



*APPLICATION BEFORE THE LOW IMPACT HYDROPOWER INSTITUTE
FOR THE RE-CERTIFICATION OF THE*

**WEST BRANCH ST. REGIS RIVER PROJECT
(FERC No. 10461)**

ALLENS FALLS DEVELOPMENT
PARISHVILLE DEVELOPMENT

NOVEMBER 2010





34 Providence Street Portland, ME 04103
 Tel. (207) 773-8190 • Fax (206) 984-3086
www.lowimpacthydro.org

LOW IMPACT HYDROPOWER QUESTIONNAIRE

Excerpted from Part VI, Section E of the Low Impact Hydropower Certification Program. Words in italics are defined in Part VI, Section C, and line-by-line instructions are available in Section D of the program, available on-line in PDF format at <http://www.lowimpacthydro.org>.

E. LOW IMPACT HYDROPOWER QUESTIONNAIRE

Background Information	
1) Name of the <i>Facility</i> .	West Branch St. Regis River Project (FERC No. 10461), consisting of the Parishville and Allens Falls developments.
2) Applicant's name, contact information, and relationship to the Facility. If the Applicant is not the Facility owner/operator, also provide the name and contact information for the Facility owner and operator.	Mr. Daniel Daoust Compliance Specialist Erie Boulevard Hydropower, LP c/o Brookfield Renewable Power 33 West First Street, South Fulton, New York 13069
3) Location of Facility by river and state.	West Branch St. Regis River, New York
4) Installed capacity.	Total installed capacity = 6.8 MW (FERC license) By development: Parishville: 2.4 MW Allens Falls: 4.4 MW
5) Average annual generation.	34,730 MWh (FERC license)
6) Regulatory status.	Relicensed via a collaborative Settlement. The Settlement was signed in August 2001 and the new license for the Project was issued in September 2002.

Background Information		
7) Reservoir volume and surface area measured at the high-water mark in an average water year.	Parishville:	Volume - 289 acre-feet
		Area - 70 acres
	Allens Falls:	Volume - 1,780 acre-feet
		Area - 130 acres
8) Area occupied by non-reservoir facilities (e.g., dam, penstocks, powerhouse).	Not required.	
9) Number of acres inundated by the Facility.	Not required.	
10) Number of acres contained in a 200-foot zone extending around entire impoundment.	Not required.	
11) Please attach a list of contacts of the relevant Resource Agencies and non-governmental organizations (NGOs) that have been involved in recommending conditions for your Facility.	Attached is a list of key resource agencies and NGOs involved with the West Branch St. Regis River Settlement.	
12) Please attach a description of the Facility, its mode of operation (i.e., peaking/run of river), and a map of the Facility.	Project Descriptions and Project Operations excerpts from License are attached. Exhibit F and G Project drawings are attached.	
Questions for “New” Facilities Only: If the Facility you are applying for is “new,” i.e., an existing dam that added or increased power generation capacity after August of 1998, please answer the following questions to determine eligibility for the program.		
13) When was the dam associated with the Facility completed?	NA	
14) When did the added or increased generation first generate electricity? If the added or increased generation is not yet operational, please answer question 18 as well.	NA	
15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?	NA	
16) Did the added or increased capacity include or require a change in water flow through the facility that worsened conditions for fish, wildlife, or water quality (for example, did operations change from run-of-river to peaking)?	NA	
17) a) Was the existing dam recommended for removal or decommissioning by resource agencies, or recommended for removal or decommissioning by a broad representation of interested persons and organizations in the local and/or regional community prior to the added or increased capacity? b) If you answered “yes” to question 17(a), the Facility is not eligible for certification, unless you can show that the added or increased capacity resulted in specific measures to improve fish, wildlife, or water quality protection at the existing dam. If such measures were a result, please explain.	NA	
18) a) If the increased or added generation is not yet operational, has the increased or added generation received regulatory authorization (e.g., approval by the Federal Energy Regulatory Commission)? If not, the facility is not eligible for consideration; and b) Are there any pending appeals or litigation regarding that authorization? If so, the facility is not eligible for consideration.	NA	

A. Flows	PASS	FAIL	Applicant Answer
1) Is the Facility in <i>Compliance with Resource Agency Recommendations</i> 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?	YES = Pass, Go to B N/A = Go to A2	NO = Fail	<p>YES. The West Branch St. Regis River Project is in compliance with resource agency recommendations after December 31, 1986 regarding flow conditions. The Settlement Agreement/License Order includes requirements for flow releases recommended by the New York State Department of Environmental Conservation (DEC) and the U.S. Fish and Wildlife Service (FWS).</p> <p>Minimum flows in the bypassed reaches are specified at each development as follows: Parishville: 20 cfs year-round Allens Falls: 30 cfs 10/1 - 3/31 50 cfs 4/1 - 8/31 40 cfs 9/1 - 9/30</p> <p>These flows were implemented in the third quarter of 2004.</p>
2) If there is no flow condition recommended by any Resource Agency for the Facility, or if the recommendation was issued prior to January 1, 1987, is the Facility in Compliance with a flow release schedule, both below the tailrace and in all bypassed reaches, that at a minimum meets Aquatic Base Flow standards or “good” habitat flow standards calculated using the Montana-Tennant method?	YES = Pass, go to B NO = Go to A3		

B. Water Quality	PASS	FAIL	Applicant Answer
1) Is the Facility either: a) In Compliance with all conditions issued pursuant to a Clean Water Act Section 401 water quality certification issued for the Facility after December 31, 1986? Or b) 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?	YES = Go to B2	NO = Fail	<p>YES. The West Branch St. Regis River Project is in compliance with all conditions issued pursuant to a Clean Water Act - Section 401 Water Quality Certification (WQC) issued on November 2, 2001. The Section 401 WQC is conditioned on compliance with the terms of the Settlement Agreement.</p>

B. Water Quality	PASS	FAIL	Applicant Answer
2) Is the Facility area or the downstream reach currently identified by the state as not meeting water quality standards (including narrative and numeric criteria and designated uses) pursuant to Section 303(d) of the Clean Water Act?	YES = Go to B3 NO = Pass		2005 Questionnaire Answer: YES. The DEC has identified several areas of the West Branch St. Regis River and associated tributaries in their January 28, 2004 Section 303(d) List. The DEC classifies the Project area based on their designated best use. Water classifications for the Project areas include Class B (coldwater fishery) (best use is primary contact recreation and other uses except as a source of water supply for drinking and culinary or food processing purposes), and Class C (T) (coldwater fishery that supports trout) (best use is fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes, and primary contact recreation). <u>2010 UPDATE:</u> According to the final list of impaired waters compiled by the DEC and approved by the U.S. Environmental Protection Agency on June 29, 2010, the West Branch St. Regis River is no longer on the Section 303(d) List. Upon contacting the DEC to confirm the West Branch St. Regis River's removal, the DEC stated that the river should not have been previously listed. The 2010 NYS Section 303(d) List has been attached for LIHI's convenience.
3) If the answer to question B.2 is yes, has there been a determination that the Facility is not a cause of that violation?	YES = Pass	NO = Fail	2005 Questionnaire Answer: YES. See update below. <u>2010 Update:</u> Due to the West Branch St. Regis River no longer being on the NYS Section 303(d) List, this question is no longer applicable.

C. Fish Passage and Protection	PASS	FAIL	Applicant Answer
1) Is the Facility in Compliance with <i>Mandatory Fish Passage Prescriptions</i> for upstream and downstream passage of anadromous and catadromous fish issued by Resource Agencies after December 31, 1986?	YES = Go to C5 N/A = Go to C2	NO = Fail	NA - By letters dated July 13, 2001, one for each development, the Department of the Interior requested FERC to include a condition in the license, reserving to the Secretary of the Department of the Interior, the authority under Section 18, to prescribe the construction, operation, and maintenance of fishways as deemed necessary. This reservation included authority to prescribe fishways for any fish species to be managed, enhanced, protected, or restored to the basin during the term of the license. Article 407 of the license reserves this authority.

C. Fish Passage and Protection	PASS	FAIL	Applicant Answer
4) If C3 was not applicable: a) Are upstream and downstream fish passage survival rates for anadromous and catadromous fish at the dam each documented at greater than 95% over 80% of the run using a generally accepted monitoring methodology? Or b) If the Facility is unable to meet the fish passage standards in 4.a., has the Applicant demonstrated, and obtained a letter from the US Fish and Wildlife Service or National Marine Fisheries Service confirming that demonstration, that the upstream and downstream fish passage measures (if any) at the Facility are appropriately protective of the fishery resource?	YES = Go to C5	NO = Fail	
5) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and/or downstream passage of <i>Riverine</i> fish?	YES = Go to C6 N/A = Go to C6	NO = Fail	YES. There are no mandatory prescriptions (Section 18 or similar) for the passage of riverine fish.
6) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?	YES = Pass, go to D N/A = Pass, go to D	NO = Fail	YES. The Settlement requires the installation of 1-inch trash racks at both developments when the existing trash racks need to be replaced.

D. Watershed Protection	PASS	FAIL	Applicant Answer
1) Is there a buffer zone dedicated for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low-impact recreation) extending 200 feet from the high water mark in an average water year around 50 - 100% of the impoundment, and for all of the undeveloped shoreline?	YES = Pass, go to E and receive 3 extra years of certification	NO = go to D2	NO.
2) Has the facility owner/operator established an approved watershed enhancement fund that: 1) could achieve within the project's watershed the ecological and recreational equivalent of land protection in D.1., and 2) has the agreement of appropriate stakeholders and state and federal resource agencies?	YES = Pass, go to E and receive 3 extra years of certification	NO = go to D3	YES. The owner and signatories to the Settlement established a St. Regis River Fund financed through yearly contributions by the owner, for ecosystem restoration or protection such as fish stocking, natural resource stewardship, and new recreation resources.

D. Watershed Protection	PASS	FAIL	Applicant Answer
3) Has the facility owner/operator established through a settlement agreement with appropriate stakeholders and that has state and federal resource agencies agreement an appropriate shoreland buffer or equivalent watershed land protection plan for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low impact recreation)?	YES = Pass, go to E	NO = go to D4	
4) Is the facility in compliance with both state and federal resource agencies recommendations in a license approved shoreland management plan regarding protection, mitigation, or enhancement of shorelands surrounding the project.	YES = Pass, go to E	NO = Fail	

E. Threatened and Endangered Species Protection	PASS	FAIL	Applicant Answer
1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?	YES = Go to E2 NO = Pass, go to F		2005 Questionnaire Answer: NO 2010 Update: YES. The DEC indicates that Rugulose grape fern (<i>Botrychium rugulosum</i>) is located in the town of Parishville, St. Lawrence County. The species is state listed, but no recovery plan has been adopted. No response has been received from the FWS regarding the presence of threatened or endangered species in the vicinity of the Project.
2) If a recovery plan has been adopted for the threatened or endangered species pursuant to Section 4(f) of the Endangered Species Act or similar state provision, is the Facility in Compliance with all recommendations in the plan relevant to the Facility?	YES = Go to E3 N/A = Go to E3	NO = Fail	2010 Update: NA Reasoning: Rugulose grape fern (<i>Botrychium rugulosum</i>) is a state-listed species. After consulting with New York State Natural Heritage Program, it was determined that no recovery plan has been adopted because this is only a state-listed species.
3) If the Facility has received authority to incidentally Take a listed species through: (i) Having a relevant agency complete consultation pursuant to ESA Section 7 resulting in a biological opinion, a habitat recovery plan, and/or (if needed) an incidental Take statement; (ii) Obtaining an incidental Take permit pursuant to ESA Section 10; or (iii) For species listed by a state and not by the federal government, obtaining authority pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authority?	YES = Go to E4 N/A = Go to E5	NO = Fail	NA

E. Threatened and Endangered Species Protection	PASS	FAIL	Applicant Answer
<p>4) If a biological opinion applicable to the Facility for the threatened or endangered species has been issued, can the Applicant demonstrate that:</p> <p>a) The biological opinion was accompanied by a FERC license or exemption or a habitat conservation plan? Or</p> <p>b) The biological opinion was issued pursuant to or consistent with a recovery plan for the endangered or threatened species? Or</p> <p>c) There is no recovery plan for the threatened or endangered species under active development by the relevant Resource Agency? Or</p> <p>d) The recovery plan under active development will have no material effect on the Facility's operations?</p>	YES = Pass, go to F	NO = Fail	
<p>5) If E.2. and E.3. are not applicable, has the Applicant demonstrated that the Facility and Facility operations do not negatively affect listed species?</p>	YES = Pass, go to F	NO = Fail	<p><u>2010 Update:</u> Operations do not negatively affect the listed species. According to the Natural Heritage Program, the species is found in old pastures, lightly grazed areas, meadows, and successional northern hardwood forests. The ecosystem within the immediate vicinity of the Project does not include this type of habitat. Therefore, due to the lack of suitable habitat for this species, it is believed that the species is not present in the immediate Project vicinity.</p>

F. Cultural Resource Protection	PASS	FAIL	Applicant Answer
<p>1) If FERC-regulated, is the Facility in Compliance with all requirements regarding Cultural Resource protection, mitigation or enhancement included in the FERC license or exemption?</p>	YES = Pass, go to G N/A = Go to F2	NO = Fail	<p>YES. An Order Modifying and Approving Historic Properties Management Plan, pursuant to Article 409, was issued on April 16, 2004 by FERC. The facilities associated with these two developments will not require any ground-breaking activities or disturbance of any known historical properties.</p>
<p>2) If not FERC-regulated, does the Facility owner/operator have in place (and is in Compliance with) a plan for the protection, mitigation or enhancement of impacts to Cultural Resources approved by the relevant state or federal agency or <i>Native American Tribe</i>, or a letter from a senior officer of the relevant agency or Tribe that no plan is needed because Cultural Resources are not negatively affected by the Facility?</p>	YES = Pass, go to G	NO = Fail	

G. Recreation	PASS	FAIL	Applicant Answer
1) If FERC-regulated, is the Facility in Compliance with the recreational access, accommodation (including recreational flow releases) and facilities conditions in its FERC license or exemption?	YES = Go to G3 N/A = Go to G2	NO = Fail	YES. An Order Modifying and Approving Recreation Plan, pursuant to Article 408, was issued on April 8, 2004 by FERC. The enhancements outlined in the plan have been implemented by the Licensee.
2) If not FERC-regulated, does the Facility provide recreational access, accommodation (including recreational flow releases) and facilities, as Recommended by Resource Agencies or other agencies responsible for recreation?	YES = Go to G3	NO = Fail	
3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?	YES = Pass, go to H	NO = Fail	YES.
H. Facilities Recommended for Removal	PASS	FAIL	Applicant Answer
1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?	NO = Pass, Facility is Low Impact	YES = Fail	NO. No resource agency recommended removal of any of the dams associated with these two developments.

Question 11:
West Branch St. Regis River Key Settlement Parties

Settlement Parties

Mr. Len Ollivett (retired)
Ms. Alice Richardson
New York State Department of Environmental Conservation
317 Washington Street
Watertown, New York 13601
(315) 785-2267

Mr. David Stilwell
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045
(607) 753-9334

Mr. Jon Montan
St. Lawrence County Planning Office
48 Court Street, Courthouse Room 225
Canton, New York 13617
(315) 379-2281

Mr. William Wellman
Trout Unlimited
7 Helen Street
Plattsburg, New York 12901

Question 12: Background Information

Project Description and Project Drawings

PROJECT DESCRIPTION

9. The 6.8-MW West Branch St. Regis River Hydroelectric Project provides an average annual generation of 34,730 megawatt-hours. Erie has generally operated the project in a pulsing mode and proposes to continue to do so.

10. The West Branch St. Regis River Project consists of the Parishville development and the Allens Falls development. The Parishville development consists of a dam, a 70-acre reservoir, a 2,561-foot-long penstock, a powerhouse housing a 2.4-MW turbine/generator unit, a 4.8-kV transmission line, and appurtenant facilities. The Allens Falls development consists of a concrete gravity-type dam, a 108-acre reservoir, a 9,344-foot-long pipeline, a surge tank, an 886-foot-long penstock, a powerhouse housing a 4.4-MW turbine/generator unit, a 2.4-mile-long 115-kV transmission line, and appurtenant facilities. A more detailed project description is contained in ordering paragraph (B)(2).

THE SETTLEMENT AGREEMENT

11. The Settlement incorporates agreements reached among the parties to the Settlement (Parties) with regard to the Parishville and Allens Falls developments. The stated goal of the Settlement is to provide for the continued operation of the developments with appropriate long-term environmental and recreational protection and mitigation measures that will meet diverse objectives for maintaining a balance of non-power and power values in the West Branch St. Regis River. Giving careful and equal consideration to non-power and power values, the Parties provide in the Settlement recommended terms and conditions for the resolution of operational, fisheries, wildlife, water quality, and recreational issues raised by and analyzed by the Parties as they are applicable to the issuance of a license and water quality certification (WQC) for the West Branch St. Regis River Hydroelectric Project's Parishville and Allens Falls developments.

The Director orders:

(A) This license is issued to Erie Boulevard, L.P. (licensee), for a period of 40 years, effective the first day of the month in which this order is issued, to construct, operate and maintain the West Branch St. Regis River Project. This license is subject to the terms and conditions of the FPA, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the FPA.

(B) The project consists of:

(1) All lands, to the extent of the licensee's interests in those lands, enclosed by the project boundary as described and shown by Exhibits G included in the applications for original licenses for the former Parishville and Allens Falls Projects (now developments of the West Branch St. Regis River Project) filed by Erie's predecessor, Niagara Mohawk Power Corporation, on May 31, 1990.

Exhibit G:

<u>Drawing</u>	<u>FERC No. 10461-</u>	<u>Showing</u>
1	5	Parishville Development - General Location Map
2	6	Parishville Development - Detail Map
3	7	Parishville Development - Detail Map
4	8	Allens Falls Development - General Location Map
5	9	Allens Falls Development - Detail Map
6	10	Allens Falls Development - Detail Map

(2) The following features:

Parishville Development: (1) a dam composed of an earthen dike and various concrete structures; (2) a reservoir with a surface area of 70 acres at crest elevation 844.5 feet NGVD; (3) an intake structure; (4) a penstock, 2,561 feet long and six to 10 feet in diameter; (5) a powerhouse housing a horizontal Francis turbine and a 2,400-kilowatt (kW) generator; (6) a 400-foot long tailrace; (7) a 4.8-kV transmission line; and (8) appurtenant facilities.

Allens Falls Development: (1) a concrete gravity type dam; (2) a reservoir with a surface area of 132 acres at top of flashboard elevation 742.0 feet NGVD; (3) an intake structure; (4) a pipeline, 9,344 feet long and seven feet in diameter; (5) a differential surge tank; (6) a penstock, 886 feet long and seven feet in diameter; (7) a powerhouse housing a vertical Francis turbine and a 4,400-kW generator; (8) a 450-foot-long tailrace; (9) a 2.4-mile-long 115-kV transmission line; and (10) appurtenant facilities.

The project works generally described above are more specifically shown and described by those portions of Exhibits A and F below:

Exhibit A:

Parishville and Allens Falls Developments: Pages A.1-1 through A.2-1 describing the existing mechanical, electrical and transmission equipment, filed May 31, 1990.

Exhibit F:

Parishville Development:

<u>Drawing</u>	<u>FERC No.10461-</u>	<u>Showing</u>
1	1	General Plan- Dam and Spillway Plan, Elevations and Sections
2	2	Intake and Powerhouse Plan, Elevations and Sections

Allens Falls Development:

<u>Drawing</u>	<u>FERC No.10461-</u>	<u>Showing</u>
1	3	General Plan- Dam and Spillway Plan, Elevations and Sections
2	4	General Plan - Intake, Surge Tank, and Powerhouse

(3) All of the structures, fixtures, equipment or facilities used to operate or maintain the project and located within the project boundary, all portable property that may be employed in connection with the project and located within or outside the project boundary, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

(C) The exhibits A, F, and G as designated in ordering paragraph (B) above are approved and made part of the license.

(D) This license is subject to the water quality certification conditions submitted by the New York State Department of Environmental Conservation pursuant to Section 401(a) of the Clean Water Act, as those conditions are set forth in Appendix A to this order.

