LOW-IMPACT HYDROPOWER POWER INSTITUTE CERTIFICATION APPLICATION

SCHOOL STREET HYDROELECTRIC PROJECT
(FERC NO. 2539)

Prepared for:

Brookfield Renewable

Prepared by:

WSP

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SCHOOL STREET HYDROELECTRIC PROJECT (FERC NO. 2539)

1.0 FACILITY DESCRIPTION

The School Street Hydroelectric Project, Federal Energy Regulatory Commission (FERC) No. 2539 (Project), is owned and operated by Erie Boulevard Hydro, L.P. (Erie) and is located along the Mohawk River in Cohoes, New York, 2.5 miles upstream of the river's confluence with the Hudson River. From its source in Lewis County, the Mohawk River flows generally east through the Mohawk Valley, passing by cities of Rome, Utica, Little Falls, Canajoharie, Amsterdam, and Schenectady and has a mainstem of 149 miles. The Mohawk River drains an area that is approximately 3,412 square miles in size. The river and its supporting canal, the Erie Canal, connect the Hudson River and port of New York with the Great Lakes at Buffalo, New York. The lower part of the Mohawk River has five permanent dams, nine movable dams (seasonal), and five active hydropower facilities (McBride, 2009). The Crescent Project operated by NYPA is located approximately 0.8 miles upstream of the School Street dam. The New York State Dam Project operated by Boralex is located approximately 1.7 miles downstream of the School Street dam.

1.1 PROJECT DESCRIPTION

The Project includes a 1,280-foot-long, 16-foot-high concrete-capped stone masonry gravity overflow-type dam that impounds a l00-acre reservoir with a normal maximum water surface elevation of 156.1 feet U.S. Geological Survey (USGS) datum, and an adjacent 328-foot-long, 18-foot-high ice fonder.

The canal headgate structure, or upper gatehouse, is constructed of reinforced concrete and masonry and is comprised of two major sections measuring approximately 206-feet-long. The larger, easternmost portion measures approximately 124-feet-long by 13.5-feet-wide by 39-feet-high and incorporates nine vertical slide gates, each measuring 8.2-feet-wide by 9.5-feet-high. The smaller western portion measures approximately 82-feet-long by 25-feet-wide by 40-feet-high and incorporates three steel tainter gates each measuring 20-feet-wide by 11-feet-high. The spillway does not contain a low-level outlet; however, there is a canal gate just downstream of the upper gatehouse which is used to release minimum flow requirements to the bypass reach of the Mohawk River.

The upper gatehouse controls flow to a 4,400-foot-long, 150-foot-wide and 14-feet-deep power canal located along the west (right) bank of the river, conveying water to a 180-foot-wide bar rack structure equipped with 1-inch clear spaced trash racks. Water is then conveyed to the 152-foot-long lower gatehouse or penstock intake structure. The lower gatehouse is equipped with five steel headgates that measure 16-feet-high by 21-feet-wide. From the lower gatehouse, five 190-foot-long penstocks lead to the powerhouse containing five generating units with a total installed capacity of 38,800 kilowatts (kW).

Project power is transmitted to the regional grid by six 350-foot-long transmission lines. The power canal, penstocks, and powerhouse bypass a reach of the Mohawk River that is over 4,500 feet long and includes Cohoes Falls, a 65-foot natural waterfall. Additionally, aquatic and aesthetic flows are provided at the dam and upper gatehouse via two PLC controlled inflatable flashboard systems and one PLC

controlled slide gate. Downstream fish passage is provided by a fish-separation chamber and fish transport pipe which are located adjacent to the lower gate house. The project also includes public access at both Overlook Park and Falls View Park.

