

May 31, 2019

Respectfully Submitted to the Low Impact Hydropower Institute By New England Hydropower Company, LLC:

1. Should LIHI change the cutoff date for new dams or diversions?

Yes. Construction of new dams and diversions is not commonplace and the revised cutoff date would allow for a more timely certification for what few new projects exist. Currently, as written the eligibility requirement limits certification to dams and diversions that are nearing 21 years of age. Though there may be only a small percentage of existing dams and diversions less than that age, it may encourage owners of those younger dams to either install low impact hydropower on them or to look into certifying existing hydropower.

2. Is five years an appropriate timeframe to understand a new dam or diversion's impacts?

Five years seems adequate to determine a dam or diversion's impacts in this regard. Impacts such as oxygen depletion, disruption of species habitat or migration, invasives, water quality and seasonal flooding will all likely be noticed within this timeframe.

3. Should the new date be a specific date or rolling as suggested in the proposal?

A rolling date makes the most sense, so all newer dams and diversions are subject to the same minimum impacts review time.

4. Should other eligibility requirements be adjusted?

Why is pumped storage not eligible? If done in a closed-loop situation, it seems a pumped storage facility (especially a small-scale one) could prove to be extremely low impact with respect to resource values.

5. How should an applicant demonstrate net benefit to resource values?

A net benefit should be demonstrated through monitoring required through municipal, state, or federal permitting. Often, review is included in the FERC/wildlife agencies' terms and conditions of licensing. These requirements could be a good place to start. If the project falls out of FERC jurisdiction (conduit situation) net benefit could be demonstrated through other means such as recreational opportunities or invasive species control.

6. Does the definition of Net Benefit (page 42 of 2nd Edition Handbook) need to be adjusted?

The definition of net benefit should be expanded to include more than just "[a]n increase in the overall habitat quality or quantity in the vicinity of the facility that is likely to lead to an increased number of fish or wildlife..." Net benefits could include improvements to aesthetics, recreational opportunities, vegetation, or overall improvement of a site. A facility might be low impact with regards to fish and wildlife but may not provide a net benefit (nor a net detriment) to those species for a host of reasons. Instead it might provide a net benefit to recreational opportunities or the aesthetics of a location.

For example, a disused canal or industrial conduit may contain no fish species but might be located at a derelict site. If the applicant installed hydropower in the canal, which had no benefit nor detriment to wildlife, but created a pocket-park adjacent to the facility and clean renewable energy for a nearby business or municipal office, a net benefit wholly unrelated to wildlife and habitat quality would have been created.