

# Low Impact Hydropower Institute Recertification Application

## Sworn Statement and Waiver of Liability

**Certified Facility Name:** Arkansas River Dam No. 2 (FERC 3033)  
**Location:** Arkansas River, Arkansas  
**LIHI Certification No.:** 00051  
**Date of Issuance:** April 21, 2010  
**Effective Date:** January 19, 2010  
**Statement Date:** May 30, 2014

**Sworn Statement:**

I hereby certify that the information provided in this application is true and correct to the best of my knowledge.

**Waiver of Liability:**

The primary goal of the Low Impact Hydropower Institute's Certification Program is public benefit. The Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions. The undersigned applicant agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications or on any other action pursuant to the Low Impact Hydropower Institute's Certification Program.



Jonathan Oliver  
Vice President  
Power Production and Delivery Division

5/30/2014

Date

**LOW IMPACT HYDROPOWER INSTITUTE**

**CERTIFICATION QUESTIONNAIRE**

APRIL, 2014 REVISION

<b>Background Information</b>													
1) Name of the Facility as used in the FERC license/exemption.	Arkansas River Dam No. 2 Hydropower Project (FERC 3033)												
2) Applicant's name, contact information and relationship to the Facility. Please use the Project Contact Form in Appendix D.	Arkansas Electric Cooperative Corporation (Owner & Operator) 1 Cooperative Way, Little Rock, AR 72209 Curtis Warner, Director Compliance and Support Dept. cwarner@aecc.com (501) 570-2462												
3) Location of Facility including (a) the state in which Facility is located; (b) the river on which Facility is located; (c) the river-mile location of the Facility dam; (d) the river's drainage area in square miles at the Facility intake; (e) the location of other dams on the same river upstream and downstream of the Facility; and (f) the exact latitude and longitude of the Facility dam.	<p>a) Arkansas                      b) Arkansas River                      c) Navigation Mile 19                      d) 170,000 square miles                      e) Location of other dams along Arkansas River:</p> <table border="1"> <thead> <tr> <th>Dam Name</th> <th>Latitude/Longitude</th> </tr> </thead> <tbody> <tr> <td>Lock &amp; Dam 3</td> <td>Lat. 34° 9' 44" N Lon. 91° 40' 49" W</td> </tr> <tr> <td>Lock &amp; Dam 4</td> <td>Lat. 34° 14' 56" N Lon. 91° 54' 13" W</td> </tr> <tr> <td>Lock &amp; Dam 5</td> <td>Lat. 34° 24' 43" N Lon. 92° 6' 12" W</td> </tr> <tr> <td>Terry Lock &amp; Dam 6</td> <td>Lat. 34° 40' 4" N Lon. 92° 9' 29" W</td> </tr> <tr> <td>Murray Lock &amp; Dam 7</td> <td>Lat. 34° 47' 33" N Lon. 92° 21' 31" W</td> </tr> </tbody> </table>	Dam Name	Latitude/Longitude	Lock & Dam 3	Lat. 34° 9' 44" N Lon. 91° 40' 49" W	Lock & Dam 4	Lat. 34° 14' 56" N Lon. 91° 54' 13" W	Lock & Dam 5	Lat. 34° 24' 43" N Lon. 92° 6' 12" W	Terry Lock & Dam 6	Lat. 34° 40' 4" N Lon. 92° 9' 29" W	Murray Lock & Dam 7	Lat. 34° 47' 33" N Lon. 92° 21' 31" W
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4) Installed capacity.	108,000 kW at unity power factor (102,600 kW at 95% power factor)																
5) Average annual generation.	351GWh																

