REVIEW OF APPLICATION

OF THE WEBSTER PEMBROKE HYDROELECTRIC FACILITY, LIHI #118

FOR RECERTIFICATION

BY THE LOW IMPACT HYDROPOWER INSTITUTE

Prepared by Diane Barr

02 August 2020

I. INTRODUCTION

This report evaluates Eagle Creek Renewable Energy's Pembroke Hydro Associates LP (*Applicant*) Webster Pembroke Hydroelectric Project, FERC P-3185 and LIHI Project #118 for LIHI recertification. The Webster Pembroke Hydroelectric Project, herein called "Project", was originally LIHI Certified in 2015 with a term ending February 23, 2020. The current LIHI term was extended to June 30, 2020 and again to August 31, 2020. The Project is a 2.6 MW facility located on the Suncook River in New Hampshire. This report represents the Project's first recertification.

The reviewer's Stage II report for recertifications must address the Project's applicability to the following in determining the level of detail in the report.

1. Is there any information missing from the application?
2. Have there been any material changes at the facility during the term of the previous Certification?
3. Have there been any material changes in the LIHI criteria or certification process since the facility was originally certified?

If there are material changes at the facility as well as material changes in the LIHI criteria, then a detailed reviewer's reporting addressing these changes is necessary. If there are not material changes at the Project and only the LIHI criteria represents the material changes, then a limited reviewers report can be prepared. The Project has not had material changes in the facility since the 2015 certification. On the other hand, LIHI issued the 2nd Edition LIHI Handbook revising the standards for certification. Since only item (3) above applies to the Project, a limited report is provided. The application package was received in March 2020 and a Stage 1 review was conducted and transmitted to the Applicant on April 29, 2020. The Applicant provided requested supplemental information during the month of May. The public comment period was open between May 19-July 18, 2020. No comments were received.

Prior LIHI Certification conditions and status:

Extensions on the original due dates were granted for all conditions pending agency responsiveness and/or low flow conditions that precluded completion of studies.

Condition No. and Description	**Condition Still in Effect?**	***Missing Information***
1. Facility owner shall complete the agreed upon water quality sampling in 2015, receive satisfactory determination from New Hampshire Department of Environmental Services (NHDES) that facility does not negatively impact water quality, and provide results to LIHI by December 31, 2015.	**No, satisfied in 2018**. Data provided 10/31/17, NHDES approval received 03/2018	None.
2. Facility owner will comply with updated fish passage installation plans in 2015 as specified in the MOA with USFWS, obtain written approval of any required modifications, and report results to LIHI by December 31, 2015.	**No, satisfied in 2017.** The MOU was completed in 2017.	None.
3. Facility owner will perform bypass flow study in consultation with USFWS and NHFG in 2015 and provide results to LIHI by December 31, 2015.	**Yes, still in effect.** The study was delayed due to low flow conditions and inability of agencies to schedule.	FERC approval for partial dam removal, dam removal, and USFWS and NHFG confirmation of the 25 cfs as adequate.
4. Facility owner will complete the Operations and Flow Monitoring Plan as required by MOA, obtain written approval by USFWS, and provide results to LIHI by December 31, 2015.	**No, satisfied in 2018**	None.

II. PROJECT'S GEOGRAPHIC LOCATION

The Project is in Central New Hampshire approximately one-half mile upstream of the China Mill Dam and confluence of Suncook and Merrimack Rivers and approximately 16 miles downstream of the Pittsfield Mill Dam. The Project is located on River Mile 34 on the Suncook River near Pembroke, New Hampshire. **See Figure 1, Project Vicinity.** The river runs for 35.7 miles, from the outlet of Crystal Lake in Gilmantown, New Hampshire through several small towns and rural areas to its confluence with the Merrimack River in the town of Suncook. The Suncook River experienced heavy flooding in 2006 and again 2019 establishing a new route in several areas and resulting in the largest channel change in a New Hampshire river in systematic topographic mapping history. The Suncook River flows from a northeast to southwest direction, with a total contributing drainage area of 270 square miles. It is a tributary of the Merrimack River which flows to the Gulf of Maine at Newburyport, MA. Fishing and kayaking (recreational, not whitewater,) are the two primary recreation uses of the Suncook River.

