

July 20, 2012

Fred Ayer
Executive Director
Low Impact Hydropower Institute
34 Providence Street
Portland, ME 04103

Subject: Recertification Recommendation for the West Branch St. Regis Hydroelectric Project

Dear Fred:

This letter contains my recommendation for recertification of the West Branch St. Regis Hydroelectric Project (the "Project").

I. Recertification 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. No further application review is recommended.

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.

III. 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.



IV. 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.

V. 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 NTDEC 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.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia B. McIlvaine".

Patricia B McIlvaine

Attachment 1
West Branch St. Regis Recertification Agency Communications

Telephone Conversations

Date:	July 12, 2012 - Telephone conversation
Contact Person:	Mr. Larry Ambeau
Agency:	New York State Department of Environmental Conservation, Division of Fish and Wildlife Resources
Contact Information:	315-785-2267
Area of Expertise:	Water Quality and recreation

Mr. Larry Ambeau, supervisor of Ms. Alice Richardson, reported that Alice was 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.

Patricia B. McIlvaine

From: Stephen_Patch@fws.gov
Sent: Wednesday, July 11, 2012 9:31 AM
To: Patricia B. McIlvaine
Cc: 'wellman1985@charter.net'
Subject: Re: West Branch St Regis Hydropower Project Questions

They are in compliance. During the previous review, the minimum flow to the bypassed reach was not being complied with. Brookfield has corrected the problem and provided mitigation in the form of stocking trout.

Steve Patch

Fish & Wildlife Biologist

U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045
(607) 753-9334 (voice)
(607) 753-9699 (fax)
<http://nyfo.fws.gov> (web)
stephen_patch@fws.gov (email)

"Patricia B. McIlvaine" <Pat.McIlvaine@wright-pierce.com>

To "stephen_patch@fws.gov" <stephen_patch@fws.gov>, "wellman1985@charter.net" <wellman1985@charter.net>

07/09/2012 08:33 AM

cc

Subject West Branch St Regis Hydropower Project Questions

Gentleman

I am the independent reviewer for the Low Impact Hydropower Institute (LIHI) and I am reviewing Brookfield Power Renewable's application for recertification of their West Branch St. Regis hydropower project. I can see from my review of the report done for this project in 2005 that you were contacted by Gabriela Goldfarb, a past reviewer for LIHI, regarding a series of topics including fisheries and stream flows.

The key questions I have for both of you regarding their recertification application are listed below.

- 1) From your perspective, is the facility still in compliance with the FERC license and Settlement Agreement conditions and other requirements applicable to the Project that are important to your organization?
- 2) From your perspective, have any new concerns or issues arisen regarding the environmental issues that are important to LIHI certification?

Please feel free to respond by either email or telephone. You can call the number listed below or my direct line at 207-798-3785.

If you are unfamiliar with LIHI, please see our website at <http://www.lowimpacthydro.org/> or feel free to ask me any questions.

Thank you very much for your assistance on this request.

Pat

Pat McIlvaine | Project Manager
Wright-Pierce | Water, Wastewater & Infrastructure Engineers
Please note my new e-mail address: pat.mcIlvaine@Wright-Pierce.com
www.wright-pierce.com
Offices throughout New England
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Patricia B. McIlvaine

From: William Wellman <wellman1985@charter.net>
Sent: Wednesday, July 11, 2012 2:09 PM
To: Patricia B. McIlvaine
Cc: Steve Patch
Subject: Re: West Branch St Regis Hydropower Project Questions

Pat: Yes, I should have checked the FERC number. RE: Parishville-Allens Falls: To my knowledge, Brookfield is operating that project within the parameters of their license. I know of no current issues with the project. Bypass flows seem to be in compliance. Tks, Steve for getting me on the right project! Regards, bill
On Jul 11, 2012, at 10:03 AM, Patricia B. McIlvaine wrote:

Steve.....Thank you for the clarification. I was just about to give William a call given his reference to "Hogansburg" in his initial email thinking there must have been some confusion.

William....So are there any comments you would like to share regarding West Branch St. Regis?