<p>6) Regulatory status.</p>	<p>FERC License No. 3033, issued August 10, 1983, effective through July 31, 2033 (50 year license)</p> <p>U.S. Army Corps of Engineers Clean Water Act Sec. 404 Permit No. 11573 issued 1994.</p> <p>See <i>Attachment B – Supplement 2014</i> for additional background information.</p>
<p>7) Reservoir volume and surface area measured at the normal maximum operating level.</p>	<p>From the FERC license: “Dam No. 2 creates a reservoir with a normal surface area of 10,560 acres at 162 feet msl.” At an estimated average depth of 12 feet, the volume would be 127,000 acre-feet.</p>
<p>8) Area occupied by non-reservoir facilities (e.g., dam, penstocks, powerhouse).</p>	<p>Approximately 40 acres, including dam, powerhouse, intake channel, switching station, park</p>
<p>9) Number of acres inundated by the Facility.</p>	<p>N/A; facility was incremental to an existing dam and does not control flows; see below.</p>
<p>10) Number of acres contained in a 200-foot zone extending around entire reservoir.</p>	<p>Approximately 1,570 acres.</p>
<p>11) Contacts for Resource Agencies and non-governmental organizations</p>	<p>See <i>Attachment A – Contacts 2014</i></p>
<p>12) Description of the Facility, its mode of operation (i.e., peaking/run of river) and photographs, maps and diagrams.</p> <p><b>Questions for “New” Facilities Only:</b> 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.</p>	<p>Run-of-River. See <i>Attachment B – Supplement 2014</i> Background Information and Supplemental Answers</p>

13) When was the dam associated with the Facility completed?	1968
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.	1999
15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?	No.
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)?	No. The facility remained run-of-river as dictated by the Corps of Engineers. See <i>Attachment C – USFWS 2009 Letter</i> .
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.	No. See <i>Attachment C – USFWS 2009 Letter</i> .
18 (a) If the added or increased 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.	N/A
<b>A. Flows</b>	PASS
1) Is the Facility in Compliance with Resource Agency Recommendations	FAIL YES = Pass, Go to B NO = Fail

<p>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?</p>	<p>N/A = Go to A2 <u>N/A</u></p>	
<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?</p>	<p>YES = Pass, go to B NO = Go to A3 <b>NO</b></p>	
<p>3) If the Facility is unable to meet the flow standards in A.2., has the Applicant demonstrated, and obtained a letter from the relevant Resource Agency confirming that demonstration, that the flow conditions at the Facility are appropriately protective of fish, wildlife, and water quality?</p>	<p>YES = Pass, go to B <b>YES.</b> See <i>Attachment C – USFWS 2009 Letter and Attachment D – AGCF 2009 Letter</i> for letters from the U.S. Fish and Wildlife Service and Arkansas Game and Fish Commission, respectively confirming that the Facility is not a source of adverse impacts to fish, wildlife, or water quality.</p>	<p>NO = Fail</p>
<p><b>B. Water Quality</b></p>		
<p>1) Is the Facility either:</p>	<p>PASS</p>	<p>FAIL</p>
<p>a) In Compliance with all conditions issued pursuant to a Clean Water Act Section 401 water quality certification issued for the Facility after December</p>	<p>YES = Go to B2</p>	<p>NO = Fail</p>

<p>31, 1986? Or</p> <p>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?</p>	<p><u>YES</u>. See Attachment E – ADEQ Confirmation 2014 for a 2014 email from the Arkansas Department of Environmental Quality confirming that the “project’s operations remain consistent with the State of Arkansas’ water quality criteria...” See also Attachment F and Attachment G for copies of CWA Section 401 water quality certifications issued by the state in 1994 and 1981.</p>	
<p>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?</p>	<p>YES = Go to B3 NO = Pass</p> <p><u>NO</u>. See Attachment E – ADEQ Confirmation 2014.</p>	
<p>3) If the answer to question B.2 is yes, has there been a determination that the Facility does not cause, or contribute to, the violation?</p>	<p>YES = Pass</p>	NO = Fail
<p><b>C. Fish Passage and Protection</b></p>		
<p>1) Are anadromous and/or catadromous fish present in the Facility area or are they known to have been present historically?</p>	<p>PASS</p> <p>YES = Go to C2 NO = Go to C6</p> <p><u>NO</u>. See Attachment B, Supplement 2014, page 6.</p>	FAIL