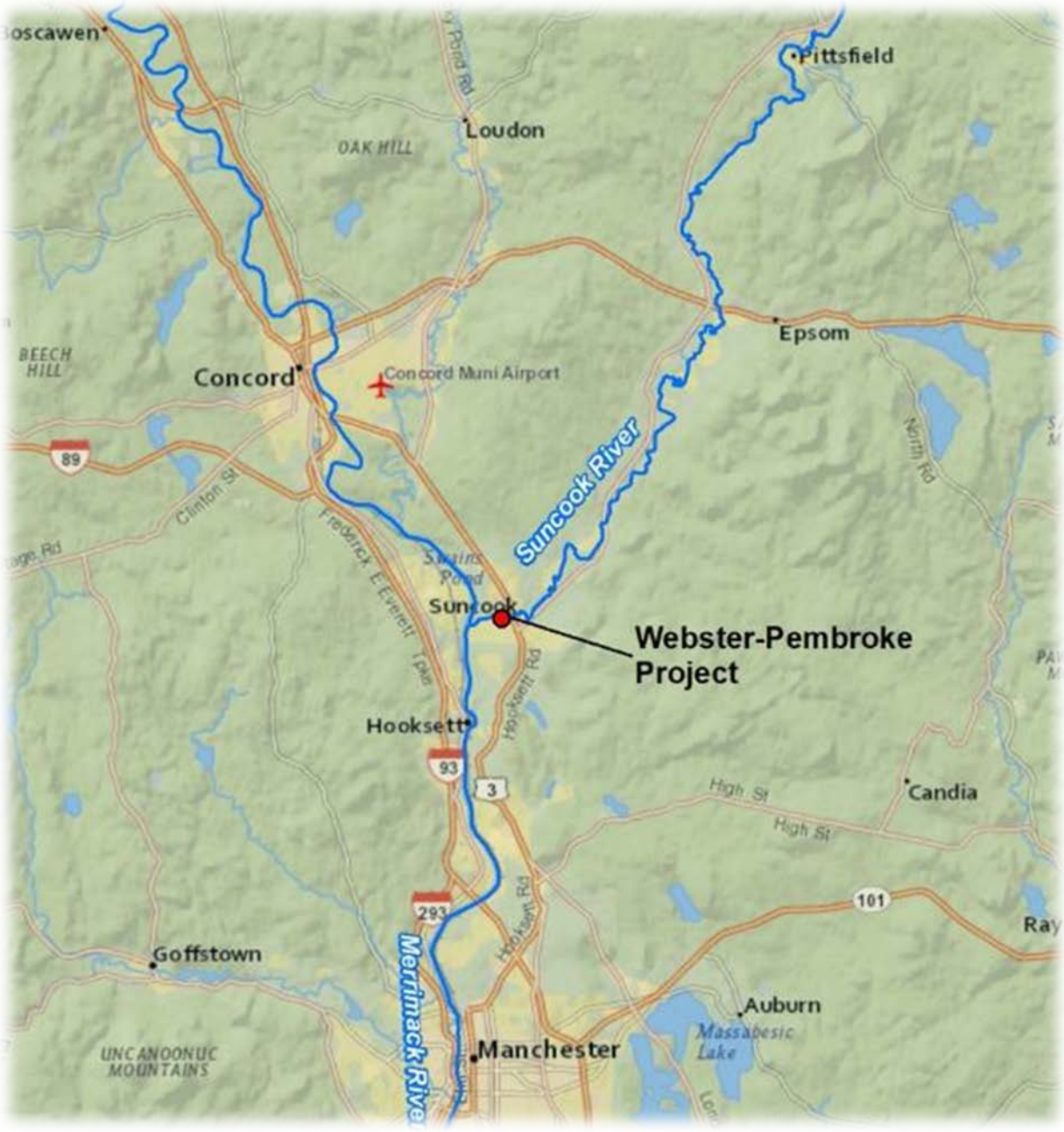

Figure 1, Project Vicinity

III. PROJECT AND IMMEDIATE SITE CHARACTERISTICS

The Project consists of two dams, the Webster Dam, a concrete gravity dam, which forms the primary impoundment, and the Pembroke Dam, a stone masonry dam located on the bypass section of the Suncook River, receiving the minimum flow release and any spillage from the Webster Dam. The Pembroke and Webster dams were originally constructed in 1860 and 1917, respectively, for the purposes of harnessing hydromechanical (and later hydroelectric) power to produce cloth. In 1868 the China Mill Dam was constructed 600 ft. downstream for the same purpose. In the early 1900s, the Pembroke and Webster facilities were closed, and the hydroelectric equipment removed. The mill buildings were eventually converted into apartments. In

1982, competing applications to redevelop the hydroelectric potential were filed with the FERC and the Pembroke Hydro Corporation was issued the FERC exemption to operate a 2,750 kW project in 1983. As shown in **Figure 2, Project Area**, the Pembroke Dam is located 1,800 feet downstream of the Webster Dam, and the powerhouse currently abuts the Pembroke Dam, approximately 30 ft. downstream of the Main Street Bridge. The Pembroke development utilizes the total hydrostatic head available between the headwaters of Webster Dam, with 4 ft. of pneumatic rubber bladder gates (elevation 277.3 NGVD), and the tailwater of the Pembroke Dam (elevation 226 NGVD) which utilizes a gross head of about 51 ft.

