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2665 Prosperity Avenue, #320  
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Tuesday, November 18, 2014

Dr. Michael J. Sale  
Executive Director  
Low Impact Hydropower Institute

Subject: Recertification Recommendation for the Deer Island Hydroelectric Project

Dear Mike:

This letter contains my recommendation for recertification of the Deer Island Hydroelectric Project (the "Project").

### **I. Recertification Standards**

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

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

### **II. No further application review is recommended.**

The Deer Island Hydroelectric Project (the "Project") received a Conduit Exemption (FERC #11412) from the Federal Energy Regulatory Commission on November 9<sup>th</sup>, 1993. The project was initially certified by LIHI as "Low Impact" in August 6, 2009.

I have reviewed the materials submitted for recertification of the Project by Massachusetts Water Resources Authority in support of its May 2014 application and the LIHI file containing the past certification decision and FERC's e-library public information file on the Project. After reviewing this information, along with the following submitted comment from the Massachusetts DEP, I determined that no further communication with agencies was necessary to support a recertification recommendation:

"The MassDEP believes the Deer Island Hydropower Project (FERC No. 11412) continues to meet the LIHI Low Impact Certification Criteria."

As made clear from resource agency comments contained in the original FERC exemption order, the original 2009 LIHI Certification, this project is strongly aligned with every LIHI criteria in every way and appears to be a strong candidate for recertification this time around. The nature of the conduit project - being installed in existing conduit channels to capture the flow and fall of treated wastewater before the effluent enters a 9.5-mile tunnel into Massachusetts Bay - reduces or eliminates any potential impact of the turbines on the surrounding

environment, and the comments submitted by resource agencies throughout the project's lifetime support this finding.

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

In accordance with the Recertification Standards, "material changes" mean non-compliance and/or new or renewed issues of concern that are relevant to LIHI's criteria. Based on my review of materials provided, review of FERC's public records, and comment from Massachusetts DEP, I have not found any instances of noncompliance or new or renewed issues of concern.

**IV. LIHI's criteria have been revised since last recertification, but none of the changes affect this project.**

The two changes in criteria that have occurred in the latest April 2014 LIHI Handbook are:

- In the Questionnaire, the question pertaining fish passage criteria has been modified with the addition of an initial question that will allow applicants to bypass subsequent questions about migratory fish passage where migratory fish have never been present. (not applicable)
- In the Questionnaire, regarding the Watershed Protection criteria, Question D.4 pertaining to a shoreland management plan has been reordered so as not to be bypassed in situations where D.1, 2, or 3 are met. (not applicable)

**V. Conclusion**

In light of the above, I recommend recertification of the Deer Island Hydroelectric Project.

Please contact me if you have any questions.

Sincerely,



Peter R. Drown

**Attachment 1**  
**Agency and Applicant Communications**

Lowimpacthydro.org Mail - Deer Island Project Comments

<https://mail.google.com/mail/u/1/?ui=2&ik=0b3b720c9a&view=pt&...>



Dana Hall <[dhall@lowimpacthydro.org](mailto:dhall@lowimpacthydro.org)>

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**Deer Island Project Comments**

1 message

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**Kubit, Robert (DEP)** <[robert.kubit@state.ma.us](mailto:robert.kubit@state.ma.us)>  
To: "[dhall@lowimpacthydro.org](mailto:dhall@lowimpacthydro.org)" <[dhall@lowimpacthydro.org](mailto:dhall@lowimpacthydro.org)>

Wed, Jul 16, 2014 at 11:49 AM

Good morning,

The MassDEP believes the Deer Island Hydropower Project (FERC No. 11412) continues to meet the LIHI Low Impact Certification Criteria.

Thank you for the opportunity to comment.

Bob

Robert Kubit, P.E.

MassDEP

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