(E) This license is subject to the articles set forth in Form L-3 (October 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States," and the following additional articles:

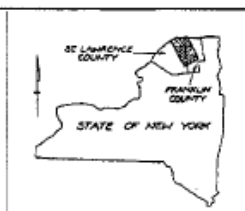
37. The preferred alternative includes the following measures:
- (1) operate the Parishville impoundment within an 0.5-foot operational range of 884.0 and 884.5 feet National Geodetic Vertical Datum (NGVD) (the permanent crest elevation of the dam) (Article 401);
 - (2) operate the Allens Falls impoundment between 741.5 and 742.0 feet NGVD (the permanent crest elevation of the dam), from May 16 through October 31; may operate the Allens Falls impoundment between 740.5 and 741.0 feet NGVD from November 1 through May 15 for the protection of private docks on the Allens Falls impoundment from ice damage (Article 402);
 - (3) limit impoundment water level change rates during construction and/or maintenance activities to not more than one foot per hour during drawdown, and to not more than one foot per hour during refill (Article 403);
 - (4) discharge an instantaneous year-round minimum flow of 20 +/- 0.2 cubic feet per second (cfs) from a gate in the Parishville dam to the bypassed reach; and discharge a seasonal instantaneous minimum flow, from a gate in the Allen's Falls dam, to the bypassed reach, according to the following schedule: 30 +/- 0.2 cfs

from October 1 through March 31, 50 +/- 0.3 cfs from April 1 through August 31, and 40 +/- 0.3 cfs from September 1 through September 30 (Article 404);

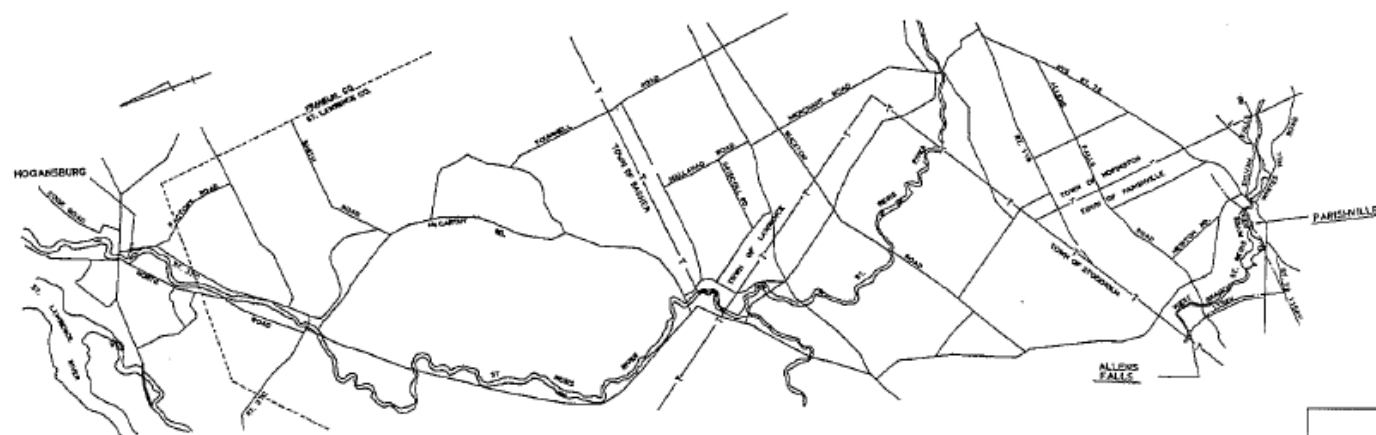
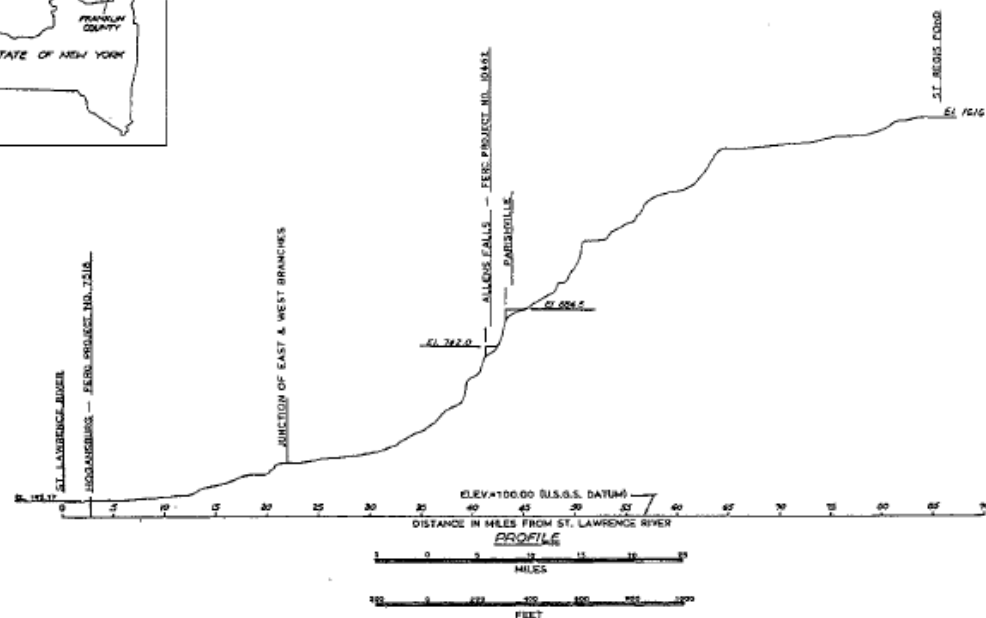
- (5) in consultation with the resource agencies, develop and implement a stream flow and water level monitoring plan that includes provisions to determine: required gate settings to release the minimum flow releases of the Parishville and Allen's Falls developments, headpond and tailwater elevations as needed, means of independent verification of water levels by the New York DEC and FWS, and means to ensure that the staff gauges are visible to the general public; and provisions for collecting accurate and sufficient records of: impoundment elevations and project flows, and any uncontrollable station outage that causes a reduction in the required minimum flow at or below the Parishville dam or the Allen Falls dam (Article 405);
- (6) replace existing trashracks with 1-inch clear spacing trashracks at such times that the licensee determines that an existing trashrack needs to be replaced (Article 406);
- (7) reserve authority for the Secretary of the Interior to prescribe the construction, operation, and maintenance of fishways (Article 407);
- (8) in consultation with the New York DEC, develop and implement a recreation plan focusing on: public access to lands within the project boundary of the two developments; informal access to project waters over lands near the Parishville powerhouse, to the bypass reach at the Allens Falls Road Bridge, and at a designated point near the Allens Falls powerhouse; signs designating the extent of parking available at an informal parking area and boat launch at the end of Coon Road and at an informal parking near the surge tank on Covey Road; an unimproved trail in the vicinity of Allens Falls powerhouse and boat barriers in the tailrace of the powerhouse; a flow-notification system that provides the public with information about known spillage events; designing and implementing appropriate erosion and sediment control measures for the unimproved trail and access point near the Allens Falls powerhouse; and consulting with the New York DEC and members of the West Branch St. Regis River Advisory Committee (SRRAC), as described in the "West Branch St. Regis River Project Offer of Settlement," filed with the Commission on September 13, 2001, to examine further development of public access to project lands and waters (Article 408);
- (9) in consultation with the New York State Historic Preservation Officer (SHPO), develop a Historic Properties Management Plan focusing on avoiding, or

minimizing and appropriately mitigating any adverse effects to the historic mill ruins near the Parishville dam and consulting with the SHPO in case archeological or historic sites are discovered during project operation or future project-related land-clearing or ground-disturbing activities (Article 409); and

- (10) grant the licensee authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project (Article 410).



10,000 20,000 30,000 40,000 50,000 60,000 70,000



THIS ENDORSEMENT IS A PART OF THE
APPLICATION FOR LICENSE MADE BY
THE UNDERSIGNED THIS 10 DAY
OF May, 19 94,
at Grand Haven

ERIE BOULEVARD HYDROPOWER, LP
LIVERPOOL, N.Y.

PARISHVILLE DEVELOPMENT
GENERAL LOCATION MAP

EXHIBIT G SCALE: 1"=6000' SHEET NO. 1

[illegible]



THIS DRAWING IS A PART OF THE
APPLICATION FOR LICENSE MADE BY
THE UNDERSIGNED THIS 30 DAY
OF May, 1990
William J. Givens

ERIE BOULEVARD HYDROPOWER, LP
LIVERPOOL, N.Y.

ALLENS FALLS DEVELOPMENT
GENERAL LOCATION MAP

EXHIBIT G SCALE: 1"=6000' SHEET NO. 4

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Question A – 1: Flows

ORIGINAL



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OFFICE OF THE
SECRETARY

2005 OCT -5 A 11: 07

EXPRESS MAIL

RECEIVED
OCT 5 4 2005
REGULATORY COMMISSION

Honorable Magalie Roman Salas
Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, NE
Washington, DC 20426

SUBJECT: West Branch St. Regis River Project LP 10461 NY
License Article 405 – Stream Flow and Water Level Monitoring Plan

Dear Secretary Salas:

The ORDER ISSUING ORIGINAL LICENSE issued on September 27, 2002 contained Article 405 which required preparation of a Stream Flow and Water Level Monitoring Plan (PLAN). Erie Boulevard Hydropower, LP (Erie) filed the required PLAN with the Commission on March 31, 2003. The Commission issued the ORDER MODIFYING AND APPROVING STREAMFLOW AND WATER LEVEL MONITORING PLAN UNDER ARTICLE 405 (ORDER) on December 4, 2003. The ORDER required discharge of the minimum flows as required by Article 404 within one year of PLAN approval, or December 3, 2004.

In August of 2005, Erie was approached by the New York State Department of Environmental Conservation (DEC), the US Fish & Wildlife Service (Service) and others that the minimum flow in the Allens Falls bypass reach did not appear to satisfy the Article 404 seasonal requirement of 50 cfs. Erie contracted a consultant to perform a flow measurement to verify the discharge and this was performed on August 30, 2005. The result of the flow measurement was approximately 13 cfs. Erie immediately reviewed the gate data and reset the gate opening for a discharge of 30 cfs, with the intent of gaging this flow followed by incremental discharge increases to gage the 40 and 50 cfs. The field measurement anticipating a 30 cfs gate discharge was measured at 33 cfs. Erie felt that the gate data was substantiated and Erie then set the gate at the seasonal 40 cfs opening for the month of September. The final gaging for 40 cfs and 50 cfs has yet to be completed due to increased stream flows caused by hurricanes Katrina and Rita. The gaging will be completed when lower flows are present in the river. Gate blockage also apparently contributed to the reduced flow measured on August 30, 2005.

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Brascan Power New York

225 Greenfield Parkway, Suite 201, Liverpool, NY 13088 • Tel.: 315.413.2700 • Fax: 315.461.8577

www.brascanpower.com

October 4, 2005

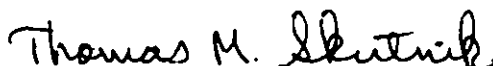
Page 2 of 2

Discussions ensued between Erie, the DEC and the Service and a meeting was held on September 27, 2005 with these agencies and others to discuss the events which occurred and future actions to be undertaken. Erie anticipates filing a report with the Commission by mid-November 2005.

Erie notes that the operation of the Allens Falls sluice gate to provide the flow requirements is now better understood and measures are in place to better verify and assure the seasonal flow requirements. Other improvements in gate operation were discussed at the September 27, 2005 meeting and will be made in 2005.

If you have any questions about this submittal, please feel free to contact the undersigned at (315) 413-2789.

Very truly yours,



Thomas M. Skutnik, PE
St. Lawrence Production Center
For Erie Boulevard Hydropower, LP

xc: T. L. Smith
S. S. Hirschey
A. Richardson
S. Patch
B. Carpenter
T. Damon
A. J. Sidoti, New York Regional Engineer

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 10461-016-New York
West Branch St. Regis River Project
Brascan Power New York

Mr. Thomas M. Skutnik
St. Lawrence Production Center
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

NOV 22 2005

RE: Article 404 – Minimum flow releases

Dear Mr. Skutnik:

We received your October 4, 2005, letter regarding minimum flow releases under article 404 of the license for the West Branch St. Regis River Project (FERC No. 10461). Article 404 requires that, beginning no later than one year after approval of the streamflow and water level monitoring plan required by article 405, you are to discharge a seasonal instantaneous minimum flow, from a gate in the Allen's Falls dam, to the bypassed reach, according to the following schedule:

October 1 through March 31	30 +/- 0.2 cfs
April 1 through August 31	50 +/- 0.3 cfs
September 1 through September 30	40 +/- 0.3 cfs

You are also required to determine the correct gate settings for each minimum flow based on an impoundment elevation of 741.75 feet NGVD for the Allen Falls development (740.75 feet NGVD during the winter drawdown).

In your October 4 letter you acknowledge that the streamflow and water level monitoring plan under article 405 was approved on December 4, 2003 in an Order Modifying and Approving Streamflow and Water Level Monitoring Plan Under Article 405 (105 FERC ¶ 62,142). As such, you were required to release the required minimum flows by December 3, 2004.

You indicate that in August 2005, you were approached by the New York State Department of Environmental Conservation and the U.S. Fish and Wildlife Service that the minimum flow in the Allen Falls bypass reach did not appear to satisfy the article 404 seasonal requirement of 50 cubic feet per second (cfs). You state you contracted a consultant to perform a flow measurement on August 30, 2005 to verify the discharge with the gate setting.

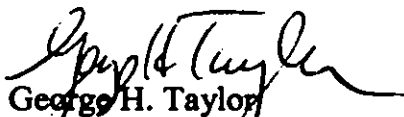
When you discovered that the required 50 cfs was not being released, you immediately reviewed the gate data and reset the gate opening for a discharge of 30 cfs, with the intent of gaging this flow followed by incremental discharge increases to the 40 cfs and 50 cfs. The field measurement anticipating a 30 cfs gate discharge was measured at 33 cfs. Since the gate data was substantiated, you set the gate opening at the seasonal 40 cfs opening for the month of September.

You report the final gaging verification for the 40 cfs and 50 cfs openings have yet to be completed due to increased stream flows and water levels caused by precipitation from the remnants of hurricanes Katrina and Rita. You state the gaging will be completed when lower flows are present in the river. Further, you indicate that gate blockage may have contributed to the reduced flow measured on August 30, 2005.

Based upon our review of the available information, we have concluded that the minimum flow deviation which occurred at the project on August 30, 2005 does not constitute a violation of your project license. We acknowledge that you are consulting with the agencies and still completing the gaging contemplated under article 404 and that you will be providing us with another report at the end of November 2005.

Thank you for your cooperation. If you have any questions concerning this letter, please contact Bob Fletcher at (202) 502-8901.

Sincerely,



George H. Taylor
Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance



ORIGINAL

EXPRESS MAIL

December 19, 2005

FILED
OFFICE OF THE
SECRETARY
2005 DEC 21 A 10 19
FEDERAL ENERGY
REGULATORY COMMISSION

Honorable Magalie Roman Salas
Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, NE
Washington, DC 20426

SUBJECT: West Branch St. Regis River Project LP 10461 NY
Allens Falls Development – Minimum Flows

Dear Secretary Salas:

In an October 4, 2005 letter to the Commission regarding minimum flows at the Allens Falls Development, Erie Boulevard Hydropower, LP (Erie) therein noted a final report would be submitted relative to the referenced subject. Consequently, Erie is herein submitting an original and eight copies of said report.

If you have any questions about this submittal, please feel free to contact the undersigned at (315) 413-2789.

Very truly yours,

A handwritten signature in black ink, reading 'Thomas M. Skutnik'.

Thomas M. Skutnik, PE
Erie Boulevard Hydropower, LP

Encl.

xc: T. L. Smith
S. S. Hirschey
A. Richardson, F. Flack, DEC – Watertown
W. Little, DEC – Albany
A. Tittler, FWS – Newton, MA
S. Patch, FWS - Cortland
B. Carpenter
T. Damon
A. J. Sidoti, New York Regional Engineer

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**WEST BRANCH ST. REGIS RIVER
Project No. 10461**

**REPORT ON
MINIMUM FLOW RELEASE DEVIATION INCLUDING RESTITUTION MEASURES,
MONITORING PROGRAM AND PROPOSED ENHANCEMENTS
FOR THE**

ALLENS FALLS DEVELOPMENT

BACKGROUND

The purpose of this report is to supplement the preliminary letter report filed with the Commission on October 4, 2005 by Erie Boulevard Hydropower, LP (Erie), the Licensee.

The ORDER ISSUING ORIGINAL LICENSE issued on September 27, 2002 contained Article 405 which required preparation of a Stream Flow and Water Level Monitoring Plan (PLAN). Erie Boulevard Hydropower, LP (Erie) filed the required PLAN with the Commission on March 31, 2003. The Commission issued the ORDER MODIFYING AND APPROVING STREAMFLOW AND WATER LEVEL MONITORING PLAN UNDER ARTICLE 405 (ORDER) on December 4, 2003. The ORDER required discharge of the minimum flows as required by Article 404 within one year of PLAN approval, or December 3, 2004.

IMPLEMENTATION OF MINIMUM FLOWS

The mechanism for releasing the minimum flows is a low level sluice gate, installed as part of the 1990-1991 dam rehabilitation project. The sluice gate is operated mechanically with an electric operator from a walkway situated above the gate. The operator has a percent gate opening indicator. The seasonal flows required by Article 404 are released in accordance with the required gate setting as determined from the gate discharge chart and coordinating the gate setting with the seasonal flow requirement and the reservoir elevation.

Using this procedure, Erie initiated the minimum flow at the Allens Falls Development in June 2004 approximately six months prior to the FERC Order date of December 3, 2004.

FIELD CONDITIONS OBSERVED AND ACTIONS TAKEN

In mid-June 2005, the New York State Department of Environmental Conservation (DEC) contacted Erie regarding reports of fluctuating flows in the river reach downstream of the confluence of the bypassed reach with the tailrace. DEC was advised by Erie that the minimum flow was being provided continuously through the low level sluice gate and the fluctuating flow observed was the result of the requirement to dewater the pipeline in order to perform maintenance work on the pipeline.

The pipeline dewatering process involves taking the generating unit off-line and then closing the pipeline headgate. Consequently, the resulting downstream flow is reduced to a flow consisting of the minimum flow in the bypass reach, leakage, and any spillage. After closure of the headgate is completed, the water in the pipeline is then released at a slow rate through the generating unit followed by release through the generator drain valve to complete the dewatering procedure. Once the pipeline is dewatered, the flow downstream once again consists of the minimum flow in the bypass reach, leakage, and any spillage.

On August 19, 2005, Erie was advised by the US Fish & Wildlife Service (Service) and DEC, that the minimum flow in the Allens Falls bypass reach did not appear to satisfy the Article 404 seasonal requirement of 50 cfs. Upon receiving this notification, Erie immediately sent an engineer to the site to check the site conditions. The gate setting indicator dial located on the gate operator was observed and the engineer noted the gate opening to be approximately 0.2' – 0.25' based on his observation. Reviewing the gate discharge chart, this setting indicated a discharge of approximately 58 cfs. Erie advised the Service and DEC accordingly. Erie then contracted a consultant to perform a flow measurement to verify the discharge and this was performed on August 30, 2005. The result of the flow measurement was approximately 13 cfs. Erie immediately reviewed the gate data and reset the gate opening for a discharge of 30 cfs with the intent of gaging this flow initially followed by incremental discharge increases to gage the 40 and 50 cfs seasonal flows, hydrologic conditions permitting. The field measurement anticipating a 30 cfs gate discharge was measured at 33 cfs. As a result of this flow measurement and lessons learned regarding the gate operation, Erie concluded that the gate discharge chart was substantiated and then set the gate at the seasonal 40 cfs opening for the month of September¹. There was debris blocking the gate on August 30 when the measurements were made and this blockage in conjunction with the gate opening, which may have been improperly set and correlated with the gate opening indicator, may have contributed significantly to the reduced flow measured on that day. Gate blockage appeared evident from comparing photographs of the gate release on August 30, 2005 with those taken on July 19, 2005 during a site visit by Erie and DEC personnel.

Following the flow measurements, discussions ensued between Erie, DEC and the Service and a meeting was held on September 27, 2005 with these agencies and others to discuss the events which occurred and future actions to be undertaken.

CORRECTIVE MEASURES INITIATED

GATE OPERATION PROCEDURE CHANGES

In August 2005, Erie instituted a revised gate opening procedure whereby a stadia rod is placed on the top of the gate and the gate opening is measured. This procedure is used by

¹ Erie sets the gate opening per the gate discharge chart which is the best information available to Erie. On August 30, 2005, Erie set the gate opening at approximately 0.12 feet and gauged 33 cfs. According to the discharge chart, an opening of 0.1 foot provides 29-30 cfs, so an opening slightly larger would provide more flow which shows good correlation between the chart and the gauged measurement. Erie does conclude however, that the percent gate opening dial indicator is not accurate enough for the small percent openings. Therefore, Erie has initiated a revised gate opening procedure.

field personnel when making seasonal adjustments to the minimum flow requirement. In 2006, Erie intends to install a transparent gate stem housing with a graduated scale. This will allow the movement of the gate to be observed and accurately measured as it rises and falls. The graduated transparent housing will replace the stadia rod measurement.

MONITORING PROGRAM

Erie has installed three monuments in the Allens Falls bypassed reach for flow verification purposes. The monuments are located on the left shore (facing downstream) approximately 100 feet downstream of the pipeline bridge. Each of the three flow compliance monuments consists of a stainless steel screw and brass washer epoxied into the streambed and are designated 30 cfs, 40 cfs, and 50 cfs, the three seasonal flow requirements. Minimum flow compliance is assured when the head of an individual screw is inundated.

Erie's Traveling Operators will periodically observe the flows against the installed monuments and/or photographs of the seasonal flow release at the dam which are on display in the intake house.

RESTITUTION MEASURES IMPLEMENTED

As discussed at the September 27, 2005 meeting with the agencies and based primarily on the fact that the required minimum flows appeared to have been reduced by an unknown amount for an unknown period of time, the following restitution measures were agreed upon:

- 1) A rainbow trout stocking program for the bypassed reach and the river reach immediately downstream of the confluence of the Allens Falls tailrace with the bypassed reach has been initiated by Trout Unlimited (TU) and stocking occurred in late April early May of 2005. It was unknown how successful the stocking program was, considering the extremely warm summer 2005 temperature and reduced flow. In consideration of the foregoing, Erie reimbursed Trout Unlimited (TU) \$2000 for two stocking grants it received and in addition \$208.50 in expenses.
- 2) The St. Regis River Advisory Council (SRRAC), established pursuant to the Settlement Agreement approved by the Commission as part of the license, had previously approved a sum of \$1,500 to be used for rainbow trout stocking by TU in the bypassed reach and river reach immediately downstream of the confluence of the Allens Falls tailrace with the bypassed reach. The funds were disbursed to TU in April of 2005. Again, not knowing how successful the stocking program was, Erie agreed to reimburse the SRRAC \$1500. That reimbursement has been made.

ENHANCEMENT MEASURES PROPOSED

Stocking Program

Erie has agreed to provide \$2000/year starting in 2006 and ending in 2010 for a trout stocking program and the funds are to be deposited into the SRRAC Fund. This money will be ear-marked for TU's trout stocking program. Erie's total commitment to this endeavor is \$13,500 including funds noted in Restitution Measures Implemented above.

Trout will be stocked at up to five potential access sites between the Allens Falls dam and the Route 11B bridge. Erie proposes potential use of two access sites in the vicinity of the penstock pipeline crossing near the upstream end of the bypass reach and in the vicinity of the Allens Falls powerhouse, dependent on the availability of personnel, weather, and condition of its access points.

Water Temperature Monitoring

Water temperature will be monitored at seven locations from the Allens Falls impoundment downstream to the Route 11B bridge. Additionally, air temperature will be monitored at one station in the vicinity of the Allens Falls dam.

Temperature monitoring will be accomplished using continuous temperature data loggers that will record temperature every 30 minutes. Temperature loggers will be deployed in spring after ice out (preferably no later than mid-May) and retrieved at the end of September. This will be a cooperative effort between Erie and TU and Erie will train TU representatives in data logger deployment and retrieval during the initial deployment. Deployment will occur annually in 2006 through 2008. An assessment of the data will be performed in 2008 and decisions made regarding future monitoring requirements.

Erie will cover the cost of the temperature monitors and the analysis of the data collected.

Public Access

Erie, in conjunction with St. Lawrence County Highway Department, has made some modifications to a lay-down area near the Allens Falls bridge and has in place a formal parking area with signage accommodating five vehicles. Erie and DEC will jointly explore improved access to the Allens Falls bypass reach, in the vicinity of the bridge, for fishing and other recreational activities.

FUTURE FLOW VERIFICATION

In the spring of 2006, after spring run-off, Erie will coordinate a site visit with DEC, FWS, TU and others as necessary, to view the locations of the flow verification monuments. This site visit will provide the interested parties the opportunity to independently observe the flow in the bypassed reach.

Erie's chief operator is responsible for implementing the seasonal flow changes and assuring flows are not interrupted. He participated in the flow measurements and setting the flow verification monuments. Management personnel along with the chief operator have conveyed the locations of the monuments to the traveling operators for flow compliance purposes.