Figure 2, Project Area

Flows are diverted through the existing 500-foot long Webster Canal and 170-foot long canal sluiceway, through a 460-foot, 8-foot diameter 3/8" welded steel penstock to a single horizontal 2.6-MW Kaplan turbine, located in the Pembroke Powerhouse which is immediately downstream of the Pembroke Dam. The Project generates

approximately 8,895 MWh annually.

The reservoir at Webster (known as the Suncook River Reservoir or the Irish Pond Reservoir) has a volume of 147 acre-feet, and a total surface area of 26 acres. Approximately 4.5 acres are occupied by non-reservoir facilities, including the canal, penstock and powerhouse. **See Figure 3, Project Facilities**.

The bypass reach zone of the Project maintains a minimum flow release of 25 cfs. The closest upstream dam of the Project, the Pittsfield Mill Dam (FERC No.14755), is located approximately 16 miles upstream, while the China Mill Dam is located 0.5 miles downstream. There are more than a dozen dam sites along the Suncook River, built for local industrial uses over time, though it is unclear how many of them are active. The reservoir at Pembroke dam has a reservoir storage of 34 acre-feet, and is within the bypassed reach.

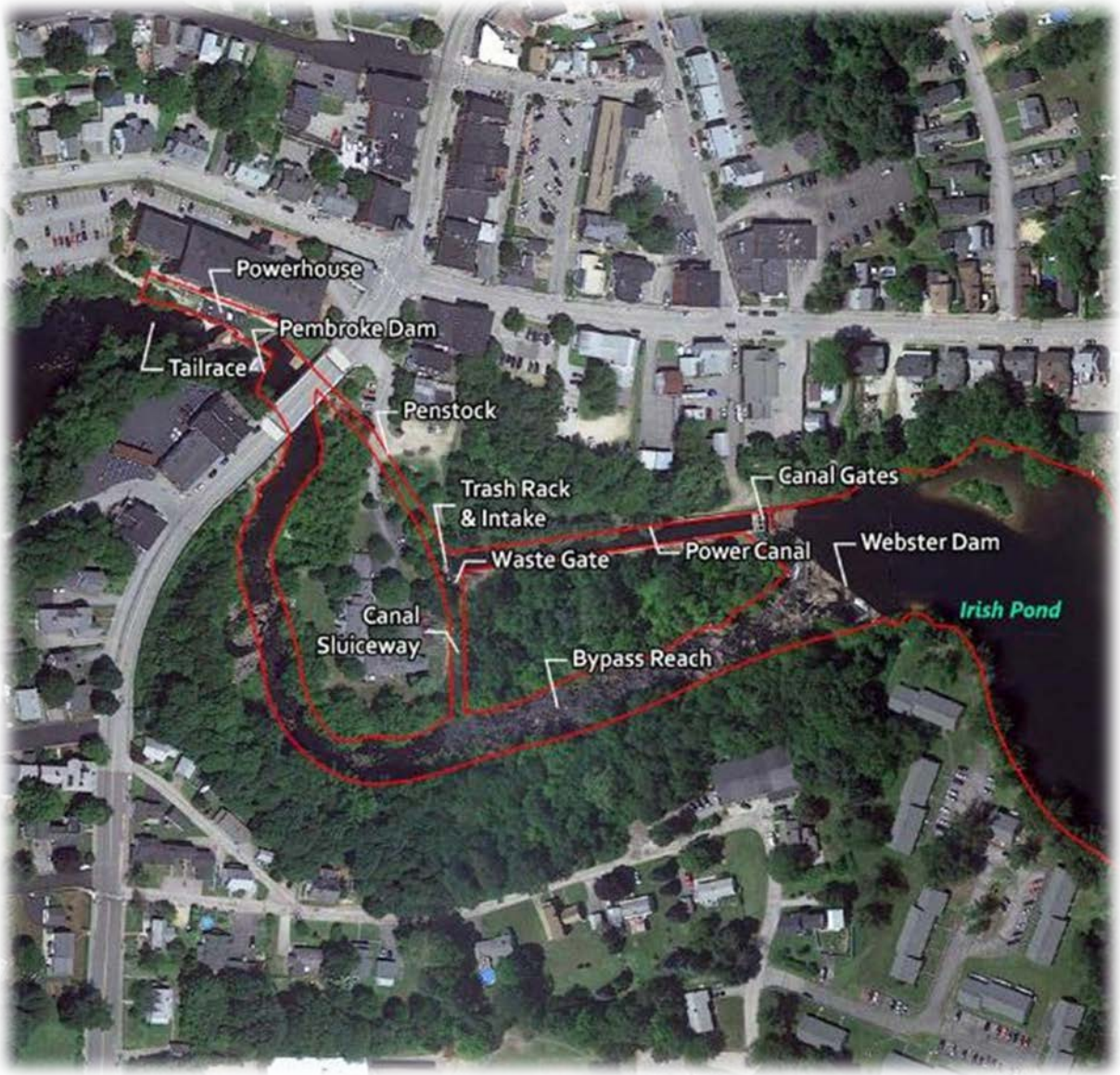

Figure 3-Project Facilities

IV. ZONES OF EFFECT

The Project has three zones of effect (ZOE): Impoundment, Bypass and Tailrace. **See Figure 4-Zones of Effect**.

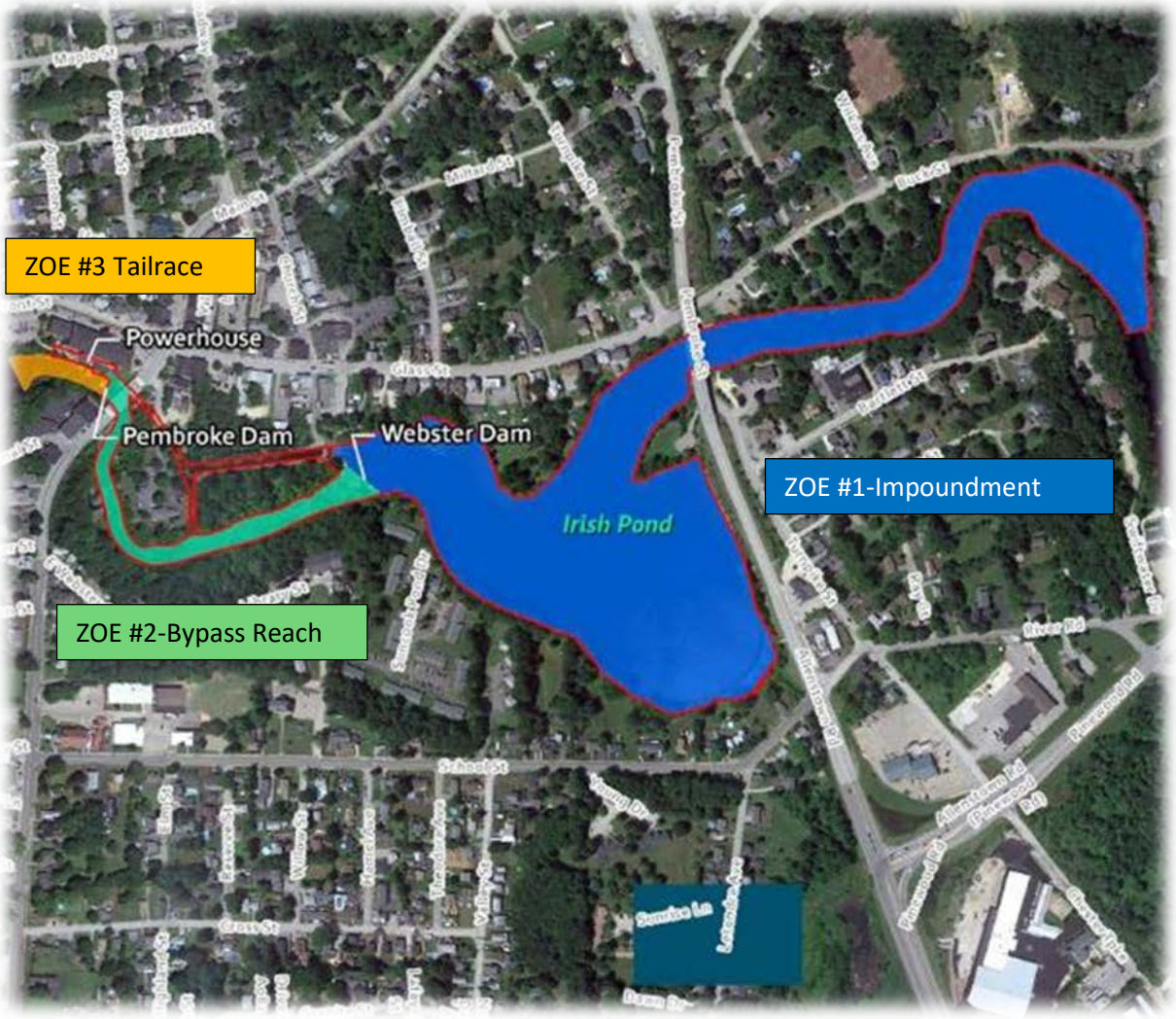

Figure 4-Zones of Effect

The Applicant selected the following standards for each criterion. The reviewer agrees with the selections except as noted in **RED** in the tables.