	<p><i>Note: AECC learned the USFWS will be doing preliminary studies this summer to determine if the American Eel is present in the area, and if so, to what extent. (It is believed they are present.) AECC is making some facilities at the powerhouse available to the Service to assist with their studies, per Attachments L and M, emails between AECC and the USFWS dated 1/9/2012 and 6/6/2014, respectively.</i></p>	
<p>2) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and downstream passage of anadromous and catadromous fish issued by Resource Agencies after December 31, 1986?</p>	<p>YES = Go to C6 N/A = Go to C2</p>	<p>NO = Fail</p>
<p>3) Are there historic records of anadromous and/or catadromous fish movement through the Facility area, but anadromous and/or catadromous fish do not presently move through the Facility area (e.g., because passage is blocked at a downstream dam or the fish no longer have a migratory run)?</p> <p>a) If the fish are extinct or extirpated from the Facility area or downstream reach, has the Applicant demonstrated that the extinction or extirpation was not due in whole or part to the Facility?</p> <p>b) If a Resource Agency Recommended adoption of upstream and/or downstream fish passage measures at a specific future date, or when a</p>	<p>YES = Go to C2a NO = Go to C3</p> <p>YES = Go to C2b N/A = Go to C2b</p> <p>YES = Go to C5 N/A = Go to C3</p>	<p>NO = Fail</p>



<p>triggering event occurs (such as completion of passage through a downstream obstruction or the completion of a specified process), has the Facility owner/operator made a legally enforceable commitment to provide such passage?</p>		NO = Fail
<p>4) If, since December 31, 1986:</p> <ul style="list-style-type: none"> <li>a) Resource Agencies have had the opportunity to issue, and considered issuing, a Mandatory Fish Passage Prescription for upstream and/or downstream passage of anadromous or catadromous fish (including delayed installation as described in C.3.a above), and</li> <li>b) The Resource Agencies declined to issue a Mandatory Fish Passage Prescription,</li> <li>c) Was a reason for the Resource Agencies' declining to issue a Mandatory Fish Passage Prescription one of the following: (1) the technological infeasibility of passage, (2) the absence of habitat upstream of the Facility due at least in part to inundation by the Facility impoundment, or (3) the anadromous or catadromous fish are no longer present in the Facility area and/or downstream reach due in whole or part to the presence of the Facility?</li> </ul>	<p>NO = Go to C6 N/A = Go to C4</p>	YES = Fail
<p>5) If C4 was not applicable:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) If the Facility is unable to meet the fish passage standards in 5.a, has the</li> </ul>	<p>YES = Go to C6</p>	NO = Fail

<p>Applicant either i) demonstrated, and obtained a letter from the U.S. 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, or ii) committed to the provision of fish passage measures in the future and obtained a letter from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service indicating that passage measures are not currently warranted?</p>		
<p>6) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and/or downstream passage of Riverine fish?</p>	<p>YES = Go to C7  N/A = Go to C7</p> <p><u>N/A.</u> Resource agencies did not recommend passage for riverine fish. See <i>Attachment C – USFWS Letter</i> and <i>Attachment D – AGCF Letter</i> for letters from the U.S. Fish and Wildlife Service and Arkansas Game and Fish Commission.</p>	<p>NO = Fail</p>
<p>7) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?</p>	<p>YES = Pass, go to D  N/A = Pass, go to D</p> <p><u>N/A.</u> Resource agencies did not recommend entrainment protection for fish. See <i>Attachment C – USFWS Letter</i> and <i>Attachment D – AGCF</i></p>	<p>NO = Fail</p>

	Letter for letters from the U.S. Fish and Wildlife Service and Arkansas Game and Fish Commission.	
	PASS	FAIL
<p><b>D. Watershed Protection</b></p> <p>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 average annual high water line for at least 50% of the shoreline, including all of the undeveloped shoreline?</p>	<p>YES = Eligible for 3 extra years of certification; Go to D4</p> <p><b>NO.</b></p>	<p>NO = Go to D2</p>
<p>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?</p>	<p>YES = Eligible for 3 extra years of certification; Go to D4</p> <p><b>NO.</b></p>	<p>NO = Go to D3</p>
<p>3) Has the Facility owner/operator established through a settlement agreement with appropriate stakeholders, with 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)?</p>	<p>YES = Go to D4</p> <p><b>NO.</b></p>	<p>NO = Go to D4</p>
<p>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?</p>	<p>YES = Pass, go to E</p> <p>N/A = Pass, go to E</p> <p><b>YES.</b> Resource agencies did not issue such recommendations, nor was</p>	<p>No = Fail</p>