AMENDMENT OF THE STREAM FLOW AND WATER LEVEL MONITORING PLAN

Erie will amend the Stream Flow and Water Level Monitoring Plan by March 31, 2006, specifically the section entitled "Permanent Staff Gages" to include documentation of the flow verification monuments locations. In this manner, the flow compliance requirements will be documented within the context of the plan for all concerned parties.

ORIGINAL



UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF THE SOLICITOR
One Gateway Center-Suite 612
Newton, MA 02458-2881

TEL: (617) 527 3400
FAX: (617) 527 6848

January 6, 2006

Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First St. N.E.
Washington D.C. 20426

Re: West Branch St. Regis River Project, FERC no. 10461
Allens Falls Development

Dear Ms. Salas;

FILED
OFFICE OF THE
SECRETARY
2006 JAN 12 P 4: 25
FEDERAL ENERGY
REGULATORY COMMISSION

On December 19, 2005, Brascan Power-NY filed a report on violations of the minimum flow provisions of its license for the above-noted Project. As Brascan noted in its letter, Article 404 of the Project license requires the licensee to release minimum flows of 50 CFS. As a consequence of flows over the summer of 2005 falling below the minimum required flows, Brascan has agreed to undertake several measures to mitigate the effects of low flows and prevent their recurrence, as noted in Brascan's letter. These are:

- 1) Reimbursement to Trout Unlimited (TU) for the costs of the year's stocking effort, whose success was jeopardized by the low flows.
- 2) Reimbursement to the St. Regis River Advisory Counsel for its financial contributions to the stocking program.
- 3) A five year financial commitment to the TU stocking program, beginning in 2006.
- 4) Changes in its gate operation to increase the accuracy of gate setting.
- 5) Installation of monuments to assist in flow monitoring
- 6) Commencement of programs to measure water and air temperature.
- 7) A commitment to work with FWS, NYDEC and NGO groups to verify future flows
- 8) A commitment to modifying the Stream Flow and Water Level Monitoring Plan to reflect flow monument locations.¹

The Service, as noted in its November 30, 2005 letter to the Commission, applauds Brascan's efforts, and regards the measures agreed to as both necessary and sufficient to mitigate the effects of low flows and prevent their recurrence. It is the

¹ Brascan also notes its commitment to several measures for improving recreational access to the impoundment. The Service applauds these as well, but they do not relate directly to the low flow issue.

opinion of the Service that the Commission need order no measures beyond those reported or proposed by Brascan as a result of the flow violations reported to the Commission.

However, it is also the opinion of the Service, as noted in its November 30, 2005 letter to the Commission, that the scope of the flow violations was larger than revealed by Brascan's letter. Brascan focuses on the August 19 low flow report. The gate opening predicted a flow of 58 CFS, as Brascan reports, but an actual flow measurement revealed a flow of only 13 CFS. Brascan attributes this to debris accumulation. However, local fishermen were reporting low and erratic flows in May, and the Service notified Brascan of low flows on August 19. Brascan did not actually measure the flow until August 30. Brascan refers to pipeline maintenance in June, but reports of low flows extended back to May. Accordingly, the Service believes that Brascan's commitment to compensate TU for the entire season's effort is entirely appropriate.

Thank you for your attention to this matter. If you have any questions, please contact me at the above phone number or address or Steve Patch at (607) 753-9334.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tittler', with a stylized flourish at the end.

Andrew Tittler

U.S. Department of the Interior
Office of the Solicitor
Northeast Region

cc: W. Madden, Winston & Strawn
T. Skutnik, S. Hirschey, Brascan Power
W. Little, NYSDEC
B. Carpenter, NYRU
T. Damon, TU
A.J.Sidoti, New York Regional Engineer

**FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426**

OFFICE OF ENERGY PROJECTS

**Project No. 10461-017--New York
West Branch St. Regis River Project
Allens Falls Development
Brascon Power Company**

**Mr. Thomas M. Skutnik, PE
Erie Boulevard Hydropower, LP
Brascon Power New York
225 Greenfield Parkway
Suite 201
Liverpool, NY 13088**

MAY - 2 2006

Reference: Article 404 Minimum Flow Variances

Dear Mr. Skutnik:

We received your report filed December 21, 2005, from Erie Boulevard Hydropower, LP (Licensee) providing notification of minimum flow deviations at the West Branch St. Regis River Project, Allens Falls Development No. 10855. Article 404 requires, in part, that beginning no later than one year after approval of the Plan¹ required by Article 405, the Licensee shall discharge a seasonal instantaneous minimum flow, from a gate in the Allens Falls dam, to the bypassed reach, according to the following schedule:

October 1 through March 31	30 +/- 0.2 cfs
April 1 through August 31	50 +/- 0.3 cfs
September 1 through September 30	40 +/- 0.3 cfs

The Licensee shall determine the correct gate settings for each minimum flow based on an impoundment elevation of 741.75 feet NGVD for the Allens Falls Development (740.75 feet NGVD during the winter drawdown).

¹ See 105 FERC ¶62,142 (2003).

You indicated that on August 19, 2005, you were advised by the U.S. Fish & Wildlife Service (USFW) and the New York State Department of Environmental Conservation (NYSDEC) that the minimum flows in the Allens Falls bypassed reach did not satisfy the seasonal requirement of 50 cubic feet per second (cfs). You immediately sent an engineer to the site to check the site conditions. The engineer noted the gate opening to be approximately 0.2 – 0.25 feet. This setting indicated a discharge of approximately 58 cfs.

You contracted a consultant to perform a flow measurement to verify the discharge and this was performed on August 30, 2005. The result of the flow measurement was approximately 13 cfs. You reviewed the gate data and reset the gate opening for a discharge of 30 cfs with the intent of gaging this flow initially followed by incremental discharge increases to gage the 40 and 50 cfs seasonal flows, hydrologic conditions permitting. It was discovered that debris was blocking the gate when the measurements were made. This blockage in conjunction with the gate opening caused improper setting and correlating with the gate opening indicator, and contributed significantly to the reduced flow measured.

To prevent this type of incident from reoccurring you have instituted a revised gate opening procedure whereby a stadia rod is placed on the top of the gate and the gate opening is measured. You also plan to install transparent gate stem housing with a gradual scale. This will allow the movement of the gate to be observed and accurately measured as it rises and falls. This will replace the stadia rod measurement.

To monitor the flow you have installed three monuments in the Allens Falls bypassed reach for flow verification purposes. The monuments are located on the left shore approximately 100 feet downstream of the pipeline bridge. Each of the three flow compliance monuments consists of a stainless steel screw and brass washer epoxied into the streambed and are designated 30 cfs, 40 cfs, and 50 cfs, the three seasonal flow requirements. Minimum flow compliance is assured when the head of an individual screw is inundated.

Restitution measures were discussed in a meeting with the agencies on September 27, 2005. Due to the fact that the minimum flow appeared to have been reduced for an unknown period of time, the following restitution measures were agreed upon: (1) a rainbow trout stocking program \$2000/year starting 2006 and ending 2010 and (2) monetary reimbursement.

Water temperature will be monitored at seven locations from Allens Falls impoundment downstream to the route 11B bridge. Also, air temperature will be monitored.

Project No. 10461-017

- 3 -

The measures you have taken to monitor the flows should prevent reoccurrence of this type of incident. The restitution measures and proposed enhancements agreed to with the NYSDEC should be adequate to replace any trout that may have been lost due to low minimum flows.

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please contact Patricia W. Gillis at (202) 502-8735.

Sincerely,

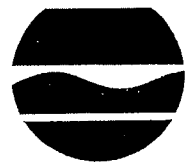
A handwritten signature in cursive script, reading "William Guey-Lee".

William Guey-Lee
Chief, Engineering and Jurisdiction Branch
Division of Hydropower Administration
and Compliance

Question B – 1: Water Quality

NYSDEC 401 Water Quality Certificate

November 2, 2001



Erin M. Crotty
Commissioner

November 2, 2001

Samuel S. Hirschey, Manager
Hydro Licensing & Regulatory Compliance
Erie Boulevard Hydropower, L.P.
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

RE: West Branch St. Regis River Project
6-4066-00019/00002
FERC Project #10461 and 10462
Parishville (T), St. Lawrence County

Dear Mr. Hirschey:

Enclosed is the Water Quality Certificate for the West Branch St. Regis River Hydroelectric Project. The Certificate is being issued pursuant to Section 401 of the Federal Water Pollution Control Act (33 USC 1341) and section 608.9 of the New York Department of Environmental Conservation's regulations pertaining to the Use and Protection of Waters (6 NYCRR Part 608).

Should you have any questions regarding the Water Quality Certificate, please contact me.

Sincerely,

Brian D. Fenlon

Brian D. Fenlon
Supervisor of Environmental Permits
Region 6

BDF:dli

cc: Service List
Signatories List
David Boergers, FERC
Thomas DeWitt, FERC
J. Sabattis, Orion
William Little, NYS DEC
L. Kuwik, NYS DEC
Wm. Sarbello, NYS DEC
L. Ollivett, NYS DEC
File

DEC PERMIT NUMBER 6-4066-00019/00002
FACILITY/PROGRAM NUMBER(s)



PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE November 2, 2001
EXPIRATION DATE Coincident with expiration date of the license issued by the Federal Energy Regulatory Commission (FERC) for FERC Project 10461 and 10462

TYPE OF PERMIT (Check All Applicable Boxes)

☒ New

☐ Renewal

☐ Modification

☐ Permit to Construct

☐ Permit to Operate

<input type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers	<input type="checkbox"/> Article 25: Tidal Wetlands	
<input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO Erie Boulevard Hydropower, L.P.		TELEPHONE NUMBER (315) 413-2790	
ADDRESS OF PERMITTEE 225 Greenfield Parkway, Suite 201, Liverpool, New York 13088			
CONTACT PERSON FOR PERMITTED WORK Samuel S. Hirschey, Manager - Hydro Licensing & Regulatory Compliance		TELEPHONE NUMBER (315) 413-2790	
NAME AND ADDRESS OF PROJECT/FACILITY West Branch St. Regis River Hydroelectric Project			
LOCATION OF PROJECT/FACILITY West Branch St. Regis River, approximately 18 miles upstream of its confluence with the St. Regis River at Winthrop, New York			
COUNTY St. Lawrence	TOWN/CITY/VILLAGE Parishville (T)	WATERCOURSE/WETLAND NO. Allens Falls Reservoir/Parishville Reservoir/W. Branch St. Regis River	NYTM COORDINATES E:510.974 N:4 945.294
DESCRIPTION OF AUTHORIZED ACTIVITY Operation and maintenance of a 6.8 MW hydroelectric facility in accordance with the applicable provisions of the West Branch St. Regis River Offer of Settlement dated August 2001 and the attached conditions.			

By acceptance of this certificate, the certificate holder agrees that it will act in strict compliance with the applicable water quality sections of the Environmental Conservation Law (ECL), all applicable water quality regulations, the conditions included as part of this certificate and the applicable provisions of the West Branch St. Regis River "Offer of Settlement" dated August 9, 2001 and filed with the Federal Energy Regulatory Commission (FERC).

PERMIT ADMINISTRATOR Brian D. Fenlon	ADDRESS 317 Washington Street, Watertown, New York 13601		
AUTHORIZED SIGNATURE <i>Brian D. Fenlon</i>	DATE November 2, 2001	Page <u>1</u> of <u>7</u>	



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-ways that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration date of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYS DEC Regional Permit Administrator, Region 6

317 Washington Street, Watertown, New York 13601, telephone: 315-785-2245

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department.

The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations if found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (Title 5), 24, 25, 34 and 6 NYCRR Part 608(Protection of Water)
(Water Quality Certification)

9. That if future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

10. That the State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

11. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.

12. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids,

sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

13. Any material dredged in the prosecution of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

14. There shall be no unreasonable interference with navigation by the work herein authorized.

15. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

16. If granted under 6 NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

17. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

Such approved plans were prepared by _____

_____ on _____

SPECIAL CONDITIONS

WATER QUALITY CERTIFICATION

CERTIFICATION

The New York State Department of Environmental Conservation (Department) hereby certifies:

- the Department has reviewed the certificate holder's Application for Federal Hydroelectric License (hereafter referred to as "the Application") and all other available pertinent information, including studies submitted in support of the application and the Offer of Settlement filed with the Federal Energy Regulatory Commission (FERC) in August, 2001.
- the project will comply with Sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act as amended and as implemented by the limitations, standards and criteria of the state statutory and regulatory requirements set forth in 6NYCRR Section 608.9(a); and
- the project will comply with applicable New York State effluent limitations, water quality standards and thermal discharge criteria set forth in 6NYCRR Parts 700-706.

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SPECIAL CONDITIONS

For Article 15, Title 5 (Protection of Water)
 6NYCRR 608 (Water Quality Certification)

This Water Quality Certification is issued solely for the purposes of Section 401 of the Federal Water Pollution Control Act (33 USC 1341).

CONTACTS: Except as otherwise specified, all contact with the Department concerning this certificate shall be addressed to:

New York State Department of Environmental Conservation
 Regional Permit Administrator
 317 Washington Street
 Watertown, NY 13601

Written submissions to the Department must include five (5) complete copies of the submission.

SPECIAL CONDITIONS

A. ADMINISTRATION

1. This certificate includes and incorporates the West Branch St. Regis River "Offer of Settlement" (Settlement) dated August 9, 2001.
2. **Inspections:** The project, including relevant records, is subject to inspection at reasonable hours and intervals, upon reasonable notice to the certificate holder, by an authorized representative of the Department to determine whether the applicant is complying with this certification. A copy of this certification, including the West Branch St. Regis River **Offer of Settlement** dated August 9, 2001 and the FERC license, including all maps, drawings, and special conditions, must be available for inspection by the Department during such inspections at the project.
3. **Emergencies:** With the exception of emergency provisions described in the Settlement (see subsection 2.8), the following procedures shall apply to activities conducted at the Project in response to an emergency.

Prior to commencement of emergency activities, the NYS DEC must be notified and must determine whether to grant approval. If circumstances require that emergency activities be taken immediately such that prior notice to the DEC is not possible, then the DEC must be notified by the certificate holder within 24 hours of commencement of the emergency activities. In either case, notification must be by certified mail, telegram, or other written form of communication, including fax and electronic mail. This notification must be followed within 3 weeks by submission of the following information:

- 1) a description of the action;
- 2) location map and plan of the proposed action;
- 3) reasons why the situation is an emergency

All notifications, requests for emergency authorizations and information submitted to support such requests shall be sent to the Regional Permit Administrator at the address listed above.

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SPECIAL CONDITIONS**6NYCRR 608****(Water Quality Certification)**

4. Modifications and Revocations: The DEC reserves the right to modify or revoke this certificate when:
- 1) the scope of the certified activity is exceeded or a violation of any condition of this certificate or provisions of the ECL and pertinent regulation is found;
 - 2) the certificate was obtained by misrepresentation or failure to disclose relevant facts;
 - 3) new material information is discovered;
 - 4) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the certificate was issued.

B. OPERATING CONDITIONS

5. Instream Flows: The certificate holder shall maintain instream flows in accordance with the Settlement, in particular, Section 3.2.
6. Flow Monitoring: The certificate holder shall develop a stream flow and water level monitoring plan consistent with the Settlement in particular Section 3.3.
7. Impoundment Fluctuations: The Allens Falls and Parishville Reservoirs (project reservoirs) shall be operated in accordance with the Settlement (see subsection 3.1). Alternate impoundment operating plans must be reviewed and approved by NYS DEC prior to being implemented. Emergencies shall be dealt with in accordance with special conditions #3 of this certificate.
8. Fish Protection and Downstream Fish Movement: Fish protection provisions and downstream fish movement provisions shall be provided in accordance with the Settlement (see section 3.4).

C. PROJECT MAINTENANCE AND CONSTRUCTION

note: All matters pertaining to "Project Maintenance and Construction" shall be addressed to:

Regional Permit Administrator
New York State Department of Environmental Conservation
317 Washington Street
Watertown, NY 13601

9. Maintenance Dredging: The certificate holder shall install and maintain appropriate turbidity control structures while conducting any maintenance dredging activities in the intake/forebay area of the Project.

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SPECIAL CONDITIONS

6NYCRR 608

(Water Quality Certification)

10. Sediment Analysis and Disposal: The certificate holder must sample any sediments to be disturbed or removed from the project waters and test them for contaminants. Sampling and testing shall be accomplished according to a protocol submitted to and approved by the Department prior to sampling.

Prior to dredging or other excavation, the certificate holder must secure Department approval for all disposal or interim holding locations for any sediments to be removed from the project waters.

11. Erosion and Sediment Control: The certificate holder shall ensure that the following erosion and sediment/contaminant control measures, at a minimum, are adhered to during routine maintenance and construction (including maintenance dredging) that may result in sediments/contaminants entering Allens Falls Reservoir, Parishville Reservoir or the West Branch St. Regis River.

1. Isolate in-stream work from the flow of water and prevent discolored (turbid) discharges and sediments caused by excavation, dewatering and construction activities from entering the waters of the West Branch St. Regis River.
2. Prohibit heavy construction equipment from operating below the mean high water level of project reservoirs and the West Branch St. Regis River until the work area is protected by a watertight structure and dewatered.
3. Minimize soil disturbance, grade so as to prevent or minimize erosion and provide temporary and/or permanent stabilization of all disturbed areas and stockpiles to minimize the potential for erosion and subsequent sedimentation within project reservoirs or the West Branch St. Regis River.
4. Protect all waters from contamination by deleterious materials such as wet concrete, gasoline, solvents, epoxy resins or other materials used in construction, maintenance and operation of the project.
5. Install and maintain erosion control structures on the down slope of all disturbed areas to prevent eroded material from entering project reservoirs or the West Branch St. Regis River. Erosion control structures must be installed before commencing any activities involving soil disturbance and all erosion control structures must be maintained in a fully functional condition.
6. Ensure complete removal of all dredged/excavated material and construction debris from the bed and banks of project reservoirs/West Branch St. Regis River in the vicinity of the Project.
7. Ensure that all temporary fill and other materials placed in the waters of the river are completely removed, immediately upon completion of construction, unless otherwise directed by the Department.

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SPECIAL CONDITIONS

6NYCRR 608

(Water Quality Certification)

12. Placement of cofferdams, construction of temporary access roads or ramps, or other temporary structures which encroach upon the bed or banks of the West Branch St. Regis River or Project Reservoirs: The design of all such structures must be approved by the Department prior to installation.
13. River Flow: During any period of maintenance and/or construction activity, the certificate holder shall continuously maintain adequate flows immediately downstream of work sites consistent with the provisions of this certificate.
14. Construction Drawdowns: Whenever construction and/or maintenance activities require that the water level of project reservoirs be lowered, it shall not be drawn down more than 1 foot per hour. During refill, the water level of the impoundment shall not be allowed to rise more than 1 foot per hour.
15. Turbidity Monitoring: During maintenance or construction-related activities in or near the West Branch St. Regis River or project reservoirs, the certificate holder will monitor the turbidity of project waters at a point immediately upstream of the work area and at a point no more than 100 feet downstream from the work area. The certificate holder specifically agrees that if, at any time, turbidity measurements from the downstream locations exceed the measurements from the upstream locations, all related construction on the project will cease until the source of the turbidity is discovered and the situation is corrected.
16. Notifications: The Regional Permit Administrator must be notified in writing at least two weeks prior to commencing any project maintenance or construction work performed under the authority of this certificate.

D. PUBLIC ACCESS AND RECREATION

17. Public access and recreational opportunities shall be provided in conformance with the Settlement.

cc: Settlement Participants
D. Boergers, FERC
T. DeWitt, FERC
Service List, FERC Project #10461 & 10462

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Question B – 3: Water Quality

New York State 2010 Section 303(d) List

June 29, 2010

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

The following waters are NOT included on the 2010 Section 303(d) List. The purpose of this supplemental list is to provide a comprehensive inventory of all waters of the state that do not fully support uses and that are considered impaired. Section 303(d) of the Clean Water Act stipulates that impaired waters that do not require a TMDL are not included on the Section 303(d) List. There are three (3) categories/justifications for not including an impaired water of the List.

Category 4a - TMDL development is not necessary because a TMDL has already been established for the segment/pollutant.

Category 4b - TMDL is not necessary because other required control measures are expected to result in restoration in a reasonable period of time.

Category 4c - TMDL is not appropriate because the sole impairment is the result of pollution, rather than a pollutant that can be allocated through a TMDL.

NOTE: Waters with pollution-related impairments that are also impaired by pollutants and are included on the Section 303(d) List are not listed here.