Impoundment Zone #1

CRITERION		ALTERNATIVE STANDARDS				
		1	2	3	4	PLUS
A	Ecological Flow Regimes	X				
B	Water Quality	X				
C	Upstream Fish Passage	X				
D	Downstream Fish Passage		X			
E	Watershed and Shoreline Protection	X				
F	Threatened and Endangered Species Protection	X	**X**			
G	Cultural and Historic Resources Protection		X			
H	Recreational Resources			X		

Bypass Reach Zone #2

CRITERION		ALTERNATIVE STANDARDS				
		1	2	3	4	Plus
A	Ecological Flow Regimes		X			
B	Water Quality	X				
C	Upstream Fish Passage		X			
D	Downstream Fish Passage		X			
E	Watershed and Shoreline Protection	X				
F	Threatened and Endangered Species Protection	X	**X**			
G	Cultural and Historic Resources Protection		X			
H	Recreational Resources			X		

Tailrace Zone #3

CRITERION		ALTERNATIVE STANDARDS				
		1	2	3	4	Plus
A	Ecological Flow Regimes		X			
B	Water Quality	X				
C	Upstream Fish Passage		X			
D	Downstream Fish Passage		X			
E	Watershed and Shoreline Protection	X				
F	Threatened and Endangered Species Protection	X	**X**			
G	Cultural and Historic Resources Protection		X			
H	Recreational Resources			X		

V. REGULATORY AND COMPLIANCE STATUS

On February 24, 1983, FERC issued an Order Granting Exemption from Licensing for a Small Hydroelectric Project of 5 MW or Less (to the Pembroke Hydro Corporation) and Denying Major License Application (to the Suncook Hydro Corporation), see Appendix D of the LIHI application. No Water Quality Certificate was issued. The Webster Pembroke Project commenced commercial operation in 1985. Pembroke Hydro Corporation was later reorganized as Pembroke Hydro Associates Limited Partnership. Pembroke Hydro Associates LP was acquired by Algonquin Power Co. in 1999 along with all rights and privileges in the exemption. On June 29, 2013, Eagle Creek Renewable Energy LLC, the Applicant in this LIHI submittal and current owner of the Webster Pembroke Project, purchased 100% of the interests in Pembroke Hydro Associates LP and now holds the FERC Exemption.

FERC issued an Order Amending Exemption on January 9, 1991 (application Appendix D), changing the total authorized capacity of the facility to 2,750 KW, from 2,600 KW. On February 27, 2019, as supplemented on July 9, 2019 and September 27, 2019, Pembroke Hydro Associates filed an application for another amendment of the exemption. The Applicant proposed to remove a portion of stacked stone blocks of varying dimensions, and stone cap blocks from the Pembroke Dam spillway. The removal area totals approximately 30 linear feet, or 380 square feet of the existing dam. The Applicant would continue to meet the minimum flow of ten cubic feet per second in the bypassed reach (although the minimum flow discharged is 25 cfs, discussed below) and below the tailrace as required by Article 9 of the exemption order. Removing the masonry stones is necessary to ensure that high flows would no longer overtop Pembroke Dam and to ensure renters occupying the bottom level of the Emerson Mills Condo building, located adjacent to the Pembroke Dam's right abutment, are not flooded. The proposed amendment would have an adverse effect to the historic Pembroke Dam. On May 13, 2020 FERC issued an Order Amending Exemption.[1]

Per the Order, the adverse effect has been mitigated and Commission staff have executed a MOA with the New Hampshire SHPO memorializing that mitigation. The Applicant would also work with a biologist from the New Hampshire Fish and Game Department (NHFG) during construction to assess potential future fish passage on site for migrating anadromous and catadromous fish including river herring and American eel.

In August 2014 as part of the original LIHI Certification, the United States Fish and Wildlife Service (USFWS) and Eagle Creek Renewable Energy LLC entered into a Memorandum of Agreement (MOA), to establish a plan and schedule to address fish passage and minimum flows. The MOA was executed with a 5-year term and an option for the Parties to extend the term by mutual agreement. Over the 5-year term, the record demonstrates that USFWS and Eagle Creek worked cooperatively to address fish passage and minimum flow issues at the site and at other sites in New Hampshire. In July 2019, an extension of the MOA was executed through March 2020. The extension allowed for site reviews of downstream fish passage facilities and minimum flows as well as provisions for further MOA time extensions resulting from the site reviews. On March 17, 2020 the MOA was extended to June 30, 2020. As of the date of this report, the MOA had not been extended past June 30, 2020 although agreement was reached to extend it again.