	<p>the project required to prepare a shoreland management plan.</p>	
<p><b>E. Threatened and Endangered Species Protection</b>  1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?</p>	<p>PASS</p> <p>YES = Go to E2  NO = Pass, go to F</p> <p><u>YES</u>. See Attachment C – USFWS 2009 Letter and Attachment B – Supplemental Information, page 6.  Note: See also Attachments L and M, emails dated 1/9/2012 and 6/6/2014, respectively, between AECC and the USFWS regarding studies underway of the pallid sturgeon and its possible presence in the area. In 2012, AECC allowed the Service to mount sensors on the downstream side of the powerhouse to determine if any pallid sturgeon implanted with transmitters have migrated into the lower Arkansas River from the Mississippi.</p>	<p>FAIL</p>

<p>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?</p>	<p>YES = Go to E3  N/A = Go to E3  N/A. See Attachment C – USFWS Letter and Attachment B – Supplemental Information.</p>	<p>NO = Fail</p>
<p>3) If the Facility has received authorization 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 authorization pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authorization?</p>	<p>YES = Go to E4  N/A = Go to E5  N/A.</p>	<p>NO = Fail</p>
<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> <ul style="list-style-type: none"> <li>a) The biological opinion was accompanied by a FERC license or exemption or a habitat conservation plan? Or</li> <li>b) The biological opinion was issued pursuant to or consistent with a recovery plan for the endangered or threatened species? Or</li> <li>c) There is no recovery plan for the threatened or endangered species under active development by the relevant Resource Agency? Or</li> <li>d) The recovery plan under active development will have no material effect on the Facility's operations?</li> </ul>	<p>YES = Pass, go to F</p>	<p>NO = Fail</p>

<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>	<p>YES = Pass, go to F <u>YES.</u> See Attachment C – USFWS Letter and Attachment D – AGCF Letter for letters from the U.S. Fish and Wildlife Service and Arkansas Game and Fish Commission.</p>	<p>NO = Fail</p>
<p><b>F. Cultural Resource Protection</b></p>		
<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>	<p>PASS YES = Pass, go to G N/A = Go to F2 <u>YES.</u> See Attachment H – SHPO Letter for a letter from the state historic preservation officer. See Attachment J - FERC Application for additional background information.</p>	<p>FAIL NO = Fail</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 Native American Tribe, 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>	<p>YES = Pass, go to G</p>	<p>NO = Fail</p>

	PASS	FAIL
<p><b>G. Recreation</b></p> <p>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?</p>	<p>PASS</p> <p>YES = Go to G3 N/A = Go to G2</p> <p><u>YES.</u> See <i>Attachment I – Recreation</i> for a letter from the Army Corps of Engineers confirming compliance with recreation-related requirements of the FERC license and Corps permit. See <i>Attachment J - FERC Application</i> for additional background information.</p>	<p>FAIL</p> <p>NO = Fail</p>
<p>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?</p>	<p>YES = Go to G3</p>	<p>NO = Fail</p>
<p>3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?</p>	<p>YES = Pass, go to H</p> <p><u>YES.</u></p>	<p>NO = Fail</p>
<p><b>H. Facilities Recommended for Removal</b></p> <p>1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?</p>	<p>PASS</p> <p>NO = Pass, Facility is Low Impact</p> <p>NO.</p>	<p>FAIL</p> <p>YES = Fail</p>

**APPENDIX D – PROJECT CONTACT FORM**

Project Name: Arkansas River Hydropower Project FERC No. 3033

**Project Owner/Operator:**

Name and Title Curtis Warner, Director of Compliance and Support

Company Arkansas Electric Cooperative Corporation

Phone 501-570-2462

Email address cwarner@aecc.com

*Please include this email address in LIHI e-newsletter distribution* \_\_\_\_\_

Mailing Address PO Box 194208, Little Rock, Arkansas 72219

**Consulting firm that manages LIHI program participation (if applicable):**

Name \_\_\_\_\_

Company \_\_\_\_\_

Phone \_\_\_\_\_

Email address \_\_\_\_\_

*Please include this email address in LIHI e-newsletter distribution* \_\_\_\_\_

Mailing Address \_\_\_\_\_

**Party responsible for compliance with LIHI certification requirements:**

Name and Title same as above

Phone \_\_\_\_\_

Email address \_\_\_\_\_

*Please include this email address in LIHI e-newsletter distribution* \_\_\_\_\_

Mailing Address \_\_\_\_\_

**Party responsible for accounts payable:**

Name and Title same as above

Phone \_\_\_\_\_

Email address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Curtis Warner

Project Owner/Operator Signature

6/6/2014

Date