Ont 158..E-23-P152	<u>Niagara River/Lake Erie Drainage Basin</u> Java Lake (0104-0004)	Wyoming	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
	<u>Allegheny River Drainage Basin</u>						
Pa-63-13- 4-P122 (portion 1)	Chautauqua Lake, South (0202-0020)	Chautauqua	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa-63-13- 4-P122 (portion 1)	Chautauqua Lake, South (0202-0020)	Chautauqua	Lake	A	Problem Species	Hab/Hyd Mod	4c
Pa-63-13- 4-P122 (portion 2)	Chautauqua Lake, North (0202-0072)	Chautauqua	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa-63-13-23-P131	Bear Lake (0201-0003)	Chautauqua	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa-63-13-P133	Lower Cassadaga Lake (0202-0003)	Chautauqua	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa-63-13-P133-3-P134	Middle Cassadaga Lake (0202-0002)	Chautauqua	Lake	C	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa-84- 2-P153	Findley Lake (0202-0004)	Chautauqua	Lake	B	Phosphorus	Agriculture	4a/2008
Pa-84- 2-P153	Findley Lake (0202-0004)	Chautauqua	Lake	B	D.O./Oxygen Demand	Agriculture	4a/2008
Pa-84- 2-P153	Findley Lake (0202-0004)	Chautauqua	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
	<u>Lake Ontario (Minor Tribs) Drainage Basin</u>						
Ont (portion 16)	Rochester Embayment - East (0302-0002)	Monroe	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 17)	Rochester Embayment - West (0301-0068)	Monroe	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 18)	Lake Ontario Shoreline, Western (0301-0069)	Monroe	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 19)	Lake Ontario Shoreline, Western (0301-0070)	Orleans	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 20)	Lake Ontario Shoreline, Western (0301-0071)	Orleans	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 21)	Lake Ontario Shoreline, Western (0301-0072)	Niagara	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont (portion 22)	Lake Ontario Shoreline, Western (0301-0053)	Niagara	G.Lakes	A	Problem Species	Hab/Hyd Mod	4c
Ont 53 (portion 4)/P19a	Salmon River Reservoir (0303-0069)	Oswego	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 74/P76	Little Sodus Bay (0302-0017)	Cayuga	Lake	B	Phosphorus	On-site WTS, Agric	4a/2007
Ont 74/P76	Little Sodus Bay (0302-0017)	Cayuga	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 75/P77	Blind Sodus Bay (0302-0021)	Wayne	Lake	B	Phosphorus	On-site WTS	4a/2007
Ont 75/P77	Blind Sodus Bay (0302-0021)	Wayne	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 108/P113- 3-33-P143	Hundred Acre Pond (0302-0034)	Monroe	Lake	B	Aquatic weeds	Hab/Hyd Mod	4c
Ont 108/P113- 3-33-P143	Hundred Acre Pond (0302-0034)	Monroe	Lake	B	Problem Species	Hab/Hyd Mod	4c
Ont 122-P153	Buck Pond (0301-0017)	Monroe	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 123-P154	Long Pond (0301-0015)	Monroe	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 123-P154-2-P155	Cranberry Pond (0301-0016)	Monroe	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Genesee River Drainage Basin</u>							
Ont 117- 27-34	Hemlock Lake Outlet and minor tribs (0402-0013)	Ontario	River	C	Water Level/Flow	Hab/Hyd Mod	4c
Ont 117- 27-P57	Honeoye Lake (0402-0032)	Ontario	Lake	AA	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 117- 27-P57	Honeoye Lake (0402-0032)	Ontario	Lake	AA	Problem Species	Hab/Hyd Mod	4c
Ont 117- 40-P67	Conesus Lake (0402-0004)	Livingston	Lake	AA	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 117- 40-P67	Conesus Lake (0402-0004)	Livingston	Lake	AA	Problem Species	Hab/Hyd Mod	4c
Ont 117- 70-P115	Silver Lake (0403-0002)	Wyoming	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 117-136-P146	Rushford Lake (0403-0024)	Allegany	Lake	B(T)	Mercury	Atmospheric Dep.	4a/2010
<u>Chemung River Drainage Basin</u>							
Pa 3-57- 5 (portion 4)	Canisteo River, Middle, and minor tribs (0503-0001)	Steuben	River	C	Water Level/Flow	Hab/Hyd Mod	4c
Pa 3-57- 5 (portion 4)	Canisteo River, Middle, and minor tribs (0503-0001)	Steuben	River	C	Restricted Passage	Hab/Hyd Mod	4c
Pa 3-57- 5-47-P27c	Almond Lake (0503-0003)	Allegany	Lake(R)	B	Water Level/Flow	Hab/Hyd Mod	4c
Pa 3-58-15-P47	Lamoka Lake and Mill Pond (0502-0001)	Schuyler	Lake	A	Problem Species	Hab/Hyd Mod	4c
Pa 3-58-15-P47- 4-P48	Waneta Lake (0502-0002)	Schuyler	Lake	A	Problem Species	Hab/Hyd Mod	4c
Pa 3-58-20-P51	Lake Salubria (0502-0011)	Steuben	Lake	B	Phosphorus	On-site WTS	4a/2008
Pa 3-58-20-P51	Lake Salubria (0502-0011)	Steuben	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Pa 3-58-31- 7-P66	Smith Pond (0502-0012)	Steuben	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
<u>Susquehanna River Drainage Basin</u>							
SR (portion 1)	Susquehanna River, Lower, Main Stem (0603-0016)	Tioga	River	B	Mercury	Atmospheric Dep.	4a/2007
SR (portion 2)	Susquehanna River, Lower, Main Stem (0603-0015)	Tioga	River	C	Mercury	Atmospheric Dep.	4a/2007
SR (portion 3)	Susquehanna River, Lower, Main Stem (0603-0013)	Tioga	River	B	Mercury	Atmospheric Dep.	4a/2007
SR (portion 4)	Susquehanna River, Lower, Main Stem (0603-0002)	Broome	River	A	Mercury	Atmospheric Dep.	4a/2007
SR (portion 5)	Susquehanna River, Main Stem (0601-0182)	Broome	River	A	Mercury	Atmospheric Dep.	4a/2007
SR (portion 6)	Susquehanna River, Main Stem (0601-0040)	Broome	River	B	Mercury	Atmospheric Dep.	4a/2007
SR (portion 7)	Susquehanna River, Main Stem (0601-0020)	Otsego	River	B	Mercury	Atmospheric Dep.	4a/2007
SR (portion 8)/P360	Goodyear Lake (0601-0015)	Otsego	Lake	B	Mercury	Atmospheric Dep.	4a/2007
SR (portion 9)	Susquehanna River, Upper, Main Stem (0601-0041)	Otsego	River	B	Mercury	Atmospheric Dep.	4a/2007
SR- 44 (portion 1)	Chenango River, Lower, Main Stem (0602-0033)	Broome	River	B	Mercury	Atmospheric Dep.	4a/2007
SR- 44 (portion 2)	Chenango River, Middle, Main Stem (0602-0009)	Chenango	River	B	Mercury	Atmospheric Dep.	4a/2007
SR- 44 (portion 3)	Chenango River, Middle, Main Stem (0602-0164)	Chenango	River	C	Mercury	Atmospheric Dep.	4a/2010
SR- 44 (portion 4)	Chenango River, Upper, and minor tribs (0602-0069)	Chenango	River	B(T)	Mercury	Atmospheric Dep.	4a/2007
SR- 44 (portion 5)	Chenango River, Upper, and minor tribs (0602-0165)	Madison	River	C(T)	Mercury	Atmospheric Dep.	4a/2010
SR- 44-14-27 (portion 1)/P35a	Whitney Point Lake/Reservoir (0602-0004)	Broome	Lake	C	Algal/Weed Growth	Hab/Hyd Mod	4c
SR- 53	Park Creek and tribs (0601-0031)	Broome	River	C	Pathogens	On-site WTS	4b/2010 ¹
SR-146 (portion 1)	Unadilla River, Lower, Main Stem (0601-0003)	Chenango	River	B	Mercury	Atmospheric Dep.	4a/2007
SR-146 (portion 2)	Unadilla River, Middle, and minor tribs (0601-0037)	Otsego	River	B	Mercury	Atmospheric Dep.	4a/2007
SR-146 (portion 3)	Unadilla River, Upper, and minor tribs (0601-0188)	Herkimer	River	C(T)	Mercury	Atmospheric Dep.	4a/2007

¹ A WWTP to serve residences in the hamlet of West Windsor and address this impairment is under construction and expected to go on line in Fall 2010.

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Oswego River (Finger Lakes) Drainage Basin</u>							
Ont 66- 3-P9	Lake Neatahwanta (0701-0018)	Oswego	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 66-11-P26-37- 6- 2	Limestone Creek, Lower, and minor tribs (0703-0008)	Onondaga	River	C	Odors	Municipal	4c
Ont 66-12-12-P154 (portion 1)	Onondaga Lake, northern end (0702-0003)	Onondaga	Lake	B	Phosphorus	Municipal	4a/1998
Ont 66-12-12-P154 (portion 2)	Onondaga Lake, southern end (0702-0021)	Onondaga	Lake	C	Phosphorus	Municipal	4a/1998
Ont 66-12-12-P154- 4	Onondaga Creek, Lower, and tribs (0702-0023)	Onondaga	River	C	Habitat	Habitat Modific	4c
Ont 66-12-12-P154- 4	Onondaga Creek, Middle, and tribs (0702-0004)	Onondaga	River	B	Habitat	Habitat Modific	4c
Ont 66-12-12-P154- 5	Harbor Brook, Lower, and tribs (0702-0002)	Onondaga	River	B	Habitat	Habitat Modific	4c
Ont 66-12-43-P212	Owasco Lake (0706-0009)	Cayuga	Lake	AA(T)	Algal/Weed Growth	Hab/Hyd Mod	4c
Ont 66-12-P296 (portion 4)	Cayuga Lake, Southern End (0705-0040)	Tompkins	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
<u>Black River Drainage Basin</u>							
Ont 19- 40 (portion 3)/P418	High Falls Pond (0801-0274)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40 (portion 4a)	Taylorville, Elmer Falls Ponds (0801-0276)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40 (portion 5)/P426	Effley Falls Reservoir (0801-0172)	Lewis	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40 (portion 7)/P431,434	Soft Maple Pond, Soft Maple Reservoir (0801-0173)	Lewis	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40 (portion 9)/P449	Beaver Lake, Beaver Meadow Pond (0801-0174)	Lewis	Lake	B(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40 (portion 11)/P478	Moshier Reservoir (0801-0194)	Oneida	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40-18a/P449..P451	Francis Lake (0801-0192)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40-20-P473, P474	Sunday Lake, Sunday Creek Reservoir (0801-0195)	Oneida	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40-22-P489	Lower Moshier Pond (0801-0049)	Oneida	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 40-P493	Stillwater Reservoir (0801-0281)	Oneida	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 40-P493- 6- 1-P504	Hawk Pond (0801-0044)	Oneida	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 40-P493- 7-P517	Salmon Lake (0801-0054)	Oneida	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 40-P493- 7-P528	Witchhopple Lake (0801-0062)	Oneida	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 57- P619,P622,P625	Cleveland,Payne,Huckleberry,Halfmoon Lks (0801-0193)	Lewis	Lake	C	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 60- 5-P664	Little Otter Lake (0801-0336) ²	Lewis	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 81-18-17-P750	Dart Lake (0801-0242)	Herkimer	Lake	A	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 81-18-17-P752	Big Moose Lake (0801-0035)	Herkimer	Lake	A(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 81-18-17-P752- 8-P774	Russian Lake (0801-0006)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	4a/2006
Ont 19- 81-18-17-P752- 8-P774	Russian Lake (0801-0006)	Herkimer	Lake	C	Mercury	Atmospheric Dep.	4a/2007
Ont 19- 81-18-17-..P768,P769	Lower, Upper Sister Lakes (0801-0004)	Herkimer	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
Ont 19-P1007	North Lake (0801-0451)	Herkimer	Lake	A(T)	Mercury	Atmospheric Dep.	4a/2007

² Segment includes previously listed Florence Pond (0801-0067).

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

	<u>Saint Lawrence River Drainage Basin</u>						
SL(C)-21 (portion 3)/P2	Upper Chateaugay Lake (0902-0034)	Clinton	Lake	B(T)	Mercury	Atmospheric Dep.	4a/2010
SL(C)-32-20..P140 thru P147	Lydia, L.Long, Nellie, Bessie, L.Fish Pd (0902-0004)	Franklin	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL(C)-32-50a-P168,P170a,P172	Mud Pond, Long Pond, Little Clear Pond (0902-0005)	Franklin	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL(C)-32-52-P179a	Meacham Lake (0902-0039)	Franklin	Lake	N	Mercury	Atmospheric Dep.	4a/2007
SL(C)-32-52-P179a..P202	Osgood Pond (0902-0148)	Franklin	Lake	AA	Mercury	Atmospheric Dep.	4a/2010
SL(C)-32-P257a..P266 thru P273	Rolley, Little Long, Bear, Bickford Pds (0902-0007)	Franklin	Lake	C(T)/N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1 (portion 6b)/P35c	Carry Falls Reservoir (0903-0055)	St.Lawrence	Lake(R)	C	Mercury	Atmospheric Dep.	4a/2007
SL- 1 (portion 9)/P109	Tupper Lake (0903-0076)	Franklin	Lake	A	Mercury	Atmospheric Dep.	4a/2007
SL- 1 (portion 11)/P241	Long Lake (0903-0078)	Hamilton	Lake	B	Mercury	Atmospheric Dep.	4a/2010
SL- 1 (portion 13)/P276	Forked Lake (0903-0080)	Hamilton	Lake	B	Mercury	Atmospheric Dep.	4a/2007
SL- 1 (portion 14)/P293	Raquette Lake (0903-0081)	Hamilton	Lake	AA	Mercury	Atmospheric Dep.	4a/2010
SL- 1-P109-11-P156..P171,P172	Tamarack Pond, High Pond (0903-0025)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1-P109-15-P178- 1-P179	Black Pond (West) (0903-0027)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1-P109..162-31-P233,P234	Moose Pond, Black Pond (East) (0903-0007)	Essex	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1-P109..P241-22-P245	South Pond (0903-0005)	Hamilton	Lake	C	Mercury	Atmospheric Dep.	4a/2007
SL- 1-P109..P241-26-P248	Lake Eaton (0903-0056)	Hamilton	Lake	AA(T)	Mercury	Atmospheric Dep.	4a/2007
SL- 1-P109..P293- 4-P307	Blue Mountain Lake (0903-0204)	Hamilton	Lake	A(T)	Mercury	Atmospheric Dep.	4a/2010
SL- 1-P109..P293- 6-P313..P315	Aluminum Pond (0903-0006)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1-P109..P293-13..P324..P325	Pelcher Pond (0903-0002)	Hamilton	Lake	C	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL- 1-P109..P293-13..P329,P327	Queer Lake, Middle Chain Pond (0903-0211)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25 (portion 8)/P309	Cranberry Lake (0905-0007)	St.Lawrence	Lake	A(T)	Mercury	Atmospheric Dep.	4a/2007
SL-25- 7/P1	Black Lake Outlet/Black Lake (0906-0001)	St.Lawrence	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
SL-25- 7/P1- 3 (port 5)/P37,P38	Narrow Lake, Indian Lake (0906-0003)	Lewis	Lake	C	Mercury	Atmospheric Dep.	4a/2007
SL-25- 7/P1- 3-19-P10	Red Lake (0906-0039)	Jefferson	Lake	C	Mercury	Atmospheric Dep.	4a/2007
SL-25- 50-P71	Moon Lake (0905-0093)	Jefferson	Lake	C	Phosphorus	Onsite WTS	4a/2007
SL-25- 73-26-40-P188,P190,P192	Grass Pond, Emerald Lake, Sitz Pond (0905-0008)	Herkimer	Lake	C	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25- 73-26-40-P189	Rock Lake (0905-0015)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25- 73-26-40-P191	Sand Lake (0905-0016)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25- 73-26-49-P210	Willys (Horseshoe) Lake, more (0905-0026)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25- 73-26-P214	Walker Lake, more (0905-0024)	Herkimer	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25- 73..P237,P238	Long Pond, Round Pond (0905-0058)	Lewis	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
SL-25-P309- 9-P313,P316	Curtis Pond, Dog Pond, more (0905-0004)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309-12-P325,P327	Indian Mountain Pond, Cowhorn Pond (0905-0037)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309..118-P340	Otter Pond (0905-0193)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309..124-P343,P344	Buck Pond, Cage Lake (0905-0001)	St.Lawrence	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309..126-P352	Wolf Pond (0905-0194)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309..126..P345 thru P357	Minor Lakes Trib to Wolf Pond Outlet (0905-0088)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
SL-25-P309..132-P373	Crooked Lake, more (0905-0006)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Lake Champlain Drainage Basin</u>							
C (portion 1)	Lake Champlain, Main Lake, North (1000-0001)	Clinton	Lake	A	Mercury	Atmospheric Dep.	4a/2007
C (portion 1)	Lake Champlain, Main Lake, North (1000-0001)	Clinton	Lake	A	Phosphorus	Munic, Agric	4a/2002
C (portion 2)	Lake Champlain, Main Lake, Middle (1000-0002)	Clinton	Lake	A	Mercury	Atmospheric Dep.	4a/2007
C (portion 2)	Lake Champlain, Main Lake, Middle (1000-0002)	Clinton	Lake	A	Phosphorus	Munic, Agric	4a/2002
C (portion 2a)	Cumberland Bay (1001-0001)	Clinton	Bay	B	Mercury	Atmospheric Dep.	4a/2007
C (portion 2b)	Willsboro Bay (1001-0015)	Essex	Bay	A	Phosphorus	Munic, Agric	4a/2002
C (portion 2b)	Willsboro Bay (1001-0015)	Essex	Bay	A	Mercury	Atmospheric Dep.	4a/2007
C (portion 3)	Lake Champlain, Main Lake, South (1000-0003)	Essex	Lake	A	Mercury	Atmospheric Dep.	4a/2007
C (portion 3)	Lake Champlain, Main Lake, South (1000-0003)	Essex	Lake	A	Phosphorus	Munic, Agric	4a/2002
C (portion 4)	Lake Champlain, South Lake (1000-0004)	Essex	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
C (portion 4)	Lake Champlain, South Lake (1000-0004)	Essex	Lake	B	Mercury	Atmospheric Dep.	4a/2007
C (portion 4)	Lake Champlain, South Lake (1000-0004)	Essex	Lake	B	Phosphorus	Munic, Agric	4a/2002
C (portion 4)	Lake Champlain, South Lake (1000-0004)	Essex	Lake	B	Problem Species	Hab/Hyd Mod	4c
C (portion 5)	Lake Champlain, South Bay (1005-0014)	Washington	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
C (portion 5)	Lake Champlain, South Bay (1005-0014)	Washington	Lake	B	Phosphorus	Munic, Agric	4a/2002
C (portion 5)	Lake Champlain, South Bay (1005-0014)	Washington	Lake	B	Problem Species	Hab/Hyd Mod	4c
C- 15 (portion 4)/P74	Saranac River, Union Falls Reservoir (1003-0040)	Clinton	Lake(R)	C(T)	Mercury	Atmospheric Dep.	4a/2010
C- 15 (portion 5)/P76	Saranac River, Franklin Falls Pond (1003-0045)	Essex	Lake(R)	C	Mercury	Atmospheric Dep.	4a/2007
C- 15-P104	Lower Saranac Lake (1003-0080)	Franklin	Lake	AA	Mercury	Atmospheric Dep.	4a/2010
C- 15-P110, P207 thru P209	Middle Saranac Lake (incl Weller Pond) (1003-0083) ³	Franklin	Lake	AA	Mercury	Atmospheric Dep.	4a/2007
C- 15-P114..P120	Polliwog Pond (1003-0090)	Franklin	Lake	AA	Mercury	Atmospheric Dep.	4a/2007
C- 48-26-P315	Lincoln Pond (1004-0090)	Essex	Lake	B(T)	Mercury	Atmospheric Dep.	4a/2010
C- 48-26-P315	Lincoln Pond (1004-0090)	Essex	Lake	B(T)	Problem Species	Hab/Hyd Mod	4c
C- 86-3-P338,P339,P340	Bartlett, Mud, North Ponds (1001-0027)	Essex	Lake	AA(T)	Problem Species	Hab/Hyd Mod	4c
C-101-P367	Lake George (1006-0016)	Warren	Lake	AAspcl	Problem Species	Hab/Hyd Mod	4c
C-138	Poultney River, Lower, and tribs (1005-0053) ⁴	Washington	River	C	Mercury	Atmospheric Dep.	4a/2007
<u>Upper Hudson River Drainage Basin</u>							
H-301	Batten Kill, Middle, and minor tribs (1103-0011)	Washington	River	B(T)	Other/Habitat	Habitat Modific	4c
H-301	Batten Kill, Upper, and tribs (1103-0012)	Washington	River	C*	Other/Habitat	Habitat Modific	4c
H-301-17-P79	Cossayuna Lake (1103-0002)	Washington	Lake	A	Phosphorus	On-site WTS, Agric	4a/2008
H-301-17-P79	Cossayuna Lake (1103-0002)	Washington	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
H-301-17-P79	Cossayuna Lake (1103-0002)	Washington	Lake	A	Problem Species	Hab/Hyd Mod	4c

³ The current NYS DOH fish consumption advisory is listed for Weller Pond; however there is no barrier between the lakes and Middle Saranac Lake may also be affected.

⁴ Vermont has issued a fish consumption advisory in the Poultney River based on mercury contamination.

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Upper Hudson River Drainage Basin</u> (con't)							
H-369-P127	Great Sacandaga Lake (1104-0024)	Saratoga	Lake	B	Mercury	Atmospheric Dep.	4a/2010
H-369-P127	Great Sacandaga Lake (1104-0024)	Saratoga	Lake	B	Water Level/Flow	Hydrologic Modif	4c
H-369-P127-46- 8-3-P156	Woods Lake (1104-0134)	Hamilton	Lake	C	Mercury	Atmospheric Dep.	4a/2010
H-369-P127-46- 9-P164,P165	Chase Lake, Mud Lake (1104-0135)	Fulton	Lake	C	Mercury	Atmospheric Dep.	4a/2007
H-369-P127-46-12-P168	Holmes Lake (1104-0006)	Fulton	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-369..20-23-4-P225	Sand Lake (1104-0015)	Hamilton	Lake	N	Mercury	Atmospheric Dep.	4a/2007
H-369..20-23-4-P225	Sand Lake (1104-0015)	Hamilton	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-369..20-23-6-P232	Spy Lake (1104-0160)	Hamilton	Lake	C	Mercury	Atmospheric Dep.	4a/2007
H-369..20-43-P270	Silver Lake (1104-0016)	Hamilton	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-369..20-P222 thru P276	Minor Lakes in Upp.W.Br Sacandaga Wshed (1104-0013) ⁵	Hamilton	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-369..P313-4-P314	Sacandaga Lake (1104-0050)	Hamilton	Lake	AA	Mercury	Atmospheric Dep.	4a/2010
H-391 (portion 3)/P374	Schroon Lake (1104-0002)	Warren	Lake	A	Mercury	Atmospheric Dep.	4a/2007
H-391..37-P420,P421	Alder, Crane Ponds (1104-0229)	Essex	Lake	N	Mercury	Atmospheric Dep.	4a/2007
H-438-20- 2a-P557	Stony Pond (1104-0018)	Essex	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-461-17- 1-P588a	Kings Flow (1104-0271)	Hamilton	Lake	C(T)	Mercury	Atmospheric Dep.	4a/2007
H-461-17- 1-P588a- 5-P590	Round Pond (1104-0315)	Hamilton	Lake	N	Mercury	Atmospheric Dep.	4a/2007
H-469- 9-P641a	Lake Durant (1104-0059)	Hamilton	Lake	C	Mercury	Atmospheric Dep.	4a/2007
H-469- 9-P645	Rock Pond (1104-0285)	Hamilton	Lake	C	Mercury	Atmospheric Dep.	4a/2007
H-508 thru 546..P695 thru P719	Minor Lake Tribs to Upper Hudson River (1104-0007) ⁶	Essex	Lake	C(T)	Acid/Base (pH)	Atmospheric Dep.	4a/2006
<u>Mohawk River Drainage Basin</u>							
H-240 (portion 16)/P1059	Delta Reservoir (1201-0019)	Oneida	Lake(R)	A(T)	Water Level/Flow	Hydrologic Modif	4c
H-240- 11-P496/P498	Ann Lee (Shakers) Pond, Stump Pond (1201-0096)	Albany	Lake	C	Algal/Weed Growth	Hab/Hyd Mod	4c
H-240- 22-P519	Collins Lake (1201-0077)	Schenectady	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-240- 82 (portion 6)/P638a	Schoharie Reservoir (1202-0012)	Greene	Lake(R)	AA(TS)	Mercury	Atmospheric Dep.	4a/2007
H-240- 82- 63-19-9-P589	Engleville Pond (1202-0009)	Schoharie	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
H-240- 82-104-P629	Summit Lake (1202-0014)	Schoharie	Lake	B	Phosphorus	On-site WTS	4a/2009
H-240- 82-104-P629	Summit Lake (1202-0014)	Schoharie	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-240-144-13-P715 thru P718	Lily, Canada, Stewarts Land, West Lakes (1201-0050)	Fulton	Lake	B(T)	Mercury	Atmospheric Dep.	4a/2007
H-240-144-13..P721,P722,P723	Stoner Lakes (1201-0169)	Fulton	Lake	N	Mercury	Atmospheric Dep.	4a/2007
H-240-144-13..P724	Pine Lake (1201-0170)	Fulton	Lake	B	Mercury	Atmospheric Dep.	4a/2010
H-240-144-28-P750..P753.P755	Knapps Long Lake, Long Pond (1201-0007)	Fulton	Lake	N	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-144-29-P768	Little Metcalf Lake (1201-0227)	Herkimer	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-144-34-P771	Redlouse Lake (1201-0008)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006

⁵ The specifically identified impaired water(s) in this segment include Clockmill Pond (P228), Rock Lake (P229), Lower Loomis Pond (P256), Middle Loomis Pond (P257), Trout Lake (P260), Chub Lake (P264), Rock Lake (P275) and Meco Lake (P276).