An Operations and Flow Monitoring Plan was developed based upon a mutually agreeable schedule that allowed downstream fish passage facilities at certain New Hampshire projects to first be placed into service. It was prepared and submitted to USFWS and approved in 2017. It was then updated in December 2018. Eagle Creek recently received additional comments on the Plan from USFWS and NHFG in September 2019. The Operations

[1] https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15534204

and Flow Monitoring Plan will be updated based on further discussion with the agencies as Eagle Creek works with the USFWS to extend the MOA. All activities under the MOA are coordinated and approved by the USFWS. Pembroke Hydro LP has confirmed they are following the requirements of the MOA.

A FERC elibrary search was conducted from 2015 to present for the Project to determine any areas of noncompliance, and none were discovered.

VI. PUBLIC COMMENTS RECEIVED OR SOLICITED BY LIHI

The reviewer did not do direct outreach to regulatory agencies as the application provided enough evidence of regulatory agency communication and compliance. During the LIHI public and agency comment period, no comments were received.

VII. DETAILED CRITERIA REVIEW

A. Ecological Flow Regimes

Goal: The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for healthy fish and wildlife resources.

Impoundment ZOE

Standard A-1, Not Applicable / De Minimis Effect

The Applicant provided sufficient evidence of the Project being run of river. Under this criterion, impoundments qualify for Standard A-1.

Bypass and Tailrace ZOE

Standard A-2, Agency Recommendation

The FERC exemption required a minimum flow of 10 cfs. However, the MOA specified 25 cfs minimum flow for the protection and enhancement of fish and aquatic habitat in the bypass reach and the downstream reach of the Project. The minimum flow was derived from flow demonstrations conducted with the agencies in 2015 and again in 2018 that included observed flows at 25 cfs and 50 cfs. The wetted perimeter and depth did not change significantly between those two flows and it was agreed that 25 cfs was sufficient. During the downstream fish migration season, an additional 5 cfs is released through the waste gate in a modified stoplog section bay at the downstream end of the canal near the unit intake.

Since the Operations and Flow Monitoring Plan will be updated based on further discussion with the agencies as Eagle Creek works with the USFWS to extend this MOA, such updates will be conditioned in a LIHI recertification.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Ecological Flow Regime criterion. The Reviewer recommends the LIHI recertification be conditioned with annual progress reports on the MOA status and fulfilling the requirements of the Operations and Flow Monitoring Plan.

B. Water Quality

Goal: Water quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions.

Impoundment, Bypass and Tailrace ZOE

Standard B-1, Not Applicable / De Minimis Effect

The Project received a FERC exemption from licensing on February 24, 1983. FERC did not require a 401 Water Quality Certification before acting on the exemption application. The Federal Power Act subjects FERC-exempt projects only to the terms and conditions attached to the exemption. Nevertheless, certain states may still require a 401 Water Quality Certification for FERC-exempted projects as a term or condition to the exemption. No Water Quality Certificate was issued according to the Applicant and the FERC record. For the purposes of the original LIHI Certification, NHDES was asked to confirm if the Project was contributing to violations of state water quality standards. There are no impaired waters within the Project area. On March 22, 2018, Ted Walsh (NHDES) sent a letter to LIHI confirming the water quality status of the Suncook River in the vicinity of the Webster Pembroke Project. At the time, NHDES confirmed that the water quality data collected and information provided to NHDES confirmed that the Webster Pembroke Project is in compliance with state water quality standards (LIHI application, Appendix B) and since there are no impairments the Project has no effect on water quality.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Water Quality criterion.

C. Upstream Fish Passage

Goal: The facility allows for the safe, timely, and effective upstream passage of migratory fish. This criterion is intended to ensure that migratory species can successfully complete their life cycles and maintain healthy populations in areas affected by the facility.

Impoundment ZOE

Standard 1, Not Applicable/ De Minimis Effect

Under this criterion, impoundments qualify for Standard C-1 since once fish are above a dam there is no further Project-related barrier to continued passage.