Thanks

Pat

From: [Stephen Patch@fws.gov](mailto:Stephen_Patch@fws.gov) [mailto:Stephen_Patch@fws.gov]
Sent: Wednesday, July 11, 2012 9:58 AM
To: William Wellman
Cc: Patricia B. McIlvaine
Subject: Re: West Branch St Regis Hydropower Project Questions

Bill,

The LiHi application is for Project #10461 (West Branch St. Regis River, formerly Allens Falls and Parishville). Your comments are for Project #7518 (Hogansburg).

Steve Patch

Fish & Wildlife Biologist

U.S. Fish & Wildlife Service

New York Field Office (Region 5)

3817 Luker Rd.

Cortland, NY 13045

(607) 753-9334 (voice)

(607) 753-9699 (fax)

<http://nyfo.fws.gov> (web)

stephen_patch@fws.gov (email)

Patricia: I am the NYS Region 5 Vice President for NYS Council of Trout Unlimited, and also co-chair the hydro committee. As such, I participate in most NYS hydro relicensing efforts and intervene frequently with FERC and other agencies. From that perspective:

1. Yes, Brookfield is still in compliance with its license. It is currently preparing a new application. The NYS Council of Trout Unlimited is an intervener in that proceeding, currently underway.
2. This is a small power producer that blocks significant fisheries access to a major watershed in New York. The dam does not provide adequate fish passage. Due to the importance of this issue, provision of fish passage to include decommissioning and removal of the dam are major considerations in any relicensing effort. If you have further concerns on Hogansburg, drop another email. Regards, William H. Wellman

On Jul 9, 2012, at 8:33 AM, Patricia B. McIlvaine wrote:

Gentleman

I am the independent reviewer for the Low Impact Hydropower Institute (LIHI) and I am reviewing Brookfield Power Renewable's application for recertification of their West Branch St. Regis hydropower project. I can see from my review of the report done for this project in 2005 that you were contacted by Gabriela Goldfarb, a past reviewer for LIHI, regarding a series of topics including fisheries and stream flows.

The key questions I have for both of you regarding their recertification application are listed below.

- 1) From your perspective, is the facility still in compliance with the FERC license and Settlement Agreement conditions and other requirements applicable to the Project that are important to your organization?
- 2) From your perspective, have any new concerns or issues arisen regarding the environmental issues that are important to LIHI certification?

Please feel free to respond by either email or telephone. You can call the number listed below or my direct line at 207-798-3785.

If you are unfamiliar with LIHI, please see our website at <http://www.lowimpacthydro.org/> or feel free to ask me any questions.

Thank you very much for your assistance on this request.

Pat

Pat McIlvaine | Project Manager
Wright-Pierce | Water, Wastewater & Infrastructure Engineers
Please note my new e-mail address: pat.mcillvaine@Wright-Pierce.com
www.wright-pierce.com
Offices throughout New England

Patricia B. McIlvaine

From: Patricia B. McIlvaine <Pat.McIlvaine@wright-pierce.com>
Sent: Thursday, July 12, 2012 11:57 AM
To: 'lrambeau@gw.dec.state.ny.us'
Subject: FW: West Branch St. Regis Hydropower Project
Attachments: St Regis Draft Report v2.doc; staff report West Branch St. Regis 8-30-05.doc

Dear Mr. Ambeau

Thanks for getting back to me given Alice's absence. Hopefully my explanation of the Low Impact Hydropower Institute (LIHI) helped you better understand our request of Alice. The email below was my original request to Alice. As we discussed, I have attached both a link to the website of LIHI and the past Certification Reviewer's and Staff Reports that were done on the West Branch St. Regis Hydropower Project. Once at our website, if you click on "Certified Facilities" you will see all of the hydropower projects that have already received certification. The reviewer's report includes a summary of the discussion held with Alice about the Project in 2005.

Please don't hesitate to call me if you have any questions. My direct line in **207-798-3785**. In the meantime, we may proceed with conditional certification, assuming the last entity supports the certification as did the federal and state fisheries folks, until you have some breather time to review the file. However, I will need to discuss such an approach with Fred Ayer, Executive Director of LIHI so it's not a given we will take such an approach.

Thanks again for your time.