⁶ The specifically identified impaired water(s) in this segment include Lake Colden (P706), Upper Wallface Pond (P719).

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Mohawk River Drainage Basin</u> (con't)							
H-240-144-38-P777	Ferris Lake (1201-0003)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-144-38-P777	Ferris Lake (1201-0003)	Hamilton	Lake	FP	Mercury	Atmospheric Dep.	4a/2007
H-240-180 (portion 1)	West Canada Creek, Lower, Main Stem (1203-0023)	Herkimer	River	C(T)	Water Level/Flow	Hydrologic Modif	4c
H-240-180 (portion 3)	West Canada Creek, Middle, Main Stem (1203-0024)	Herkimer	River	B(T)	Water Level/Flow	Hydrologic Modif	4c
H-240-180-74-16-1-P856	Twin Lake, South (1203-0005)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-180-74-21-P862	T Lake (1203-0004)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-180-74..P864 thru P867	Buck Ponds, White Birch Lake (1203-0001)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-180-87-P908,P909	Spruce, Balsam Lakes (1203-0007)	Hamilton	Lake	FP	Acid/Base (pH)	Atmospheric Dep.	4a/2006
H-240-187-	Steele Creek tribs (1201-0197)	Herkimer	River	A(TS)	Algal/Weed Growth	Hab/Hyd Mod	4c
<u>Lower Hudson River Drainage Basin</u>							
H- 31-P44 (portion 1)	New Croton Reservoir (1302-0010)	Westchester	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44 (portion 2)	Muscoot/Upper New Croton Reservoir (1302-0042)	Westchester	Lake(R)	A	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-14	Muscoot River, Lower, and minor tribs (1302-0049) ⁷	Westchester	River	A(TS)	Ammonia	Municipal	4b ⁸
H- 31-P44-14	Muscoot River, Lower, and minor tribs (1302-0049)	Westchester	River	A(TS)	D.O./Oxygen Demand	Municipal	4b
H- 31-P44-14-P50	Amawalk Reservoir (1302-0044)	Westchester	Lake(R)	A	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-14-P50	Amawalk Reservoir (1302-0044)	Westchester	Lake(R)	A	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-14-P50- 2- P50a	Lake Shenorock (1302-0083)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 31-P44-17- 5-P57a	Lake Lincolndale (1302-0089)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 31-P44-23 (portion 2)/P59	Croton Falls Reservoir (1302-0026)	Putnam	Lake(R)	A(T)	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-23 (portion 4)/P67	West Branch Reservoir (1302-0022)	Putnam	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-23 (portion 4)/P67	West Branch Reservoir (1302-0022)	Putnam	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-23 (portion 6)/P76	Boyd Corners Reservoir (1302-0045)	Putnam	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-23 (portion 6)/P76	Boyd Corners Reservoir (1302-0045)	Putnam	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-23-P59- 4 thru 10	Minor Tribs to Croton Falls Reservoir (1302-0001) ⁹	Putnam	River	B	D.O./Oxygen Demand	Municipal	4b ¹⁰
H- 31-P44-23-P59- 4 thru 10	Minor Tribs to Croton Falls Reservoir (1302-0001)	Putnam	River	B	Phosphorus	Municipal	4b
H- 31-P44-23-P59- 6 (port 2)/P62	Middle Branch Reservoir (1302-0009)	Putnam	Lake(R)	A	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-23-P59- 6-P62..P62a	Lake Carmel (1302-0006)	Putnam	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 31-P44-24 (portion 2)/P83	Diverting Reservoir (1302-0046)	Putnam	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-24 (portion 2)/P83	Diverting Reservoir (1302-0046)	Putnam	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-24 (portion 4)/P89	East Branch Reservoir (1302-0040)	Putnam	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007

⁷ This segment includes Hallocks Mill Brook and replaces the previously listed Hallocks Mill Brook segment (1302-0051).

⁸ A Consent Order requiring an upgrade to the Yorktown Heights WWTP is in effect and expected to address this impairment.

⁹ The specifically identified impaired water(s) in this segment include Michaels Brook (-5).

¹⁰ The Carmel Sewer District #2 WWTP has completed an upgrade that is expected to address this impairment.

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary							
	<u>Lower Hudson River Drainage Basin</u> (con't)						
H- 31-P44-24 (portion 4)/P89	East Branch Reservoir (1302-0040)	Putnam	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-24- 9-P86	Bog Brook Reservoir (1302-0041)	Putnam	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-24- 9-P86	Bog Brook Reservoir (1302-0041)	Putnam	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-24- P89-10-P93	Peach Lake (1302-0004)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 31-P44-24- P89-10-P93	Peach Lake (1302-0004)	Westchester	Lake	B	Phosphorus	Onsite WTS	4a/2009
H- 31-P44-24- P89-10-P93	Peach Lake (1302-0004)	Westchester	Lake	B	Pathogens	Onsite WTS	4b/2010 ¹¹
H- 31-P44-26/P103	Titicus Reservoir (1302-0035)	Westchester	Lake(R)	AA	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-26/P103	Titicus Reservoir (1302-0035)	Westchester	Lake(R)	AA	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-35-P109	Cross River Reservoir (1302-0005)	Westchester	Lake(R)	AA(T)	Mercury	Atmospheric Dep.	4a/2007
H- 31-P44-35-P109	Cross River Reservoir (1302-0005)	Westchester	Lake(R)	AA(T)	Phosphorus	Urban Runoff	4a/2000
H- 31-P44-35-P109- 6-13-P115a	Truesdale Lake (1302-0054)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 31-P44-54-P128a	Teatown Lake (1302-0150)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 43- 1-11- 9-P150d	Breakneck Pond (1301-0123)	Rockland	Lake	AA	Mercury	Atmospheric Dep.	4a/2007
H- 49a-P160	Lake Meahagh (1301-0053)	Westchester	Lake	C	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 55- 1-P165	Wallace Pond (1301-0140)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 55- 8-P175	Oscawana Lake (1301-0035)	Putnam	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 55- 8-P175	Oscawana Lake (1301-0035)	Putnam	Lake	A	Phosphorus	Onsite WTS, Urban	4a/2008
H- 55-11-P179	Lake Mohegan (1301-0149)	Westchester	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H- 95-10- 1b-P345g	Hillside Lake (1304-0001)	Dutchess	Lake	B	Aquatic vegetation	Hab/Hyd Mod	4c
H-128-P437	Chodikee Pond (1301-0208)	Ulster	Lake	A	Mercury	Atmospheric Dep.	4a/2007
H-139-13-59	Quaker Creek and tribs (1306-0025)	Orange	River	C	Water Level/Flow	Hydrologic Mod	4c
H-139-14 (portion 5)/P815a	Rondout Reservoir (1306-0003)	Ulster	Lake(R)	AA(TS)	Mercury	Atmospheric Dep.	4a/2007
H-171 (portion 3)/P848	Ashokan Reservoir (1307-0004)	Ulster	Lake(R)	AA(T)	Mercury	Atmospheric Dep.	4a/2007
H-188-P902	Robinson Pond (1308-0003)	Columbia	Lake	B(T)	Algal/Weed Growth	Hab/Hyd Mod	4c
H-193- 2-P921,P922	South Lake, North Lake (1309-0017)	Greene	Lake	B	Mercury	Atmospheric Dep.	4a/2007
H-193-29-P950a	Basic Creek Reservoir (1309-0001)	Albany	Lake(R)	A	Algal/Weed Growth	Hab/Hyd Mod	4c
H-202-P8f	Sleepy Hollow Lake (1301-0059)	Greene	Lake	A	Algal/Weed Growth	Hab/Hyd Mod	4c
H-204- 2- 7-P24	Kinderhook Lake (1310-0002)	Columbia	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-204- 2- 7-P34	Nassau Lake (1310-0001)	Rensselaer	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-204- 3- 8-32-P108a	Copake Lake (1310-0014)	Columbia	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-221- 4-P270- 1- 9-P276a	Duane Lake (1311-0006)	Schenectady	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
H-236-13-P425	Dunham Reservoir (1301-0262)	Rensselaer	Lake(R)	A	Mercury	Atmospheric Dep.	4a/2007
H-236-P445	Dyken Pond (1301-0271)	Rensselaer	Lake	B	Mercury	Atmospheric Dep.	4a/2010

¹¹ The sewerage of the lakeshore area around Peach Lake is being undertaken. A permit reflecting the sewerage was issued in the Fall 2009.

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Delaware River Drainage Basin</u>							
D- 1 (portion 4)/P58b	Neversink Reservoir (1402-0009)	Sullivan	Lake(R)	AA(T)	Mercury	Atmospheric Dep.	4a/2007
D- 1-38-P51	Loch Sheldrake/Sheldrake Pond (1402-0057)	Sullivan	Lake	B	Mercury	Atmospheric Dep.	4a/2007
D-10 (portion 2)/P79a	Rio Reservoir (1401-0074)	Sullivan	Lake(R)	B(T)	Mercury	Atmospheric Dep.	4a/2007
D-10 (portion 5)/P108a	Swinging Bridge Reservoir (1401-0002)	Sullivan	Lake(R)	B	Mercury	Atmospheric Dep.	4a/2007
D-70 (portion 3)/P358a	Pepacton Reservoir (1403-0002)	Delaware	Lake(R)	AA(T)	Mercury	Atmospheric Dep.	4a/2007
D-71 (portion 2)	West Branch Delaware, Lower, Main Stem (1404-0002)	Delaware	River	B(T)	Water Level/Flow	Hydrologic Mod	4c
D-71 (portion 3)/P402a	Cannonsville Reservoir (1404-0001)	Delaware	Lake(R)	AA(T)	Mercury	Atmospheric Dep.	4a/2007
D-71 (portion 3)/P402a	Cannonsville Reservoir (1404-0001)	Delaware	Lake(R)	AA(T)	Phosphorus	Agriculture, Munic	4a/2000
D-71-10- 6-P388,P389	Fly Pond, Deer Lake (1404-0038)	Broome	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
NJ- 1/P977a-13-P984,P984a	Congers Lake, Swartout Lake (1501-0019)	Rockland	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
<u>Hackensack/Ramapo Rivers Drainage Basin</u>							
NJ-P1026	Greenwood Lake (1501-0001)	Orange	Lake	A(T)?	Phosphorus	Onsite WTS, Urban	4a/2005
NJ-P1026	Greenwood Lake (1501-0001)	Orange	Lake	A(T)?	Algal/Weed Growth	Hab/Hyd Mod	4c
<u>Atlantic Ocean/Long Island Sound Drainage Basin</u>							
(MW1.1) LB/GB-253	Coney Island Creek (1701-0008)	Kings	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW1.2) SL.P1039,P1051,P1053	Grasmere, Arbutus and Wolfes Lakes (1701-0357)	Richmond	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW1.3) UB	Upper New York Bay (1701-0022)	Kings	Estuary	I	Copper, others	Cont.Sed., Urban	4a/1996
(MW1.3) UB-EB	Erie Basin (1701-0185)	Kings	Estuary	SD	Copper, others	Cont.Sed., Urban	4a/1996
(MW1.3) UB-EB- 1	Gowanus Canal (1701-0011)	Kings	Estuary	SD	Floatables, Odors	CSOs, Urban/Storm	4b ¹²
(MW2.1) ER (portion 1)	East River, Lower (1702-0011)	New York	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.1) ER (portion 1)	East River, Lower (1702-0011)	New York	Estuary	I	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.1) ER-LI- 4	Newtown Creek and tidal tribs (1702-0002)	Queens	Estuary	SD	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.3) ER (portion 2)	East River, Upper (1702-0010)	Queens	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.3) ER (portion 2)	East River, Upper (1702-0010)	Queens	Estuary	I	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.3) ER (portion 3)	East River, Upper (1702-0032)	Queens	Estuary	SB	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.3) ER (portion 3)	East River, Upper (1702-0032)	Queens	Estuary	SB	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.3) ER-1	Harlem River (1702-0004)	New York	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.3) ER-1	Harlem River (1702-0004)	New York	Estuary	I	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.4) ER-3	Bronx River, Lower (1702-0006)	Bronx	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.4) ER-3	Bronx River, Middle, and tribs (1702-0106)	Bronx	River	B	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.4) ER-4	Westchester Creek (1702-0012)	Bronx	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.5) ER-LI-12	Flushing Creek/Bay (1702-0005)	Queens	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW2.5) ER-LI-12	Flushing Creek/Bay (1702-0005)	Queens	Estuary	I	Nitrogen	Municipal,Urb,CSOs	4a/2000
(MW2.5) ER/LIS-LNB	Little Neck Bay (1702-0029)	Queens	Estuary	SB	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.5) ER/LIS-LNB-19 thru 20	Alley Creek/Little Neck Bay Trib (1702-0009)	Queens	Estuary	I>SC	Floatables	CSOs, Urban/Storm	4b ¹²

¹² These waters are being addressed under the NYC CSO Consent Order, which includes floatables control measures to address this impairment.

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Atlantic Ocean/Long Island Sound Drainage Basin</u> (con't)							
(MW2.6) LIS (portion 1)	Long Island Sound, Western Portion (1702-0027)	Bronx	Estuary	SB	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW2.6) LIS (portion 1)	Long Island Sound, Western Portion (1702-0027)	Bronx	Estuary	SB	Nitrogen	Municipal,Urb,CSOs	4a/2000
(MW2.6) LIS (portion 1a)	Eastchester Bay (1702-0007)	Bronx	Estuary	SB	Pathogens	Municipal,Urb,CSOs	4b ¹²
(MW2.6) LIS (portion 1b)	New Rochelle Harbor (1702-0259)	Westchester	Estuary	SA	Floatables	CSOs, Urban/Storm	4b ¹²
(MW3.1) LIS (portion 2)	Long Island Sound, Westchester Co Waters (1702-0001)	Westchester	Estuary	SA*	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW3.1) LIS (portion 2)	Long Island Sound, Westchester Co Waters (1702-0001)	Westchester	Estuary	SA*	Nitrogen	Municipal,Urb,CSOs	4a/2000
(MW3.2) LIS- 2	Hutchinson River, Lower, and tribs (1702-0003)	Bronx	Estuary	SB	Floatables, Odors	CSOs, Urban/Storm	4b ¹²
(MW4.1) LIS (portion 3)	Long Island Sound, Nassau County Waters (1702-0028)	Nassau	Estuary	SA	D.O./Oxygen Demand	Municipal,Urb,CSOs	4a/2000
(MW4.1) LIS (portion 3)	Long Island Sound, Nassau County Waters (1702-0028)	Nassau	Estuary	SA	Nitrogen	Municipal,Urb,CSOs	4a/2000
(MW4.3a) LIS-HH	Hempstead Harbor, north, and tidal tribs (1702-0022)	Nassau	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW4.4a) LIS-OBH	Oyster Bay Harbor (1702-0016)	Nassau	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2003
(MW4.4a) LIS-OBH-MNC	Mill Neck Creek and tidal tribs (1702-0151)	Nassau	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2003
(MW4.4b) LIS-CSH	Cold Spring Harbor, and tidal tribs (1702-0018)	Nassau	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW5.2a) LIS-HB-HH	Huntington Harbor (1702-0228)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.2a) LIS-HB-NB-CH	Centerport Harbor (1702-0229)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.2a) LIS-HB-NB-NH	Northport Harbor (1702-0230)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.3) LIS-62-P296	Millers Pond (1702-0013)	Suffolk	Lake	C	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW5.4a) LIS-SB-SBH	Stony Brook Harbor and West Meadow Creek (1702-0047)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW5.4c) LIS-PJH (portion 1)	Port Jefferson Harbor, North, and tribs (1702-0015)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.4c) LIS-PJH-CB	Conscience Bay and tidal tribs (1702-0091)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.4c) LIS-PJH-SH	Setauket Harbor (1702-0242)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2007
(MW5.4d) LIS- MSH	Mt Sinai Harbor and tidal tribs (1702-0019)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW5.4e) LIS- 71	Mattituck Inlet/Cr, Low, and tidal tribs (1702-0020)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW5.4e) LIS- 72	Goldsmith Inlet (1702-0026)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW5.4g) LIS-FI-WH	West Harbor, Fishers Island (1702-0046)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW6.1b) GB-SIS(-DH)	Dering Harbor (1701-0050)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1b) GB-SIS- 78	Stirling Creek and Basin (1701-0049)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1b) GB-SIS- 80c-P418a	Budds Pond (1701-0234)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1b) GB-SIS- 83a,83b	Town/Jockey Creeks and tidal tribs (1701-0235)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1b) GB-SIS- 84-P423	Goose Creek (1701-0236)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1b) GB-SIS-P420	Hashamomuck Pond (1701-0162)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1c) GB.LPB- 90	Richmond Creek and tidal tribs (1701-0245)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1d) GB.GPB- 97 thru 104	Tidal Tribs to Gr Peconic Bay, Northshr (1701-0247)	Suffolk	Estuary	SA*	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1e) FB	Flanders Bay, East/Center, and tribs (1701-0030)	Suffolk	Estuary	SA	Pathogens	Municipal,Urb/Storm	4a/2006
(MW6.1e) GB..FB,FB-111	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Suffolk	Estuary	SC	Nitrogen	Urban/Storm Runoff	4a/2007
(MW6.1e) GB..FB,FB-111	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Suffolk	Estuary	SC	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.1e) GB..FB,FB-111	Flanders Bay, West/Lower Sawmill Creek (1701-0254)	Suffolk	Estuary	SC	D.O./Oxygen Demand	Urban/Storm Runoff	4a/2007
(MW6.1e) GB..FB-110	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Suffolk	Estuary	SC	D.O./Oxygen Demand	Agriculture	4a/2007
(MW6.1e) GB..FB-110	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Suffolk	Estuary	SC	Nutrients	Agriculture	4a/2007
(MW6.1e) GB..FB-110	Meetinghouse/Terrys Creeks and tribs (1701-0256)	Suffolk	Estuary	SC	Pathogens	Urban/Storm Runoff	4a/2006

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
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Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

<u>Atlantic Ocean/Long Island Sound Drainage Basin</u> (con't)							
(MW6.2) GB..FB-112 (portion 1)	Peconic River, Lower, and tidal tribs (1701-0259)	Suffolk	Estuary	SC	D.O./Oxygen Demand	Urban/Storm Runoff	4a/2007
(MW6.2) GB..FB-112 (portion 1)	Peconic River, Lower, and tidal tribs (1701-0259)	Suffolk	Estuary	SC	Nutrients	Urban/Storm Runoff	4a/2007
(MW6.2) GB..FB-112 (portion 1)	Peconic River, Lower, and tidal tribs (1701-0259)	Suffolk	Estuary	SC	Pathogens	Urban/Storm Runof	4a/2006
(MW6.3a) GB..FB-RB	Reeves Bay and tidal tribs (1701-0272)	Suffolk	Estuary	SA	Pathogens	Municipl,Urb/Storm	4a/2006
(MW6.3b) GB..GPB-122-P648	Sebonac Cr/Bullhead Bay and tidal tribs (1701-0051)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3b) GB..GPB-122a-P651	Little Sebonac Creek (1701-0253)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3c) GB..LPB-123-P659	North Sea Harbor and tribs (1701-0037)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3c) GB..LPB-124-P665	Wooley Pond (1701-0048)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3d) GB-SIS-126	Noyack Creek and tidal tribs (1701-0237)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3e) GB-SIS-SHB,SHC	Sag Harbor and Sag Harbor Cove (1701-0035)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3f) GB-AH	Acabonack Harbor (1701-0047)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3f) GB-SIS-NH-136	Northwest Creek and tidal tribs (1701-0046)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW6.3h) BIS..P753	Fresh Pond (1701-0280)	Suffolk	Lake	C	Mercury	Atmospheric Dep.	4a/2010
(MW6.3h) BIS..P761	Lake Montauk (1701-0031)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2006
(MW7.1a) AO-P780	Georgica Pond (1701-0145)	Suffolk	Estuary	SA	Pathogens	Agriculture	4a/2007
(MW7.1a) AO-P786	Sagaponack Pond (1701-0146)	Suffolk	Estuary	SA	Pathogens	Agriculture	4a/2007
(MW7.1b) AO-P790	Mecox Bay and tribs (1701-0034)	Suffolk	Estuary	SA*	Pathogens	Agriculture	4a/2007
(MW7.1b) AO-SB	Shinnecock Bay (and Inlet) (1701-0033)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.1b) AO-SB-143,144	Heady and Taylor Creeks and tribs (1701-0294)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1b) AO-SB-148 thru 150	Penny Pond, Wells and Smith Creeks (1701-0298)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1b) AO-SB-153	Weesuck Creek and tidal tribs (1701-0111)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1b) AO-SB-156	Penniman Creek and tidal tribs (1701-0300)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1b) AO-SB-QGC-P834	Ogden Pond (1701-0302)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1c) AO-QB	Quantuck Bay (1701-0042)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.1c) AO-QB	Quantuck Bay (1701-0042)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.1c) AO-SB-QB-QtC	Quantuck Canal/Moneybogue Bay (1701-0371)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.2a) AO-MB (portion 1)	Moriches Bay, East (1701-0305)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.2a) AO-MB (portion 2)	Moriches Bay, West (1701-0038)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.2a) AO-MB (portion 3)	Tuthill, Harts, Seatuck Coves (1701-0309)	Suffolk	Estuary	SA	Pathogens	Urban/Storm, Agric	4a/2007
(MW7.2b) AO-MB-NB	Narrow Bay (1701-0318)	Suffolk	Estuary	SA	Pathogens	Urban/Storm, Agric	4a/2007
(MW7.3) AO-GSB (portion 1)	Great South Bay, East (1701-0039)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.3) AO-GSB (portion 2)	Great South Bay, Middle (1701-0040)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.3) AO-GSB (portion 3)	Great South Bay, West (1701-0173)	Suffolk	Estuary	SA	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW7.3) AO-GSB (portion 4)	Bellport Bay (1701-0320)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.3) AO-GSB (portion 5)	Patchogue Bay (1701-0326)	Suffolk	Estuary	SA	Pathogens	Urban/Storm Runoff	4a/2007
(MW7.7) AO-GSB-193..P304	Lake Ronkonkoma (1701-0020)	Suffolk	Lake	B	Algal/Weed Growth	Hab/Hyd Mod	4c
(MW8.3a) MDB-228	East Meadow Brook, Upper, and tribs (1701-0211)	Nassau	River	C	Water Level/Flow	Hab/Hyd Mod	4c

Impaired/DeListed Waters NOT Included on the 2010 Section 303(d) List

Water Index Number	Waterbody Name (WI/PWL ID)	County	Type	Class	Cause/Pollutant	Source	Justification
--------------------	----------------------------	--------	------	-------	-----------------	--------	---------------

Other Impaired Waterbody Segments Not Listed Because Development of a TMDL is Not Necessary

	<u>Atlantic Ocean/Long Island Sound Drainage Basin</u> (con't)						
(MW8.5) JB	Jamaica Bay, Eastern, and tribs (Queens) (1701-0005)	Queens	Estuary	SB	Floatables	CSOs, Urban/Storm	4b ¹²
(MW8.5a) JB-241a	Thurston Basin (1701-0152)	Queens	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW8.5a) JB-247	Bergen Basin (1701-0009)	Queens	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW8.5a) JB-249	Spring Creek and tribs (1701-0361)	Queens	Estuary	I	Floatables	CSOs, Urban/Storm	4b ¹²
(MW8.6a) JB-249a	Hendrix Creek (1701-0006)	Kings	Estuary	I	Floatables, Odors	CSOs, Urban/Storm	4b ¹²
(MW8.6a) JB-250a	Paerdegat Basin (1701-0363)	Kings	Estuary	I	Floatables, Odors	CSOs, Urban/Storm	4b ¹²
(MW8.6a) JB-250b	Mill Basin and tidal tribs (1701-0178)	Kings	Estuary	SB	Floatables	CSOs, Urban/Storm	4b ¹²

Question E – 1: Threatened and Endangered Species Protection

Agency Correspondence

October 11, 2010

Ms. Jean Pietrusiak
New York State Department of Environmental Conservation
New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757

Subject: **West Branch St. Regis Hydroelectric Project (FERC No. 10461)
Threatened and Endangered Species Consultation**

Dear Ms. Pietrusiak:

Erie Boulevard Hydropower, L.P. (Erie) is the owner, operator, and licensee of the West Branch St. Regis Hydroelectric Project (FERC No. 10461). This project is comprised of two hydroelectric developments (Allens Falls and Parishville) located along the West Branch St. Regis River within St. Lawrence County, New York.

