for Comment - Fish Passage and Protection

On May 23, 2012 USFWS responded with comments regarding Fish Passage and Protection. The response provided USFWS stated the following:

While the project license does not require anadromous or catadromous (American eel) passage, the potential for future passage needs was raised during licensing in the 1980's. Due to the decline of American eel stocks, the Service and other fishery agencies are engaged in efforts to facilitate upstream eel passage and to implement downstream eel passage measures at hydropower facilities to reduce or eliminate entrainment and turbine mortality of downstream migrating adults. We have not requested passage at your project but it is likely some eels pass the project despite the lack of definitive passage facilities. Therefore, it is likely that we will be looking for downstream as well as upstream passage measures at your site in the near future.

For us to consider your project eligible as a low impact project, we would need a definitive commitment by Olson Electric to implement eel passage measures when so notified.

Those measures are likely to include an upstream eelway and downstream passage measures in the form of seasonally installed narrow-spaced screens or seasonal nighttime shutdown. Implementation would require consultation with and approval of facilities by the Service and passage measures implemented within 2 years after notification though interim measures should be in place as soon as possible after such notification.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix C-4"

APPENIDX C-5

METHUEN FALLS HYDROELECTRIC PROJECT

United States National Marine Fisheries Service Request for Comment – Fish Passage & Protection

On April 9, 2012, OED requested comment from the United States National Marine Fisheries Service (USNMFS) regarding Fish Passage & Protection.

No response was provided on behalf of the USNMFS.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix C-5”.

APPENIDX C-6

METHUEN FALLS HYDROELECTRIC PROJECT

Statement of Commitment to Relevant Agencies

On October 24, 2012, at the request of MDFW & USFWS, OED provided a statement of commitment to implement eel passage measures when so notified and requested a letter (or e-mail) stating that the Project meets the LIHI criteria.

On January 3, 2013, after receiving no response from either agency regarding the study or request, OED transmitted an additional request.

As of the date of this application, no response has been provided.

A file containing the requests may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix C-6".

APPENDIX D

METHUEN FALLS HYDROELECTRIC PROJECT

Watershed Protection

The Facility is in compliance with both state and federal resource agencies recommendations for a license-approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project.

APPENDIX D-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Request for Comment - Watershed Protection

On April 9, 2012, OED requested comment from the MDFW regarding Watershed Protection.

As of the date of this application, no response has been provided.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix D-1"

APPENIDX D-2

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Request for Comment - Watershed Protection

On April 9, 2012, OED requested comment from the USFWS regarding Watershed Protection.

As of the date of this application, no response has been provided.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix D-2"

APPENDIX E

METHUEN FALLS HYDROELECTRIC PROJECT

Threatened and Endangered Species Protection

There are no threatened or endangered fish species listed under state or federal Endangered Species Acts present in the Facility area and/or the downstream reach.

APPENDIX E-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Request for Comment - Threatened and Endangered Species Protection

On April 9, 2012, OED requested comment from the MDFW regarding Threatened and Endangered Species Protection.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix E-1"

APPENDIX E-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Division of Fisheries & Wildlife Response to Request for Comment - Threatened and Endangered Species Protection

On May 1, 2012, MDFW responded with comments regarding Threatened and Endangered Species Protection. The response provided by MDFW stated the following:

Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, does not occur within Estimated Habitat of Rare Wildlife or Priority Habitat as indicated in the Massachusetts Natural Heritage Atlas (13th Edition). Therefore, the project is not required to be reviewed for compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37, 10.59 & 10.58(4)(b)) or the MA Endangered Species Act Regulations (321 CMR 10.18).

Please note that this determination addresses only the matter of state-listed wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project. Information regarding federally protected species can be obtained from the U.S. Fish and Wildlife Service.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix E-2"

APPENDIX E-3

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Request for Comment - Threatened and Endangered Species Protection

On April 9, 2012, OED requested comment from the USFWS regarding Threatened and Endangered Species Protection.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix E-3"

APPENDIX E-4

METHUEN FALLS HYDROELECTRIC PROJECT

United States Fish and Wildlife Service Response to Request for Comment - Threatened and Endangered Species Protection

On May 23, 2012, USFWS responded with comments regarding Threatened and Endangered Species Protection. The response provided by USFWS stated the following:

There are no endangered Species that would be affected by the project.

A file containing the response may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix E-4"

APPENDIX F

METHUEN FALLS HYDROELECTRIC PROJECT

Cultural Resource Protection

The Facility is in compliance with all requirements regarding cultural resource protection, mitigation or enhancement.

APPENDIX F-1

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Historical Commission Request for Comment - Cultural Resource Protection

On April 9, 2012, OED requested comment from the MHC regarding Cultural Resource Protection.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix F-1”

APPENDIX F-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Historical Commission Response to Request for Comment - Cultural Resource Protection

On April 10, 2012, MHC responded with comments regarding Cultural Resource Protection. The response stated the following:

MHC does not accept email for review. No further comment will be provided by email. MHC does not comment on projects that do not involve state or federal funding or permits &/or if there is no new construction or demolition proposed. See 36 CFR 800 available at www.achp.gov for the role of the MHC as the office of the State Historic Preservation Officer. MHC advises that you contact the Federal Energy Regulatory Commission about your initiative and if the federal agency determines that your project is an undertaking with the potential to affect historic properties, then FERC should write to the MHC per 36 CFR 800.3.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled “Appendix F-2”

APPENDIX G

METHUEN FALLS HYDROELECTRIC PROJECT

Recreation

The Facility is in compliance with the recreational access, accommodation (including recreational flow releases) and facilities conditions in its FERC license. In addition, the facility allows access to the reservoirs and downstream reaches without fees or charges.

APPENDIX G-1

METHUEN FALLS HYDROELECTRIC PROJECT

Federal Energy Regulatory Commission Request for Comment - Recreation

On April 9, 2012, OED requested comment from the FERC regarding Recreation.

As of the date of this application, no response has been provided.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix G-1"

APPENDIX G-2

METHUEN FALLS HYDROELECTRIC PROJECT

Massachusetts Department of Fish & Game Request for Comment - Recreation

On April 9, 2012, OED requested comment from the MDFG regarding Recreation.

As of the date of this application, no response has been provided.

A file containing the letter of request may be found on the portion of the LIHI website devoted to the Methuen Falls Hydroelectric application and is titled "Appendix G-2"

APPENDIX H

METHUEN FALLS HYDROELECTRIC PROJECT

Facilities Recommended for Removal

There is no resource agency recommendation for removal of the dam associated with the Facility.