



14 Gabriel Drive  
Augusta, ME 04330

207.620.3800 PHONE  
207.621.8226 FAX

www.TRCSolutions.com

April 25, 2012

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

Subject: Recertification Recommendation for the Goat Lake Hydroelectric Project

Dear Fred:

This letter contains my recommendation for recertification of the Goat Lake Hydroelectric Project (the "Project").

## **I. Recertification Standards**

Part V of LIHI's Certification Handbook (Updated December 2011) regarding Applications for Recertification ("Recertification Standards") provides that a "request for renewal of a previously-issued LIHI certification ("re-certification") will be granted at the conclusion of the term of the existing certification if re-certification is desired by the certificate holder, and so long as (1) there have been no "material changes" at the facility that would affect the certification and (2) LIHI's certification criteria have not been revised since the previous certification was issued by LIHI."

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

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

I reviewed the materials submitted by Alaska Power & Telephone Company ("APT") in support of its application dated December 1, 2011 for recertification of the Black Bear Lake Hydroelectric Project (the "Project"). As a result of that review, we requested additional information, which was supplied by the Applicant by letter dated February 7, 2012. I then

reviewed the LIHI file containing the past certification decision and FERC's public information file on the Project. I also solicited comments from state and federal agencies.

The public comment period for recertification of the Project expired on April 15, 2012. No public comments were received. In my opinion, the aforementioned materials are sufficient to make a recertification recommendation and no further application review is recommended.

**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. I find that there are no instances of non-compliance or new or renewed issues of concern.

On March 13, I sent e-mails to state and federal agencies soliciting their input on whether they were aware of any instances on non-compliance and new or renewed issues of concern during the past five years. The Alaska Department of Natural Resources, the Alaska Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service responded that they had no concerns with respect to the Goat Lake Project. No response was received from the U.S. Forest Service.

Below, I summarize the current status of issues that were found in the FERC record over the past five years.

*Minimum Flows*

As noted in the Report prepared for the Original Certification, the minimum flow requirement at the Facility is imposed for aesthetic resources and not for the protection of fish and wildlife resources. During three of the past five years, APT notified the U.S. Forest Service and FERC that it would be unable to meet release the required minimum flows due to natural conditions (ice-over or low water conditions) and requested a temporary release from the requirement. U.S. Forest Service granted the temporary variances and FERC found that the minimum flow deviations were not a license violation.

*Fish Passage and Protection*

As noted in the Report prepared for the Original Certification, anadromous species do not get closer than several miles downstream of the Facility because of natural obstructions or barrier falls. Also, as noted in the Report, APT was required to conduct a five year monitoring survey of Arctic grayling in Goat Lake. APT filed the fifth-year (and last) monitoring report in 2007. No new requirements for Arctic grayling or any other fish species have been requested.

**IV. LIHI's certification criteria have not been revised since the previous certification was issued by LIHI in 2007.**

It is my understanding that LIHI's criteria, or the Board's interpretation of one or more criterion, that are applicable to the circumstances of the Goat Lake Hydroelectric Project have not changed in meaningful ways since the date of the original certification.

**V. Conclusion**

In light of the above, I recommend recertification of the Goat Lake Hydroelectric Project.

Please contact me if you have any questions.

Sincerely,



Sarah A. Verville  
Senior Consultant