As a matter of background, a Federal Energy Regulatory (FERC) license for the Project was issued on September 27, 2002.

Project operations and environmental protection measures at these projects have been largely determined by a comprehensive Offer of Settlement Erie developed in conjunction with NYSDEC and other entities in 2001. The licensing processes for these projects included consultation with resource agencies regarding threatened and endangered species.

Erie is presently working with the Low Impact Hydropower Institute (LIHI) to recertify the West Branch St. Regis developments as a low impact project. In preparing the application for Low Impact Hydropower Certification, Erie must update or confirm consultation with resource agencies with respect to the presence of threatened or endangered species within the vicinity of the project.

As such, Erie respectfully requests information on the presence of threatened or endangered species within the vicinity of the above listed projects. The project location and coordinates have been provided below, as well as on the enclosed topographic map.

Allens Falls	Latitude: 44.6365	Longitude: -74.843
Parishville	Latitude: 44.6278	Longitudes: -74.8156

Erie would appreciate a response within 30 days of the date of this letter. Thank you in advance for your assistance, and if you have any questions, please do not hesitate to contact me at (315) 598-6131.

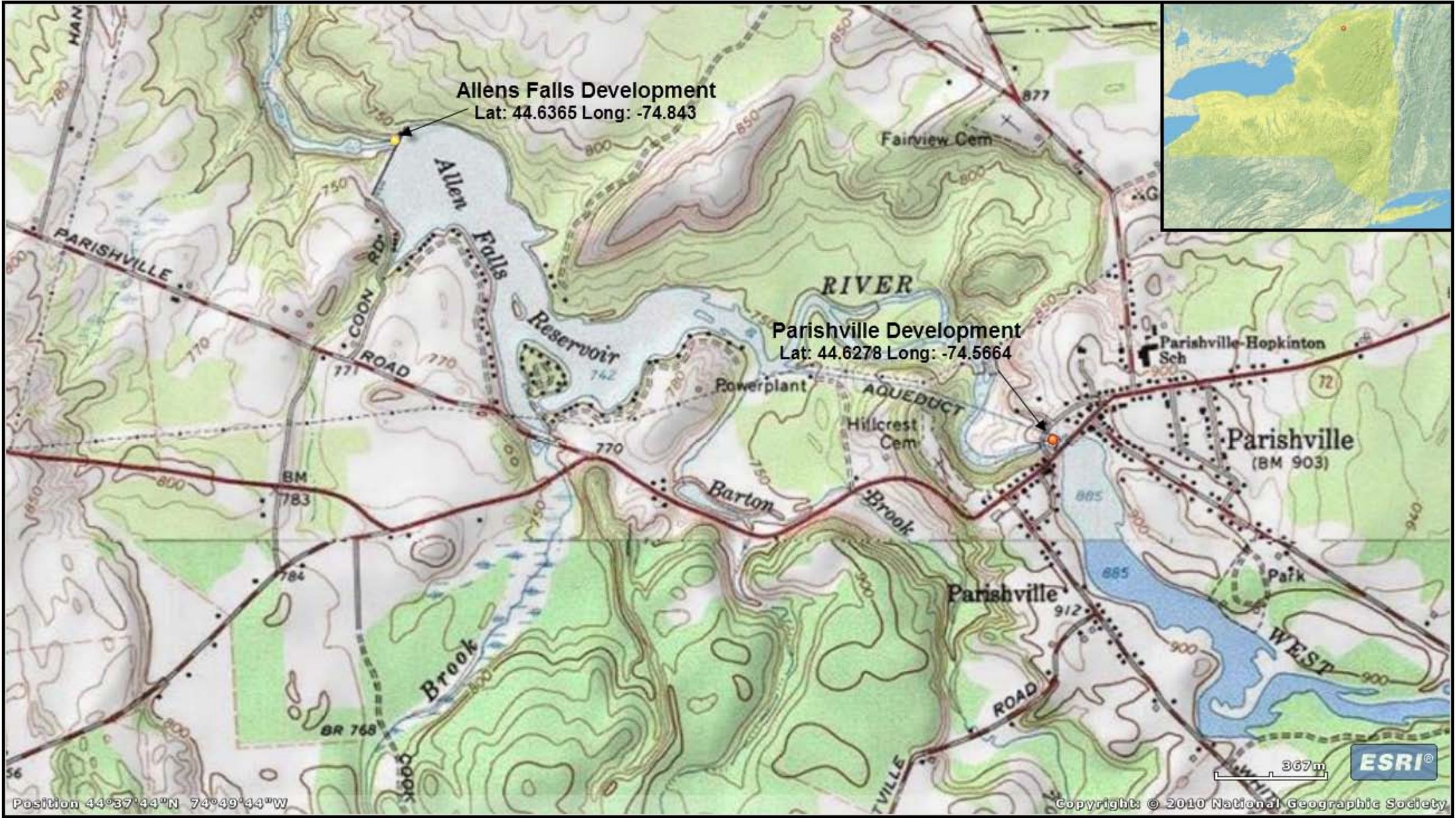
Sincerely,

A handwritten signature in black ink, appearing to read "D.G. Daoust", with a long horizontal flourish extending to the right.

Daniel Daoust
New York West Operations

xc: S. Murphy (Brookfield)

West Branch St. Regis Project
General Location Map



West Branch St. Regis Hydroelectric Project

FERC No. 10461

Located on the West Branch St. Regis River

St. Lawrence County, New York

October 11, 2010

Mr. Dave Stillwell
U.S. Fish & Wildlife Service
3817 Luker Road
Cortland, NY 13045

Subject: **West Branch St. Regis Hydroelectric Project (FERC No. 10461)
Threatened and Endangered Species Consultation**

Dear Mr. Stillwell:

Erie Boulevard Hydropower, L.P. (Erie) is the owner, operator, and licensee of the West Branch St. Regis Hydroelectric Project (FERC No. 10461). This project is comprised of two hydroelectric developments (Allens Falls and Parishville) located along the West Branch St. Regis River within St. Lawrence County, New York.

As a matter of background, a Federal Energy Regulatory (FERC) license for the Project was issued on September 27, 2002.

Project operations and environmental protection measures at these projects have been largely determined by a comprehensive Offer of Settlement Erie developed in conjunction with settlement parties in 2001. The licensing processes for these projects included consultation with resource agencies regarding threatened and endangered species.

Erie is presently working with the Low Impact Hydropower Institute (LIHI) to recertify the West Branch St. Regis developments as a low impact project. In preparing the application for Low Impact Hydropower Certification, Erie must update or confirm consultation with resource agencies with respect to the presence of threatened or endangered species within the vicinity of the project.

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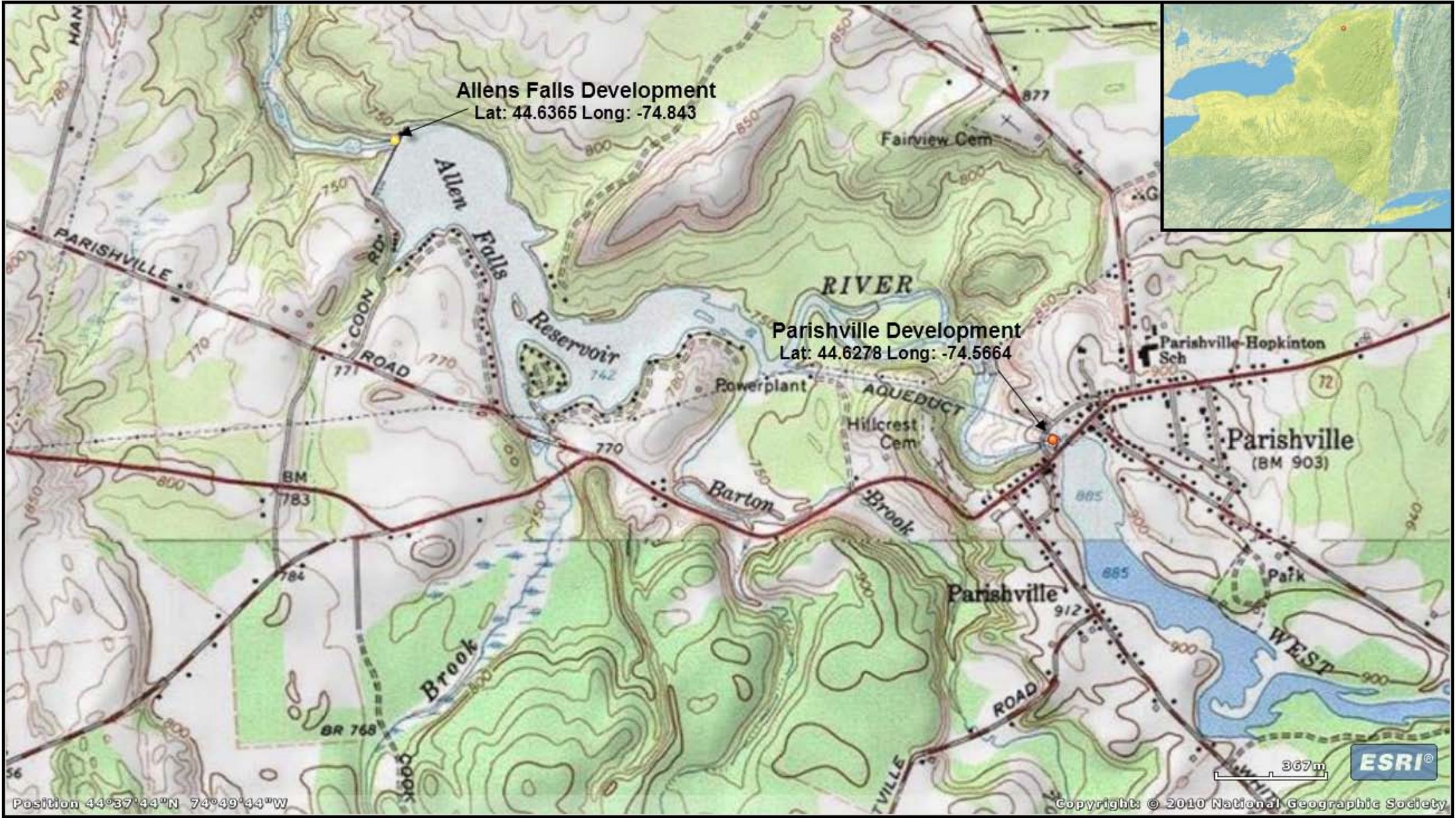
Sincerely,

A handwritten signature in black ink, appearing to read "D.G. Daoust", with a long horizontal flourish extending to the right.

Daniel Daoust
New York West Operations

xc: S. Murphy (Brookfield)

West Branch St. Regis Project
General Location Map



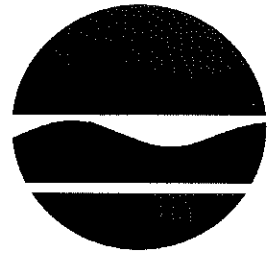
West Branch St. Regis Hydroelectric Project

FERC No. 10461

Located on the West Branch St. Regis River

St. Lawrence County, New York

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

October 22, 2010

Daniel Daoust
Brookfield – NY West Operations
Erie Blvd Hydropower
33 West 1st Street South
Fulton, NY 13069

Dear Mr. Daoust::

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Hydro Project – FERC 10461 – Two Sites, West Branch of St. Regis River, sites as indicated on the map you provided, located in St. Lawrence County.


Enclosed is a report of rare or state-listed animals and plants, significant natural Communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or natural communities. This information should not be substituted for on-site surveys that may be required.

The enclosed report may be included in documents that will be available to the public. However, any enclosed maps displaying locations of rare species are considered sensitive information, and are intended only for the internal use of the recipient; they should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas of activities, (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,


Tara Salerno, Information Services
New York Natural Heritage Program

Enc.

cc: Region 6
Mark Woythal, Instream Habitat Protection Unit, Albany

#1080

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, or there is uncertainty regarding their continued presence.

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



VASCULAR PLANTS

Botrychium rugulosum

Rugulose Grape
Fern

NY Legal Status: Endangered

NYS Rank: S1 - Critically imperiled

Office Use
1946

Federal Listing:

Global Rank: G3 - Vulnerable

Last Report: 1942-09-11

EO Rank: Historical, no recent
information

County: St. Lawrence

Town: Parishville

Location: Parishville

Directions: Parishville.

General Quality
and Habitat:

M

Botrychium rugulosum

Rugulose Grape
Fern

NY Legal Status: Endangered

NYS Rank: S1 - Critically imperiled

Office Use
2819

Federal Listing:

Global Rank: G3 - Vulnerable

Last Report: 1949-09-06

EO Rank: Historical, no recent
information

County: St. Lawrence

Town: Parishville

Location: Parishville

Directions: 2 miles west of Parishville. Old pastures.

General Quality
and Habitat: Old pastures associated with *Botrychium dissectum*.

M

2 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



POWER NEW YORK

ORION POWER CORPORATION, SUITE 400 • 100 FORT AVENUE • NEW YORK, NY 10018
TEL: (212) 412-1000 • FAX: (212) 412-1001

FILED
OFFICE OF THE SECRETARY

01 OCT -5 AM 9:07

FEDERAL ENERGY
REGULATORY COMMISSION

ORIGINAL

October 2, 2001

Secretary David Boergers
Federal Energy Regulatory Commission
888 First Street NE
Washington DC 20426

0-10461-000
P-10462-000

Dear Mr. Boergers:

Reference is made to a letter to the Commission dated September 11, 2001 from Erie Boulevard Hydropower, L.P. (Erie) submitting the West Branch St. Regis River Project Offer of Settlement (Offer of Settlement). In the course of settlement negotiations that culminated in the subject Offer of Settlement, it was agreed among the U.S. Fish and Wildlife Service (USFWS), the New York State Department of Environmental Conservation (NYSDEC), Erie and other parties to this settlement that Erie should update the Commission's record (See section 2.10 of the Offer of Settlement) pertaining to rare and endangered species in the vicinity of the above referenced projects as the record presently before the Commission is more than fourteen (14) years old.

Accordingly, enclosed please find the following correspondence:

1. March 21, 2001 - Letter from Erie to the USFWS and the NYSDEC.
2. May 15, 2001 - Letter response from USFWS to Erie.
3. March 23, 2001 - Letter response from NYSDEC to Erie.

Please consider the enclosed correspondence listed above in the preparation of the ensuing environmental analysis pertaining to the respective projects. If there are any questions, please do not hesitate to contact the undersigned at (315) 413-2787.

Very truly yours,

Jerry L. Sabattis

Jerry L. Sabattis

Encl.

cc: Attached Service List
Peter Leitzke, FERC

0110090375-3

DOCKETED



POWER NEW YORK

225 GREENFIELD PARKWAY, SUITE 201 • LIVERPOOL, NY 13088
PHONE: (315) 413-2700 • FAX: (315) 461-8577

March 21, 2001

Mr. David A. Stilwell, Field Supervisor
Attn: Mr. Michael Stoll
U.S. Fish & Wildlife Service
3817 Luker Road
Cortland, NY 13045

Dear Mr. Stilwell & Mr. Stoll:

By the attached letter dated August 7, 1987 from Niagara Mohawk Power Corporation and reply letter dated August 12, 1987 from Mr. Paul Hamilton, Field Supervisor of the U.S. Fish and Wildlife Service (USFWS), the status of any federally listed threatened or endangered species in the vicinity of the Parishville (FERC No. 10461) and Allens Falls (FERC No. 10462) Hydroelectric Projects, now owned by Erie Boulevard Hydropower, LP (Erie), was last updated. In recent discussions with Mr. Stephen Patch of your staff and Mr. Leonard Ollivett of the New York State Department of Environmental Conservation (NYSDEC) Region 6 staff, I agreed to request an update on the current status of threatened or endangered species within the project boundaries of these respective projects. Accordingly, this letter is Erie's request for this information.

Kindly forward this status information to my attention at Orion Power NY, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088. Further, if you have any questions regarding this matter, I may be reached at (315) 413-2787.

By copy of this letter to Mr. Ollivett, I am requesting the NYSDEC's comments regarding any state designated threatened or endangered species within the project boundaries of these respective projects.

Your timely attention to this matter is appreciated. Thank you.

Sincerely,

Jerry Sabattis
Hydro Licensing Coordinator

Attachment.

cc: Mr. Stephen Patch w/Attachment
Mr. Len Ollivett w/Attachment.



NIAGARA MOHAWK POWER CORPORATION 300 ERIC BOULEVARD WEST, SYRACUSE, NEW YORK 13202

August 7, 1987

Mr. Paul P. Hamilton, Field Supervisor
U.S. DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
100 Grange Place, Room 102
Cortland, New York 13045-1398

Dear Mr. Hamilton:

The Niagara Mohawk Power Corporation is currently compiling environmental information which ultimately may be used to support the licensing of existing hydroelectric facilities at Allens Falls and Parishville located in St. Lawrence County on the West Branch of the St. Regis River. Enclosed is a general location map outlined in boldface to show our study area. Also enclosed is a set of seven (7) Department of Transportation maps also outlined in boldface to show the study area in detail.

To assist us in our data gathering effort, we are seeking the following information pertinent to the study area outlined on the enclosed maps:

1. Presence of federally-listed or proposed endangered and threatened species.

Kindly forward all available information on the study area to my attention at Niagara Mohawk Power Corporation, Environmental Affairs Department, 300 Erie Boulevard West, Syracuse, New York 13202. Further, if you have any questions regarding this matter, I may be reached at (315) 428-6613.

We would appreciate the information returned by September 4, 1987. Your timely attention to this matter is appreciated. Thank you.

Sincerely,

R. W. Cummings, Jr.
Assoc. Sr. Environmental Analyst

RWC/ds
Enclosures

xc: C. G. Foreback
M. W. Murphy
J. L. Sabattis
T. M. Skutnik



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
100 Grange Place
Room 202
Cortland, New York 13045

August 12, 1987

Mr. R.W. Cummings, Jr.
Assoc. Sr. Environmental Analyst
Niagara Mohawk Power Corp.
300 Erie Blvd. West
Syracuse, NY 13202

Dear Mr. Cummings:

We have received your August 7, 1987, request for information on the presence of federally listed or proposed endangered and threatened species in the study area of the existing hydroelectric facilities at Allens Falls and Parishville on the West Branch of the St. Regis River in St. Lawrence County.

Except for occasional transient individuals, no federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

This response refers only to endangered species. We look forward to continued consultation regarding these projects. If you have any questions or desire further information, contact Mr. Stephen Patch of my staff at 607-753-9334.

Sincerely,

Paul P. Hamilton
Field Supervisor

cc:
NYSDEC, Albany, NY (B. Zeisel)
NYSDEC, Watertown, NY (L. Ollivett)

RECEIVED AUG 17 1987

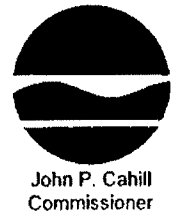
New York State Department of Environmental Conservation

Division of Fish, Wildlife and Marine Resources, Region 6

Dulles State Office Building, 317 Washington Street, Watertown, New York 13601-3787

Phone: (315) 785-2261/62/63 • FAX: (315) 785-2242

Website: www.dec.state.ny.us



March 23, 2001

Mr. Jerry Sabattis
Hydro Licensing Coordinator
Orion Power New York
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Dear Mr. Sabattis:

This letter is in response to your request for updated information on threatened and endangered species in the vicinity of the Parishville (FERC# 10461) and Allens Falls (FERC# 10462) Hydro projects. These records were last updated for Niagara Mohawk in 1987.

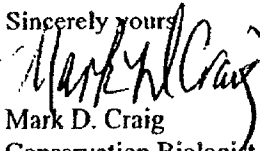
A search of our database indicates that no species or significant habitat sites have been added in the vicinity of the projects since the last update in 1987. One species was identified in the general vicinity, but the site is well over a mile from the projects.

I have enclosed a map of the area with a number of sites indicated. The triangular sites indicate a minute of coverage on a standard USGS, 7.5 min topo map. This represents a circular coverage around the site that is indicated, that extends out approximately 1.5 miles from the center.

All of the triangular sites shown are for a plant known as rugulose grape fern, they are all historic sites (50+ years since the last siting) and this is an upland plant. This is a plant to watch for due to the number of sitings in the area but it would not be affected by the operation of the hydro plants.