Bypass and Tailrace ZOE

Standard 2, Agency Recommendation

Migratory species historically present in the Suncook River included river herring (alewife and blueback herring), American shad, Atlantic salmon, and American eel. Eagle Creek's August 14, 2014 MOA with USFWS established a plan and schedule for addressing fish passage (for river herring and American eel). The Essex dam (Lawrence Project, LIHI # 121) is the first dam on the Merrimack River. It was built in 1847 and created the initial barrier to upstream passage, although fish passage is available at that project and several upstream projects as well. The Merrimack River anadromous fish restoration program addresses the status and recovery efforts for species to regain access to their historic freshwater habitats within the Merrimack River basin. At this time, only American eel and river herring are targeted for restoration in the Suncook River.

No upstream passage has been required at the Project to date. In addition, there is no upstream fish passage at the privately-owned China Mill Dam, the next dam downstream of the Webster Pembroke Project, and the last dam before the Suncook River's confluence with the Merrimack River. The next dam upstream of the Project is approximately 20 river miles upstream. Further discussions on upstream and downstream passage for river herring and American eel at the site are ongoing as the parties work towards developing an extension to the MOA. Upstream passage needs will be reviewed in 2020 per the terms of the MOA and the 2019 interim extension of the MOA.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Upstream Passage criterion. The Reviewer recommends the LIHI recertification be conditioned with annual progress reports on the MOA status related to fish passage.

D. Downstream Fish Passage

Goal: The facility allows for the safe, timely, and effective downstream passage of migratory fish. For riverine (resident) fish, the facility minimizes loss of fish from reservoirs and upstream river reaches affected by facility operations. All migratory species can successfully complete their life cycles and to maintain healthy populations in the areas affected by the facility.

Impoundment, Bypass and Tailrace ZOE

Standard 2, Agency Recommendation

Under this criterion, downstream reaches qualify for Standard D-1 since once fish are below a dam and powerhouse there is no further Project-related barrier to continued passage.

The Applicant was requested to provide supplemental information to their application for Downstream Fish Passage criterion compliance. Per the Applicant, each year prior to the downstream passage season, the Applicant and resource agency field personnel meet to discuss measures for downstream passage implementation. In 2016, the Applicant and USFWS field personnel coordinated on a design to accommodate downstream herring passage when the Suncook River watershed is stocked by NHFG with surplus herring. In these cases, the Applicant installs boards across the channel outlet under the bridge to create a plunge pool and discharge chute on the downstream side of the wastegate located adjacent to the trash racks at the end of the canal. These facilities are temporary in nature, as high flows and debris passage operations at the site typically destroy the features in some years and are then rebuilt for years when stocking occurs.

In 2017, NHFG did not stock river herring in the watershed but they did in 2018. The Applicant coordinated with NHFG and repaired the temporary fish passage chute and installed boards across the channel outlet under the bridge to create a plunge pool. The downstream fishway was destroyed during high flow and debris passage operations at the site. In 2019 there were no herring stocked in the river, so no fish passage was reconstructed. The Applicant will continue with the coordination process to confirm whether the agency is stocking excess river herring in the Suncook River. On those years when the river is being stocked, the plunge pool and discharge chute are rebuilt as described above. Under the MOA downstream eel passage is required within two years of agency notification of a need for passage.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Downstream Passage criterion. The Reviewer recommends the LIHI recertification be conditioned with annual progress reports on the MOA status related to fish passage.

E. Shoreline and Watershed Protection

Goal: The facility has demonstrated that sufficient action has been taken to protect, mitigate or enhance the condition of soils, vegetation and ecosystem functions on shoreline and watershed lands associated with the facility.

Impoundment, Bypass and Tailrace ZOE

Standard 1, Not Applicable/ De Minimis Effect

Most of the land surrounding the Project area consists of medium to heavy development with primary land uses including business and residential development. Roads run parallel to the Suncook River on both sides within the extent of the Project area and the banks near the Project are extremely steep and composed of boulders and bank revetment. Portions of the river banks have been rip-rapped in response to flood events and the Project reach has been identified as having high sensitivity for flooding. The application provided sufficient evidence that the Project does not contain lands of ecological significance (e.g., no critical habitats or significant natural communities).

Based on the review of the application and supporting documentation, the Project continues to satisfy the Shoreline Projection criterion.

F. Threatened and Endangered Species Protection

Goal: The facility does not negatively impact federal or state listed species.

Impoundment, Bypass and Tailrace ZOE

Standard 2, Finding of No Negative Effects

The Applicant selected Standard F-1 Not Applicable/De Minimis Effect but described Standard F-2 Finding of No Negative Effects in the application narrative. This review finds that Standard F-2 is appropriate.