Pat McIlvaine

<http://www.lowimpacthydro.org/>

From: Patricia B. McIlvaine [mailto:Pat.McIlvaine@wright-pierce.com]
Sent: Sunday, July 08, 2012 8:14 PM
To: 'aprichar@gw.dec.state.ny.us'
Subject: West Branch St. Regis Hydropower Project

I am the independent reviewer for the Low Impact Hydropower Institute (LIHI) and I am reviewing Brookfield Power Renewable's application for recertification of their West Branch St. Regis hydropower project. I can see from my review of the report done for this project in 2005 that you were contacted by Gabriela Goldfarb, a past reviewer for LIHI, regarding a series of topics including recreation, protected species and water quality.

The key questions I have for all of you regarding their recertification application are listed below.

- 1) From your perspective, is the facility still in compliance with the license conditions and other requirements applicable to the Project that are important to your organization?
- 2) Have any new concerns or issues arisen regarding the environmental or recreational issues that are important to LIHI certification?

Please feel free to respond by either email or telephone. You can call the number listed below or my direct line at 207-798-3785.

If you are unfamiliar with LIHI, please see our website at <http://www.lowimpacthydro.org/> or feel free to ask me any questions.

Thank you very much for your assistance on this request.

Pat

Pat McIlvaine | Project Manager

Wright-Pierce | Water, Wastewater & Infrastructure Engineers

Please note my new e-mail address: pat.mcllvaine@Wright-Pierce.com

www.wright-pierce.com

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Patricia B. McIlvaine

From: Daoust, Daniel <Daniel.Daoust@brookfieldrenewable.com>
Sent: Thursday, July 12, 2012 12:36 PM
To: Pat.McIlvaine@wright-pierce.com
Subject: FW: LIHI, St Regis

Sorry for the confusion Patricia,

Here are the responses,

DGD

From: Patricia B. McIlvaine [<mailto:Pat.McIlvaine@wright-pierce.com>]
Sent: Thursday, July 05, 2012 10:11
To: Daoust, Daniel
Subject: RE: LIHI, St Regis

Thanks so much for sending this to me. I am working on this review as a top priority so that I can get a recommendation to Fred Ayer and the LIHI Board ASAP. Here are a few questions I have...

One aspect of my review for recertification is to review any changes in license / environmental requirements, operational issues or physical modifications at the facility that are tied to any of the LIHI criteria. With that in mind:

- FERC's eLibrary includes reference to a document that discusses changes in the pipeline and surge tank from Feb 2007 but it's a CEI document so I cannot retrieve it. Could you summarize what this change entailed so that I can determine if it affects our criteria review? Did it change anything such as flows being released?

At the Allens Falls Development, approximately 1500 feet of the steel pipeline was replaced with new steel pipe of the same size diameter and the existing surge tank was removed and replaced with a new surge tank. These construction activities did not impact the magnitude of any flow releases or any other measures at Allens Falls.

- Was a FERC Environmental Inspection done on the project since 2007? If so, can you send me a copy?

A FERC Environmental Inspection has not been performed at the project since 2007.

- Can you confirm for me that there have been no license requirement changes, problems with meeting your license exemption requirements, operational changes or physical modifications that would affect things such as flows, etc.?

There have not been any changes to the license conditions or the Licensee's ability to comply with these conditions. No operational changes or modifications to either development have been made that could potentially affect flows or other license requirements at either site.

Thanks for your help. I will be on vacation the rest of this week (but wanted to get you this email) and on a site visit on Monday, so if you have any questions please let me know what they are and I will get back to you on Tuesday.

Thanks
Pat

From: Daoust, Daniel [<mailto:Daniel.Daoust@brookfieldrenewable.com>]
Sent: Thursday, July 05, 2012 7:53 AM
To: PBM@Wright-Pierce.com
Subject: LIHI, St Regis

Good morning Pat,

Here is my contact information, I will be here the balance of the week.

Thank you
DGD
Daniel Daoust
FERC Compliance
NY West Operations

Brookfield Renewable Energy Group
US Operations
33 West First Street South, Fulton, NY 13069
T 315-598-6131 C 315-383-0451 F 315-598-4831
Daniel.Daoust@brookfieldrenewable.com

Brookfield

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