If you have any other questions regarding endangered species in Region 6, please feel free to contact me for information.

Sincerely yours,

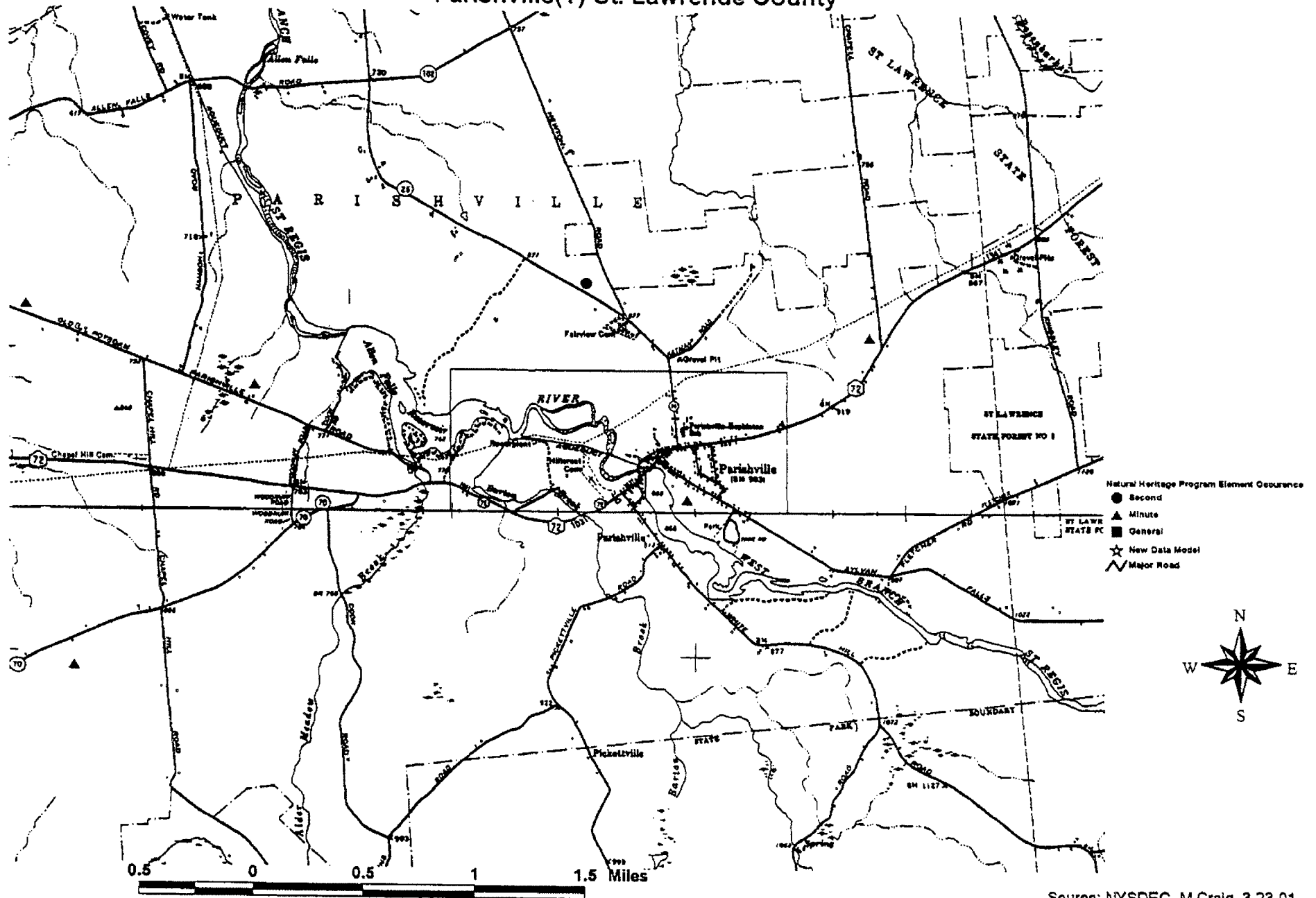


Mark D. Craig
Conservation Biologist, (Ecology)
Region 6

Enc.

cc: L. Ollivett
L. Ambeau
G. Edinger

Orion Projects Parishville(T) St. Lawrence County



Source: NYSDEC, M Craig, 3-23-01



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 LUKER ROAD
CORTLAND, NY 13045

May 15, 2001

Mr. Jerry Sabattis
Hydro Licensing Coordinator
Orion Power New York
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Dear Mr. Sabattis:

This responds to your letter of March 21, 2001, requesting information on the presence of endangered or threatened species in the vicinity of the Parishville and Allens Falls Hydroelectric Projects on the West Branch St. Regis River in the Town of Parishville, St. Lawrence County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the respective project impact areas. In addition, no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

In addition to the contact you made with Watertown, for additional information on fish and wildlife resources or State-listed species, we suggest you contact the New York State Department of Environmental Conservation at:

New York State Department of Environmental Conservation
Wildlife Resources Center-Information Services
New York Natural Heritage Program
700 Troy-Schenectady Road
Latham, NY 12110-2400
(518) 783-3932

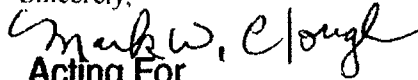
National Wetlands Inventory (NWI) maps may or may not be available for the respective project areas. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters and wetlands of the United States may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without stipulations, or recommend denial of the permit depending upon the potential adverse impacts on fish and wildlife resources associated with project implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s) as shown on the enclosed map.

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,


Acting For

David A. Stilwell
Field Supervisor

Enclosures

cc: NYSDEC, Watertown, NY (Environmental Permits)
NYSDEC, Latham, NY
COE, Buffalo, NY

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES IN NEW YORK

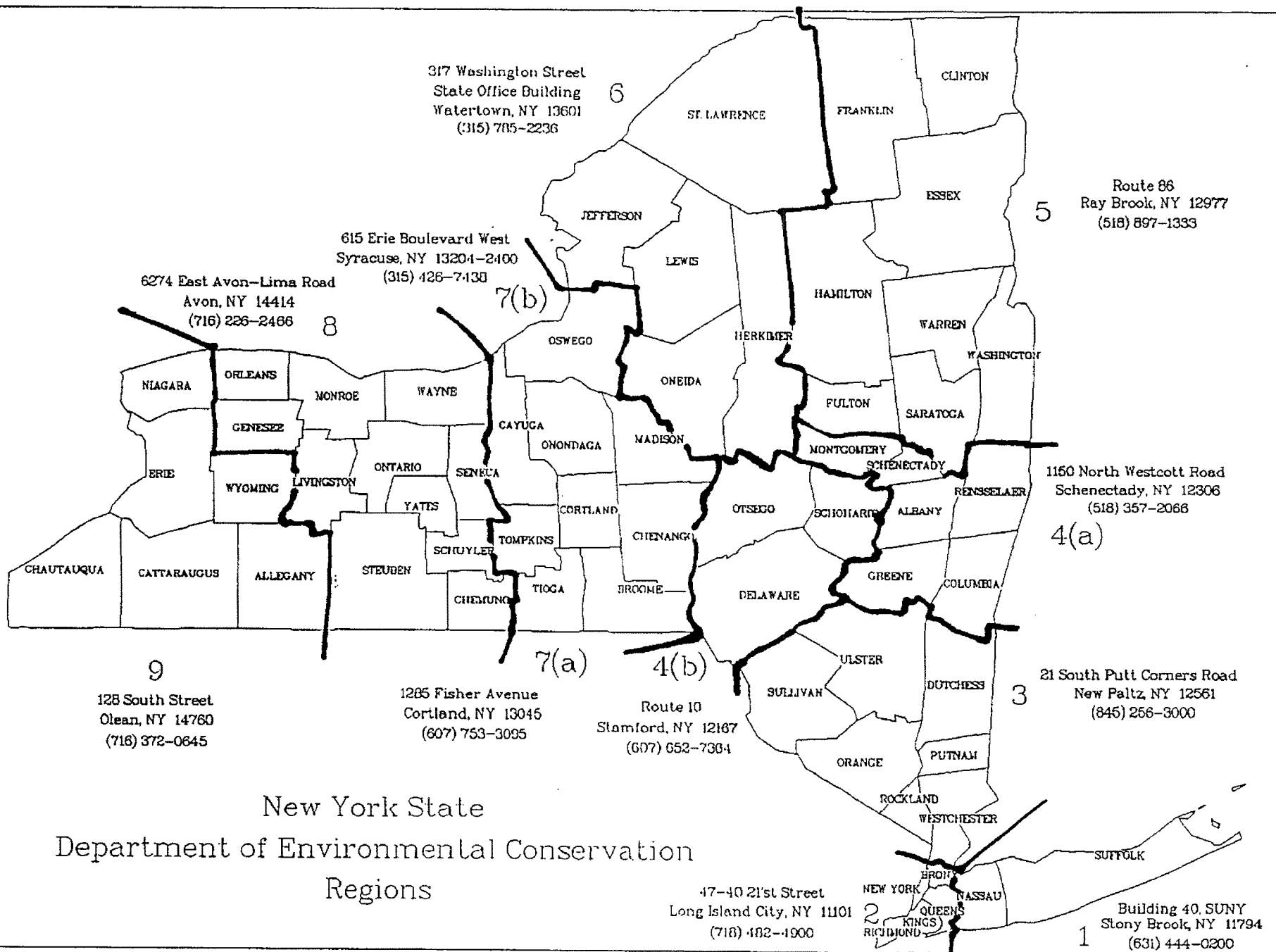
<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>FISHES</u>			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
<u>REPTILES</u>			
Turtle, bog	<i>Clemmys muhlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
<u>BIRDS</u>			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Plover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed Proposed Critical Habitat - Eastern Lake Ontario shoreline from Salmon River (Oswego County) to Stony Point (Jefferson County)
Tern, roseate	<i>Sterna dougallii dougallii</i>	T E	Remainder of coastal New York Southeastern coastal portions of state
<u>MAMMALS</u>			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor cougar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic
<u>MOLLUSKS</u>			
Snail, Chittenango ovate amber	<i>Succinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmidonta heterodon</i>	E	Orange County - lower Neversink River Delaware and Sullivan Counties - Delaware River

* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES
IN NEW YORK (Cont'd)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
BUTTERFLIES			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
PLANTS			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled	<i>Isotria medeoloides</i>	T	Entire state
Swamp pink	<i>Helonias bullata</i>	T	Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Roseroot, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

E=endangered T=threatened P=proposed



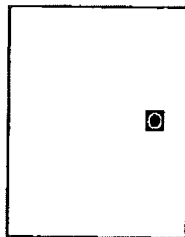
New York State
Department of Environmental Conservation
Regions

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise brief description of the project/action.
2. Name of the hamlet/village/city/town/county where the project/action occurs.
3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
4. A map showing the project/action location. Preferably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.

SETTLEMENT MEETING INVITATION LIST

Mr. David A. Stilwell, Field Supervisor
Attn: Mr. Steve Patch
U.S. Fish & Wildlife Service
3817 Luker Road
Cortland, NY 13045
Phone: (607) 753-9334
Fax: (607) 753-9699
Email: stephen_patch@fws.gov

Mr. Dave Clark
Attn: Mr. Kevin R. Mendik
Chief of Environmental Compliance
National Park Service
15 State Street
Boston, MA 02109
Phone: (617) 223-5299
Fax: (508) 792-7718

Hon. Bernadette Castro, Commissioner
NYS Office of Parks, Recreation & Historic
Preservation
Agency Bldg. No. 1
Empire State Plaza
Albany, NY 12238
Phone: (518) 474-3176

Mr. Mike Ludwig
Habitat & Protection Resource Service
National Marine Fisheries Service
212 Rogers Avenue
Milford, CT 06460
Phone: (203) 783-4213

Ms. Lenore Kuwik
Chief of Environmental Analysis
NYS Dept. of Environmental Conservation
Division of Environmental Permits, Rm 538
625 Broadway
Albany, NY 12233-1750
Phone: (518) 402-9173
Fax: (518) 402-9168

Ms. Betty Lou Bailey, Chair Canoe Route
Subcommittee, Conservation Committee
Adirondack Mountain Club
4029 Georgetown Square
Schenectady, NY 12303-5300
Phone: (518) 355-0604
Fax: Same as above (call first)

Mr. Bruce Carpenter
New York Rivers United
PO Box 1460
Market Street in Griffis Technology Park
Rome, NY 13442-1460
Phone: (315) 339-2097
Fax: (315) 339-6028
Email: nyrubc@aol.com

Mr. Andrew Fahland
Director of Hydropower Programs
American Rivers
1025 Vermont Ave., NW, Suite 720
Washington, DC 20005
Phone: (202) 547-6900

Mr. Neil F. Woodworth
Adirondack Mountain Club
301 Hamilton Street
Albany, NY 12210-1738
Phone: (518) 449-3870

Mr. James H Johnson, PhD.
US Department of the Interior
US Geological Survey
Tunison Laboratory of Aquatic Science
3075 Gracie Road
Cortland, NY 13045
Phone: (607) 753-9391

Ms. Malka Pattison
US Department of the Interior
Bureau of Indian Affairs
1849 C Street NW, Mail Stop 4513
Washington, DC 20240
Phone: (202) 208-6043
Fax: (202) 219-0006

Mr. William G. Little Associate Attorney
NYS Dept. of Environmental Conservation
Division of Legal Affairs, Room 638
625 Broadway
Albany, NY 12233-1500
Phone: (518) 402-9195
Fax: (518) 402-9018

Mr. Larry Ambeau Permit Administrator
Attn: Mr. Len Ollivett
NYSDEC
317 Washington Street
Watertown, NY 13601
Phone: (315) 785-2246
Fax: (315) 785-2242
Email: leollive@gw.dec.state.ny.us
Email: lvambeau@gw.dec.state.ny.us

Mr. Michael Stankiewicz
Dam Safety Unit, Division of Water
NYS Dept. of Environmental Conservation
50 Wolf Road, Room 338
Albany, NY 12233-3507

Mr. Ernest Thompson
Director of Planning & Infrastructure
St. Regis Mohawk Tribe
412 State Route 37
Hogansburg, NY 13655
Phone: (518) 358-2272
Fax: (518) 358-3203

SETTLEMENT MEETING INVITATION LIST

Mr. Richard Mooers, Department Head
Planning Department, St. Lawrence County
Building #1
48 Court Street
Canton, NY 13617
Phone: (315) 379-2292
Fax: (315) 379-2252

Mr. Tim Damon, President
St. Lawrence Valley Chapter 472
Trout Unlimited
C/O Damon Rodworks
117 McIntyre Road
Winthrop, NY 13697
Phone: (315) 265-4700(h)
(315) 265-0174(w)
Fax: (315) 265-3178
Email: flyfshr@north2eb.com

Mr. Henry Cosselman
New York Conservation Council
822 County Rt. 1
Oswego, NY 13126
Phone: (315) 343-6185

Mr. Jerry Sabattis
Hydro Licensing Coordinator
Orion Power New York
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088
Phone: (315) 413-2780
Fax: (315) 461-8577
Email: jerry.sabattis@orionpowerny.com

Mr. Joe Snell, Town Supervisor
& Fred Wilhelm, Town Planning Board
Town of Parishville
820 State Highway 72
Potsdam, NY 13676
Phone: (315) 265-6180 (Town Clerk)
Fax: (315) 265-1855 (Town Clerk)

Mr. Randy Vaas
22806 Fralick Road
Watertown, NY 13601
Phone: (315) 788-7225
Email: navypap@twcny.rr.com

Mr. John Homa Jr., President
Ichthyological Associates
50 Ludlowville Road
Lansing, NY 14882-9023
Phone: (607) 533-8801
Fax: (607) 533-8804
Email: IALansing@aol.com

Mr. Chris Koll
American Whitewater
MCK Building Associates
221 West Division Street
Syracuse, NY 13204
Phone: (315) 475-7499
Fax: (315) 471-8028
Email: ckoll1234@aol.com

Mr. Richard Roos-Collins
Natural Heritage
2140 Shattuck Avenue 5th Floor
Berkley, CA 94704-1210
Phone: (510) 644-2900
Fax: (510) 644-4428
Email: rrcollins@n-h-i.org

Mr. John Gangemi
American Whitewater
482 Electric Avenue
Bigfork, MT 59911

Mr. Francis Boots
St. Regis Mohawk Tribe
412 State Route 37
Hogansburg, NY 13655
Phone: (518) 358-2272
Fax: (518) 358-3402

Additional Correspondence



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
408 Atlantic Avenue - Room 142
Boston, Massachusetts 02210-3334

ER 01/231

July 13, 2001

**RE: COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, AND
PRESCRIPTIONS Allens Falls Hydroelectric Project FERC No. 10462
St. Lawrence County, New York**

Mr. David Boergers, Secretary
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, DC 20426

FILED
OFFICE OF THE SECRETARY
JUL 16 PM 3:37
FEDERAL ENERGY
REGULATORY COMMISSION

Dear Mr. Boergers:

The U.S. Department of the Interior (Department) has reviewed the March 27, 2001, Notice of Application Ready for Environmental Analysis (Notice) for the existing Allens Falls Hydroelectric Project (Project) (FERC #10462), located on the West Branch of the St. Regis River in St. Lawrence County, New York. The Project, which is unlicensed, was formerly owned and operated by Niagara Mohawk Power Corporation, who filed the license application in 1990. The Federal Energy Regulatory Commission (FERC) issued an order approving the transfer of the pending license application to Erie Boulevard Hydropower, L.P. (Erie). Erie proposes to continue operating the existing Allens Falls Project. The original License Application has been modified and superseded by the West Branch St. Regis River Offer of Settlement (Settlement), which will soon be transmitted to FERC by Erie. The Department, through the U.S. Fish and Wildlife Service (Service), will be a signatory to that Settlement. Wherever the Settlement differs from the License Application, our comments reflect proposals in the Settlement.

GENERAL COMMENTS

Background

The Notice originally set a comment deadline of May 26, 2001. At the request of the applicant, with concurrence by the Department and other parties, FERC extended the comment deadline until July 23, 2001. In addition to our April 23, 2001, comment letter concurring with the time extension request, the Department filed comments, recommendations, terms and conditions, and prescriptions on this Project on February 27, 1991, and again on April 14, 1993, both times in response to FERC Notices of Project Ready for Environmental Analysis. The following comments, recommendations, terms and conditions, and prescriptions supersede all previous comments on the Allens Falls Project.

Project Setting

The West Branch of the St. Regis River originates in a series of ponds located near Saranac Lake, New York, and flows approximately 35 miles to the Parishville impoundment. It then travels through the Allens Falls impoundment, then approximately 20 additional miles to its junction

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with the St. Regis River, which enters the St. Lawrence River about 20 miles downriver from the junction.

Fishery Resources

The West Branch of the St. Regis River supports a mixed coolwater-warmwater fishery. Among the more abundant game species are brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), smallmouth bass (*Micropterus dolomieu*), and rock bass (*Ambloplites rupestris*). The potential for reintroduction of Atlantic salmon (*Salmo salar*) into the St. Regis River is being explored by the Department in conjunction with the St. Regis Mohawk Tribe.

Cumulative Basin-Wide Impacts

This Project is operated in tandem with the upstream Parishville Project (FERC #10461), which is the subject of a separate, but concurrent, FERC licensing action. The Settlement recommends that both projects be combined into one project with two developments. The Department concurs with that aspect of the Settlement.

Offer of Settlement

Each of the impacts of Project operations was carefully considered in developing the Settlement which is being filed by Erie as a supplement to the application. Representatives of the Service worked diligently with Erie and other interested parties to develop a mutually agreeable Settlement for long-term project management. The Department supports the Settlement and expects that the FERC will include license conditions, which are consistent with this agreement. In addition, we highly recommend that the FERC complete the licensing of these two projects expeditiously, since it has been over 10 years since the applications were filed, during which time Project impacts have continued unabated. Failure to complete licensing in a timely fashion will delay the implementation of important fish and wildlife protection and enhancement measures.

Recent decisions by the FERC (e.g., regarding the Black River Project and the Clarks Fork Projects) have cast doubts on the FERC's willingness to support and enforce settlement offers in their entirety, even when the FERC accepts the settlement as in the public interest. A refusal by the FERC to include settlement terms and conditions as license articles is, in the Department's view, tantamount to those terms and conditions being unenforceable. The Department's expectation regarding the West Branch St. Regis River Offer of Settlement is that the FERC will incorporate all of the Settlement's terms and conditions as express license articles, such that all of the Settlement terms and conditions are enforced by the FERC. This would include, for example, the agreement at Section 2.6 that the Licensee shall consult with all signatories before seeking to modify license conditions through a license amendment or reopener. In addition, to the extent that any of the Settlement's terms and conditions are not incorporated as express license articles, but the FERC, for some reason, determines the terms and conditions and/or express license articles are not enforceable, the FERC will expressly identify each Settlement term and condition which is not enforceable in its licensing order. Any Settlement term and condition not so expressly identified by the FERC as unenforceable, shall be deemed, by all parties, as enforceable by the FERC. Retention of settlement terms such as these, as enforceable license conditions, is a necessary and bargained-for part of the agreement. Because of the uncertainty created by the FERC's decisions in this arena, the Department is rethinking its support for and participation in settlements.

SPECIFIC COMMENTS

Impoundment Fluctuations

The Allens Falls impoundment is fluctuated as necessary on a daily basis to optimize power production. The Settlement restricts daily drawdowns to 0.5 feet, which reflects current operations. These fluctuation restrictions will maintain the existing shallow water littoral and wetland habitats. In addition, the Settlement allows for an additional 0.3-foot drawdown to be utilized whenever necessary to ensure that instream flow requirements are met in the Allens Falls bypassed reach. This situation occurs due to the lower instream flow requirements at Parishville.

The need for the 0.3-foot additional drawdown is expected to be relatively rare and requires notification of the New York State Department of Environmental Conservation (NYSDEC). The additional drawdown is not intended for power generation benefits.

The Allens Falls impoundment is lowered 1 foot below dam crest in the winter to protect shoreline property from ice damage. The winter drawdown can only occur between November 1 and May 15. The allowable 0.5-foot and 0.8-foot daily fluctuations in the winter are measured from the point 1-foot below dam crest.

Base Flows

Base flows below the Allens Falls powerhouse are an issue at this Project. Approximately 20 miles of river down to the confluence with the St. Regis River are potentially impacted by fluctuating water levels caused by Project operations. The higher bypassed reach flow at Allens Falls, as compared to Parishville, was partially based on the need for adequate base flows to the downstream reach.

Bypassed Reach Flows

The current Project operations frequently dewater a 13,700-foot reach of the West Branch of the St. Regis River. The Settlement requires a seasonally varied flow regime for the bypassed reach.