As part of the LIHI recertification, the Applicant conducted a USFWS IPaC online data check (Appendix E of the application) which confirmed that the only federally-listed species potentially within the Project area are the threatened Northern long-eared bat (*Myotis septentrionalis)* and the threatened small whorled pogonia (*Istoria medeoloides*). Given the urban nature of the Project location it is unlikely that either species would be present. In particular, the small whorled pogonia is an upland forest species. The Applicant has committed to follow the 4(d) rule for the bat species which restricts tree cutting to certain times of year to avoid removing roost trees.

The IPaC report also listed protected migratory bird species including bald eagle, bobolink, and prairie warbler. While these species could be present at different times of the year, Project operations are unlikely to have any effect on them.

The Applicant also requested a data check from NH Natural Heritage Bureau (confidential report). The report indicated that the state-endangered Blanding's turtle (*Emydoidea blandingii)* has been observed near but not

within the Project boundary. The state-endangered brook floater mussel (*Alasmidonta varicosa)* could be present, although there are no known populations in Project waters (as reported in the May 13, 2020 FERC Order Amending the Exemption, see section G below).

Based on the review of the application and supporting documentation, the Project continues to satisfy the Threatened and Endangered Species criterion.

G. Cultural and Historic Resource Protection

Goal: The facility does not unnecessarily impact cultural or historic resources that are associated with the facility's lands and waters, including resources important to local indigenous populations, such as Native Americans.

Impoundment, Bypass and Tailrace ZOE

Standard 2, Approved Plan

No known historic or archaeological sites were discovered at the Project during FERC exemption proceedings and the exemption contains no provisions for cultural or historic resource protection unless future activities trigger the need for consultation with the New Hampshire State Historic Preservation Officer (SHPO). The Pembroke Dam is considered a contributing feature of the Pembroke Mill which was later listed on the National Register of Historic Places in 1985. In 2019, the Applicant filed an application to amend the exemption in order to partially remove the Pembroke dam which does not impound water during normal operations and is not required for continued hydropower operations. High flow conditions over the last decade have caused overtopping of the dam's right abutment and both FERC and the NH Dam Safety Bureau recommended partial removal.

The partial dam removal proposal triggered consultation with the SHPO resulting in a determination of an adverse effect and a 2019 Memorandum of Agreement (MOA) between FERC, SHPO, and the Applicant[2] that stipulated mitigation measures including photo-documentation of the dam, interpretive signage, and interpretive banners to be placed along the bridge over the dam to convey the milling history of the area. The May 13, 2020 FERC Order Amending Exemption[3] includes Condition B which establishes implementation of this MOA. The removal work is scheduled to be completed in 2020 and the mitigation measures other than photo-documentation must be completed by October 2022.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Cultural and Historic Resources criterion. The Reviewer recommends the LIHI recertification be conditioned with annual progress reports on the status of the partial dam removal work and confirmation of completion of the mitigation measures.

[2] https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15364368
[3] https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15534204

H. Recreational Resources

Goal: The facility accommodates recreation activities on lands and waters controlled by the facility and provides recreational access to its associated lands and waters without fee or charge.

Impoundment, Bypass and Tailrace ZOE

Standard 3, Assured Accessibility

The FERC exemption issued February 4, 1983 does not include any recreation conditions and there are no formal recreational facilities within the Project boundary. Informal fishing occurs and the river is stocked with trout in the Project vicinity. Flat water kayaking is popular in the river, but not in the Project vicinity. On the river bank downstream near the China Mill dam, the town's Memorial Field is a multi-use public park that includes a basketball court, baseball fields including one lighted field, a soccer field, beach volleyball court, fitness course, horseshoe pits, a playground, picnic areas, gazebo and pavilion and a boat launch. The Twin Oaks campground is located about one mile upstream of the Project.

In lieu of an existing recreation management plan, the Applicant is committed to accommodating reasonable access from recreationists for use of the Project lands and waters of the facility without fees or charges. The Applicant allows recreational access free of charge within a safe distance of the Project works.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Recreational Resources criterion.

VIII. GENERAL CONCLUSIONS AND REVIEWER RECOMMENDATION

Based on this review, the Webster Pembroke Hydroelectric Project continues to meet the LIHI criteria for certification as a Low Impact hydropower facility and a 5-year term is recommended with two conditions.

- **Condition 1:** The facility Owner shall provide the revised Operations and Flow Monitoring Plan and the amended or extended USFWS MOA within 90 days of finalization of each document with resource agencies. Any changes in operations or required fish passage measures shall be reported to LIHI in annual compliance submittals.

- **Condition 2:** The facility Owner shall report to LIHI on the status and completion of the partial dam removal and mitigation measures under the SHPO MOA in annual compliance submittals until all work is completed and approved by the SHPO and FERC.