From April 1 through August 31, the required flow is 50 cfs. This flow drops to 40 cfs for the month of September. For the remainder of the year (October 1 through March 31), the flow requirement is 30 cfs. All flows are nominal, which means they will vary slightly (less than 1 cfs up or down) based on the level of the impoundment. The Allens Falls bypassed reach is normally wetted during spring spillage and is periodically wetted during high flow events that can result in spillage at any time of the year. The negotiated instream flow regime is designed to restore the periodically dewatered bypassed reach to a year-round river reach. The negotiated flows provide an adequate base flow to the 20-mile reach between the Allens Falls powerhouse and the St. Regis River, while providing high attainment of management goals for brook trout, Atlantic salmon, and benthic macroinvertebrate production in the bypassed reach. This flow regime also provides relatively high attainment of management goals for riffle-dwelling fish species and forage fish, while improving habitat for rainbow trout (*Oncorhynchus mykiss*) and brown trout during periods of suitable water temperature. The flow regime also enhances fish movement, riparian vegetation and wetlands, habitat for riparian wildlife, and aesthetics. Lower flows do not adequately meet management goals.

Fish Protection

The Settlement recommends that fish protection measures be installed at the Project. These measures will consist of trashracks with maximum 1" clear-spaced openings. These overlays or replacement racks will be installed when the existing trashracks, which have 1-3/4" clear

spacing, need to be replaced. This measure will increase protection from turbine mortality for adult gamefish and should discourage many smaller fish from entering the turbines.

Although no site-specific entrainment study was conducted, all of the studies on similar sites in New York have demonstrated that turbine mortality is occurring. The species and sizes of fish being killed or injured and the level of mortality have been highly variable among different sites. The narrower-spaced trashracks are designed to protect the most valuable component of the fishery from turbine mortality.

Fish Passage

Downstream fish movement currently occurs during frequent spillage events. Additional movement is not being encouraged due to the fact that the reservoir is being managed by the NYSDEC primarily as a warmwater fishery, while the bypassed reach has potential as a coolwater or coldwater fishery. The downstream reach also has the potential to provide a quality coolwater/coldwater fishery. Therefore, the Department is not requiring any downstream fish passage facilities at this time. No upstream fish passage facilities are being required at this time. However, the Department reserves the right to require that the Licensee install fish passage facilities in the future.

Recreation

The Settlement includes a variety of recreational amenities, which have been determined to be compatible with fish and wildlife resources and their associated habitats. These amenities are generally linked to improved access.

RECOMMENDATIONS

- 1. All measures included in the Settlement, except those that are specifically flagged by the signatories as not to be included in the FERC license, shall be included in their entirety, without modification, as numbered license articles in any license issued by the FERC and shall be enforceable by the FERC.**
- 2. The Licensee shall implement all of the recreational facility measures described in Section 3.5 of the Settlement within 15 months of license issuance, provided that the license is issued consistent with this portion of the Settlement.**

TERMS AND CONDITIONS

Pursuant to Section 10(j) of the Federal Power Act, as amended, and the Fish and Wildlife Coordination Act, the Department recommends that the following special articles be included in any license the FERC issues for this project. Reporting and further consultation requirements should be stipulated by the FERC to ensure timely and adequate compliance with the license articles.

- 1. The Licensee shall limit the daily impoundment fluctuations to a maximum of 0.5 feet below dam crest (as described in Section 3.1 of the Settlement).**

During the winter (November 1 through May 15) drawdown period, this fluctuation is measured from a point 1 foot below the crest of the dam. In addition, throughout the year, when inflow from Parishville is inadequate to meet the Allens Falls flow requirements, an

additional 0.3 feet of fluctuation should be allowed, provided that all such fluctuations are reported to NYSDEC in accordance with Section 3.1 of the Settlement.

2. **The Licensee shall continuously provide flows to the bypassed reach (as described in Section 3.2 of the Settlement) within 15 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement. The flows shall be 50 cfs from April 1 through August 31, 40 cfs from September 1 through September 30, and 30 cfs from October 1 through March 31. All flows shall be nominal, and may vary slightly depending on impoundment elevation, provided they remain within the limits established in Table 3-3 of the Settlement.**
3. **The Licensee shall develop a flow monitoring plan (as described in Section 3.3 of the Settlement) in consultation with all signatories to the Settlement within 6 months of license issuance, assuming that the license is issued consistent with this portion of the Settlement. The flow-monitoring plan shall include all gauges and/or equipment for the purposes of:**
 - a. **determining the minimum flow release to the bypassed reach;**
 - b. **determining project headpond and tailwater elevation;**
 - c. **providing an appropriate means of independent verification of water levels by the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (Service).**

The flow-monitoring plan must be submitted to the NYSDEC for review and concurrence. Permanent staff gauges shall be installed to allow independent verification of headpond and tailwater elevations. Such staff gauges should be visible to the general public. Access to staff gauges will be provided to the Service and NYSDEC. All gaging equipment required by the monitoring plan shall be made operational and fully calibrated within 15 months of license issuance, assuming the license is issued consistent with this portion of the Settlement.

The Licensee shall notify the Department, and request that the Department provide any comments and approve any request for extension to comply with the requirement to develop a flow monitoring plan, before such request is submitted to the Federal Energy Regulatory Commission.

4. **The Licensee shall implement the following fish protection measures (as described in Section 3.4 of the Settlement):**
In order to reduce fish entrainment through the turbines, a physical barrier with a maximum 1" clear spacing will be installed at the location of the existing trashrack structure when the current structure needs replacement.

PRESCRIPTIONS

In order to allow for the timely implementation of fishways, including effectiveness measures, the Department requests that the FERC include the following condition in any license it may issue for the Allens Falls Hydroelectric Project:

Pursuant to Section 18 of the Federal Power Act, as amended, the Secretary of the Department of the Interior, as delegated to the U.S. Fish and Wildlife Service,

exercises the authority under Section 18 by reserving the authority to prescribe the construction, operation, and maintenance of such fishways as deemed necessary, including measures to evaluate the need for fishways, and to determine, ensure, or improve the effectiveness of such fishways. This reservation includes authority to prescribe fishways for any fish species to be managed, enhanced, protected, or restored to the basin during the term of the license.

All previous prescriptions filed for the Allens Falls Project are hereby withdrawn.

* * * * *

We appreciate the opportunity to provide comments, recommendations, terms and conditions, and prescriptions on this application for original license.

Sincerely,



Andrew L. Raddant
Regional Environmental Officer

UNITED STATES OF AMERICA 107 FERC ¶ 62,014
FEDERAL ENERGY REGULATORY COMMISSION

Reliant Energy

Project No. 10461-014

ORDER MODIFYING AND APPROVING RECREATION PLAN
UNDER ARTICLE 408

(Issued April 08, 2004)

On February 2, 2004, Reliant Energy (licensee) filed a Recreation Plan (plan) pursuant to article 408 of the Parishville Hydroelectric Project (FERC No. 10461)¹ license. The Parishville Hydroelectric Project (project) is located on the West Branch of the St. Regis River, in St. Lawrence County, New York.

BACKGROUND

Article 408 requires that, within one year of the license issuance, the licensee shall file for Commission approval a comprehensive recreation plan for the aforementioned project. The plan shall be prepared pursuant to the requirements specified in article 408 of the project license and to the West Branch St. Regis River Project Offer of Settlement (settlement).²

The licensee shall implement the enhancements outlined in the plan after consultation with the New York Department of Environmental Conservation (NYDEC) and members of the West Branch St. Regis River Advisory Committee (SRRAC). The enhancements shall be shown on as-built drawings filed pursuant to the license.

DESCRIPTION OF PLAN

The plan discusses various recreation enhancements at the project site, including the installation of signage designating the extent of the parking available at an informal parking area and a boat launch located at the end of Coon Road. In addition, the licensee will designate an informal parking area near the surge tank on Convey Road for public access to the project waters. A recreation plan drawing included in the plan indicates the location of the parking areas with signage.

¹ 100 FERC ¶ 62,208

² Filed September 13, 2001.

The licensee will allow public access to all lands within the project boundary, with the exception of those lands and facilities specifically related to hydroelectric generation where public safety and security issues are a concern. Areas where public access will be denied include, but are not limited to: dams, dikes, gates, intake structures, water conveyance structures, powerhouses, substations, transmission lines, and certain access roads leading to such facilities.

Informal access to project waters allowed by the licensee can be found near the Parishville powerhouse to the bypass reach at the Allens Falls Road Bridge. A designated point near the Allens Falls powerhouse will also serve as a public access point. When appropriate, signage will be installed by the licensee directing the public to the lands and waters significant to this plan.

The licensee shall also provide an unimproved trail in the vicinity of the Allens Falls powerhouse, which will serve as an informal access point to project waters near the powerhouse. Boat barriers were installed at the tailrace in 2003 and will continue to be installed annually, on a seasonal basis.

A flow notification system will be maintained by the licensee to provide the public with information regarding known spillage events that may provide recreational opportunities below the project dams. This information will be made available via the internet, through a national electronic publication known as "Waterline."³ The licensee currently posts flow information on Waterline, and will begin posting known spillage events for the project in 2004.

The licensee consulted with the NYDEC several times concerning the design and implementation of appropriate erosion and sediment control measures for various activities. A drawing titled "Standard Details Erosion Control System" depicting various erosion and sediment control measures was included with the plan. The licensee will formalize its consultation process with the NYDEC for the unimproved trail and access point near the Allens Falls powerhouse before undertaking any field activities. All future activities requiring erosion and sediment control measures will be discussed with the NYDEC prior to implementation.

³ Waterline provides water flow forecasts and water level reports over the telephone and on the internet for the safety and convenience of anglers and canoeists. Information pertaining to daily operations at various hydroelectric sites is provided to Waterline and is updated in real time. This information can be retrieved by calling 1-800-452-1742 or on the internet at www.h2oline.com.

Project No. 10461-014

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Five years after Commission approval of the plan, and every six years thereafter, the licensee will consult with the members of the SRRAC and the NYDEC to further examine reasonable opportunities to develop access to project lands and waters. The FERC Form 80 will serve as a basis for the additional development of public access to project lands and waters. FERC's Critical Energy Infrastructure policy, public safety issues, and vandalism concerns will be thoroughly evaluated before the licensee commits to any additional recreation enhancements. The licensee intends to implement this plan by December 31, 2004.

AGENCY CONSULTATION

The licensee consulted with the U.S. Fish and Wildlife Service (USFWS), NYDEC, Adirondack Mountain Club (ADK), and the St. Lawrence County Planning Office (SLCPO).⁴

The USFWS stated that the plan complied fully with the license requirements. They suggested that in lieu of the project license requirement for the licensee to consult with SRRAC, an advisory council that has yet to be established, the licensee should consult with the NYDEC to create the SRRAC as soon as possible. The licensee responded that an initial meeting has been discussed between the licensee and the NYDEC, although the final date(s), location, and agenda for the initial meeting have yet to be determined. Parties to the settlement will be contacted in the first quarter of 2004 regarding availability for the initial meeting.

The NYDEC also received a copy of the draft recreation plan and also advised the licensee to begin consultation with their department (NYDEC) and other parties to the settlement agreement, to form SRRAC. The NYDEC also stated that a SPDES General Permit for Stormwater Discharge may be required, depending upon the amount of area to be disturbed by constructing the trail. The NYDEC noted the plan's lack of a construction schedule, and commented that a schedule should be provided stating that all the requirements of the plan shall be in place by the end of the 2004 construction season. The NYDEC looks forward to further consultation with the licensee when a final plan is developed for the unimproved trail and access points.

The licensee responded that an initial meeting has been discussed between the licensee and the NYDEC, although the final date(s), location, and the agenda for the initial meeting have yet to be determined. Parties to the settlement will be contacted in

⁴ The licensee was not required by the project license or by the settlement agreement to consult the SLCPO, but did this in lieu of consulting the SRRAC, which has not been formed yet.

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the first quarter of 2004 regarding availability for the initial meeting. The licensee also emphasized their financial contributions to the St. Regis River Fund, added an implementation schedule to the plan, and has agreed to consult with the NYDEC concerning the possibility of a SPDES General Permit for Stormwater discharge.

One comment from the ADK stated that the first item on the plan concerning public access seems overly vague. The ADK says that they would have expected a proposal for an additional fence, locks on doors, gates on roads, etc. to address security and public safety concerns. They added that the informal access to water near the Parishville powerhouse is barely mentioned in item 2 of the plan, and encouraged the licensee to include the location of this access area on the attached drawing.

The licensee justified the vague language of item 1 by stating that the licensee has a confidential security plan in place which addresses security concerns, issues, and necessary implementation measures. The licensee reiterated that site security is a top priority to them when considering recreational measures and access requirements. Additionally, the licensee reasoned that the Parishville powerhouse was “barely mentioned” in the plan because historically informal access has been provided via lands near the Parishville powerhouse, which is different from other access areas agreed upon in the settlement. The licensee intends to comply with the settlement in not precluding any informal access that may exist near the powerhouse, but it does not intend to advertise access in the vicinity of the powerhouse through signage or notification on the map.

Comments from the SLCPO centered on concerns over the vague language used in the plan, and the licensee’s definition of “informal” and “unimproved.” The SLCPO also had questions concerning if there was a designated point near the Allens Falls powerhouse, and if there is, why it has not been identified on a separate drawing. The SLCPO also requested clarification on the licensee’s definition of “water access” (i.e., whether it involves a boat launch, and if so, which types of boats will be able to utilize this launch. They also questioned whether additional parking spaces will be created. The SLCPO asked the licensee to describe what “Waterline” is and how the public can access this resource.

Concerning the definition of “informal” and “unimproved,” the licensee responded that very few, if any, physical improvements will be needed at public access areas or at the trail. The objective of the plan is to recognize access areas by denoting them with signage, where appropriate. The licensee interprets the term “informal” access to mean public access areas that currently exist, and require no physical construction to formalize them. The “unimproved” trail refers to the trail that currently exists, which consists of a worn path created by the public accessing project lands and waters. There will be no improvements to this path and it will be considered an informal access to project waters near the powerhouse. The licensee contended that they have, and will continue to offer,

access at its boat launch facilities. The licensee has no intention of increasing the number of parking spaces provided on the site at this time, given the current level of recreational usage. The parking situation will be reevaluated every six years when the licensee files their FERC Form 80. Additionally, the licensee acknowledged that some information regarding the flow notification system was omitted, and has since offered an explanation and resources for accessing the "Waterline."

DISCUSSION AND CONCLUSION

The plan appropriately addresses all the requirements of article 408 and the settlement agreement. Additional signage and public access areas will enhance public recreation at the project site. The licensee will allow public access to all lands within the project boundary, except for those lands and facilities related to hydroelectric generation, where public safety and security issues are a concern. Informal access and an unimproved trail have been included in the plan, and will allow the licensee to provide these amenities to the public without requiring construction. Signage will be installed where appropriate to provide directional assistance to pertinent lands and waters, and to designate the extent of parking available at the informal parking lot and boat launch, and at the parking area near the surge tank.

In addition, boat barriers were installed on the tailrace in 2003,⁵ and will continue to be installed seasonally. An up-to-date flow notification system will be provided by the licensee via the internet. The licensee has appropriately consulted with the NYDEC, USFWS, and the ADK, as required in the project license. Consultation with the SRRAC was also required; however, this advisory group has not yet been formed. The licensee consulted with the SLCPO in lieu of the SRRAC. Every six years, the licensee, in conjunction with the FERC Form 80, will reevaluate whether the recreation needs of the public are being met at this site. The Form 80 will serve as a basis for the consideration of further development of public recreational needs. The licensee intends to implement the aforementioned recreational enhancements by December 31, 2004.

The recreation plan should be approved. As-built drawings including a map of the facility showing access areas, parking areas, signage, and the trail shall be filed within six months of the completion. The location and text of all signage should be included.

⁵ The licensee's last public safety plan was approved by NYRO on December 3, 2001. This plan does not show any boat barriers at the tailrace, only warning signs on the Taintor gates. The licensee is required to update their public safety plan with NYRO to include the aforementioned boat barriers.

Project No. 10461-014

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The Director orders:

(A) The recreation plan filed February 2, 2004, pursuant to article 408 of the project license and the West Branch St. Regis River Project Offer of Settlement, as modified by paragraphs (B) and (C), is approved.

(B) The licensee shall complete all recreation enhancements by December 31, 2004. As-built drawings shall be filed for Commission approval by June 31, 2005. The as-built drawings shall include a map of the facility showing the access areas, parking areas, the trail, and signage in relation to project features and boundaries. The location and text of all signage should be included on the drawings.

(C) The licensee shall file an updated public safety plan with the New York Regional Office within 3 months of the issuance date of this order.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of this order, pursuant to 18 C.F.R. 385-713.

John E. Estep
Division of Hydropower Administration
and Compliance

UNITED STATES OF AMERICA 107 FERC ¶ 62, 045
FEDERAL ENERGY REGULATORY COMMISSION

Erie Boulevard Hydro LP

Project No. 10461-015

ORDER MODIFYING AND APPROVING HISTORIC PROPERTIES
MANAGEMENT PLAN PURSUANT TO ARTICLE 409

(Issued April 16, 2004)

On January 16, 2004, Erie Boulevard Hydro LP (licensee) filed a Historic Properties Management Plan (HPMP) pursuant to Article 409 of the West Branch St. Regis River Project license¹. The project is located on the West Branch St. Regis River, in St. Lawrence County, New York.

BACKGROUND

Article 409 requires the licensee to develop a HPMP for the West Branch St. Regis River Project within one year of issuance of the project license. The purpose of the plan is to avoid, or minimize and appropriately mitigate any adverse effects on historic properties including the historic mill ruins near the Parishville dam. Arrangements for the unanticipated discovery of historical properties are to be included. The plan is to be developed in consultation with the New York State Historic Preservation Officer (SHPO). Documentation of consultation and recommendations should be filed with the plan for Commission approval. If a recommendation is not adopted, the licensee should include the reason, based on project-specific information. The Commission reserves the right to require changes to the plan.

DESCRIPTION OF PLAN

The filing includes (1) a description of the archeological surveys conducted within the Area of Potential Effect (APE) of the project; (2) the determinations of eligibility for inclusion in the National Register of Historic Places (NRHP); (3) a description of how unanticipated discoveries will be handled; and (4) documentation of agency consultation.

¹ 100 FERC ¶ 62,208 (2002)

The APE for the West Branch St. Regis Project consists of the project boundaries for each of the project's two developments. Two sites were specifically identified for consideration for the NHRP. The main hydroelectric plants, including the powerhouses for the Allens Falls and Parishville dams, are considered eligible for the NRHP. The two properties are eligible pursuant to criteria C, which says that a property "embodies the distinctive characteristics of a type, period, or method of construction, etc." According to the SHPO the plants are representative of hydroelectric architecture and engineering that reflects the Post World War I standardization of hydro facilities.

Implementing the project's license articles will not require ground breaking activities or disturbance of any known historical properties. If in the future, ground-breaking activities, including recreational developments, are proposed within the project's APE the licensee will first consult with the SHPO. The SHPO will have 30 days to review and comment on the project, and if the activity will not adversely affect historic properties the licensee may proceed in accordance with agreed measures or conditions. If there is a potential for an adverse effect the licensee and SHPO will consult to develop a strategy for avoiding or mitigating adverse effects.

Erie employees will be trained on the principles and procedures of this plan in order to protect known historical properties and unanticipated discoveries. If an unanticipated discovery is made, the licensee will stop work and if necessary, stabilize the area. The SHPO will be notified within 3 days of discovery. After consulting with the SHPO, further analysis and investigations will be conducted if appropriate, and any artifacts that are collected will be managed in accordance with the New York Archaeological Council standards.

AGENCY CONSULTATION AND COMMENTS

The licensee developed the plan with the New York SHPO. A draft plan was also sent for review. On January 6, 2004, The New York SHPO replied that Parishville and Allens Falls Hydroelectric Plants had been found eligible for the NRHP. The licensee was reminded that any work that could visually impair these sites should be reviewed by the SHPO beforehand. Also, the SHPO reminded the licensee to follow the procedures outlined in the document titled A Compendium of Compatible Operation and Maintenance Activities that was entered into by the project's previous licensee. The Compendium is included as Appendix D of the HPMP. This guide to historic properties management was developed by the previous licensee and the SHPO, and was adopted by Erie Boulevard Hydro LP. The guide lists the type of activities that may be carried out without informing the SHPO, such as routine maintenance and upgrades to the electric systems. Ground disturbing activities and those activities that have the potential to disturb identified historical properties must be reported to the SHPO before the activity commences.

DISCUSSION

The filing adequately fulfills Article 409 requirements. The plan provides appropriate protection for the two NRHP eligible sites by outlining procedures for routine maintenance and for activities that may have potential adverse effects. Unanticipated finds will be handled through consultation with the SHPO. The licensee, in consultation with SHPO, should decide if an effort is needed to contact any Native American tribes that may have had a historical presence in the area and would be interested in the unanticipated discovery. If appropriate, the tribes should be included in consultation concerning mitigation or preservation of the finds. Any changes made to this plan as a result of unanticipated discoveries or otherwise must be approved by the Commission after consultation with the SHPO. The Historic Properties Management Plan should be approved.

The Director orders:

- (A) The Historic Properties Management Plan, filed on January 16, 2004, pursuant to Article 409 of the project license is approved, as modified by paragraph (B).
- (B) The licensee in consultation with the New York State Historic Preservation Officer should decide if consultation with tribes with a historical presence is needed after an unanticipated discovery is made. If appropriate, the tribes should be included in consultation.
- (C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

John E. Estep
Division of Hydropower Administration
and Compliance



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225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

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REGULATORY COMMISSION

PUBLIC Information

Hon. Magalie Roman Salas, Secretary
Federal Energy Regulatory Commission
Mail Code DLC, HL-11.1
888 First Street, NE
Washington, DC 20426

**RE: West Branch St. Regis River Project (FERC Project No. 10461)
Submittal of Historic Properties Management Plan**

Dear Secretary Salas:

Pursuant to License Article 409 of the license for the West Branch St. Regis Project (FERC 10461), Erie Boulevard Hydro Power (Erie) is submitting a Historic Properties Management Plan (HPMP) for the Project. In accordance with the license article, the HPMP was prepared in consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSHPO). Attachment A of the HPMP provides copies of the correspondence resulting from the consultation process.

Due to the potential sensitive nature of historic properties identified in this report, this submittal has been labeled **NON-PUBLIC Information** and in addition to filing an original and eight (8) copies of this submittal with the Commission Secretary, a conforming copy is being sent to the NYSHPO.

If there are any questions pertaining to this submittal, please call the undersigned at (315) 413-2787 or Tom Skutnik at (315) 413-2789.

Very truly yours,

Jerry L. Sabattis

Jerry L. Sabattis
Hydro Licensing Coordinator

Enclosure:

xc w/Encl: Robert Kuhn, NYSHPO
S. S. Hirschey
W. J. Madden