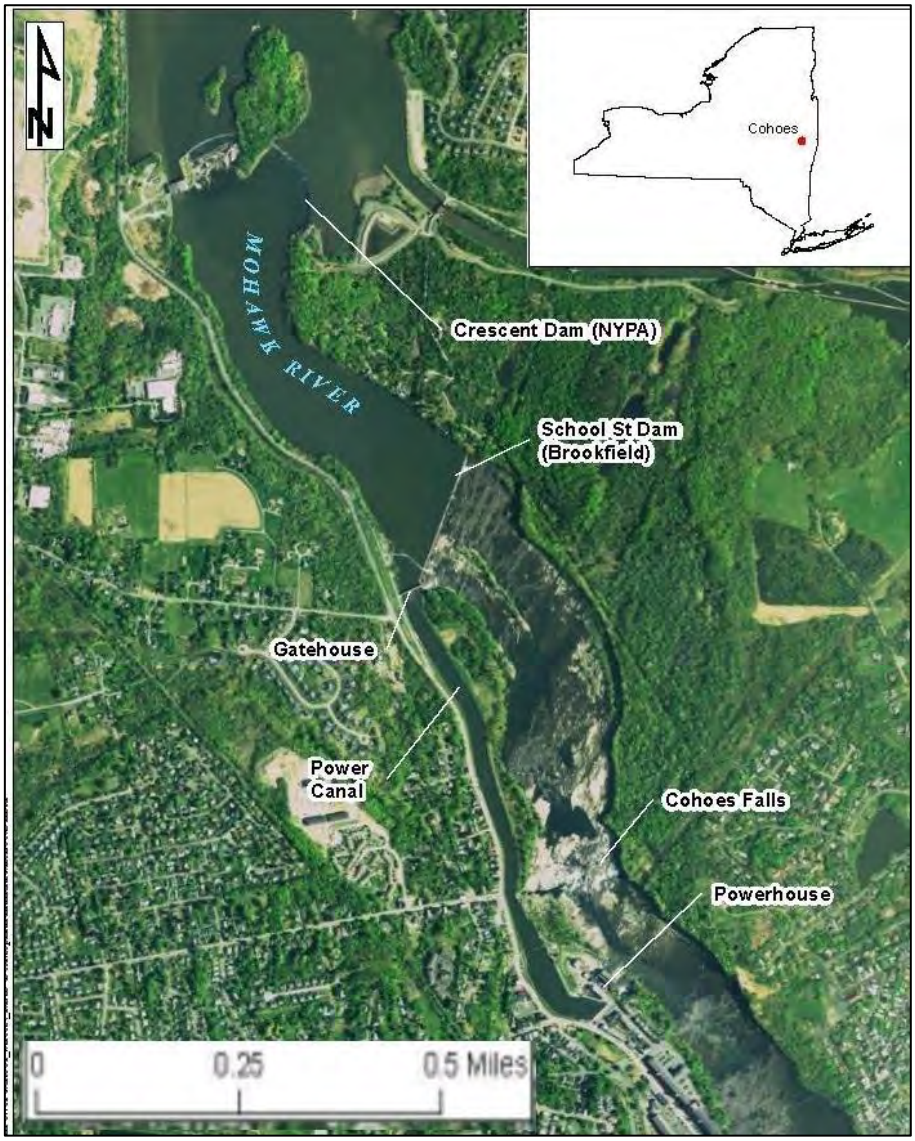


FIGURE 1: OVERVIEW OF SCHOOL STREET HYDROELECTRIC PROJECT FEATURES

1.2 PROJECT OPERATIONS

The Project is operated as a run-of-river facility. When the Project is not operating, all flows are spilled from the dam. The more than 4,500-foot-long bypass reach includes Cohoes Falls, a 90-foot-high and 1,000-foot-long natural waterfall.

For the protection of this bypass reach, the Project provides a seasonal aquatic habitat minimum flow, or inflow, whichever is less, and an aesthetic flow of 500 cfs into the Mohawk River bypassed reach. These minimum flows are used to enhance the aesthetics and aquatic habitats of the Project area.

1.3 REGULATORY AND COMPLIANCE HISTORY

Since issuance of the 2014 LIHI Certification for the School Street Project, the following notable actions have occurred as documented within the FERC e-library:

- On August 31, 2015, Erie filed an Amendment for Non-Capacity Amendment of License (modification of Project boundary).[1]
- On April 1, 2016, FERC issued an Order Amending License to Remove Lands from the Project Boundary.[2]
- On July 15, 2016, Erie filed a Temporary Fish Passage Outage Report, with agency correspondence included.[3]
- On September 30, 2016, Erie filed an Exhibit G update to reflect the new Project boundary.[4]
- On November 15, 2016, FERC issued an Order Approving Revised Exhibit G Drawings.[5]
- On February 8, 2019, Erie filed the annual HPMP report.[6]

[1] 20150831-5418
[2] 155 FERC ¶ 62,002
[3] 20160715-5129
[4] 20160930-5145
[5] 157 FERC ¶ 62,117
[6] 20190208-5079

1.4 SCHOOL STREET FACILITY DESCRIPTION INFORMATION (LIHI CERTIFICATE #63)

TABLE 1. FACILITY DESCRIPTION INFORMATION FOR SCHOOL STREET HYDROELECTRIC PROJECT (LIHI #63)

Information Type	*Variable Description*	*Response (and reference to further details)*
Name of the Facility	Facility name (use FERC project name if possible)	School Street Hydroelectric Project (FERC No. 2539) referred to as the Project throughout this application.
Location	River name (USGS proper name)	Mohawk River
	River basin name	Mohawk River Drainage Basin (See Appendix B)
	Nearest town, county, and state	Cohoes, New York
	River mile of dam above next major river	The Project is located at RM 2.9 on the Mohawk River.
	Geographic latitude	42°47'48"N
	Geographic longitude	73°42'48"W
Facility Owner	Application contact names:	Daniel Maguire P.E., Compliance Manager, Brookfield Renewable Energy group
	Facility owner (individual and company names)	Erie Boulevard Hydro, L.P, a subsidiary of Brookfield Renewable Energy Group, 184 Elm Street Potsdam NY 13676
	Operating affiliate (if different from owner)	N/A
	Representative in LIHI certification	Jot Splenda Louis Berger - WSP 1001 Wade Ave # 400, Raleigh, NC 27605
Regulatory Status	FERC Project Number, issuance and expiration dates	Project No. 2539 Issued: 2/15/2007 (40 years) Expires: 2/14/2047
	FERC license type or special classification	Major
	Water Quality Certificate identifier and issuance date, plus source agency name	A Water Quality Certificate (WQ-4-0103-00027/0001) was issued by the New York Department of Environmental Conservation on October 10, 2006 (Appendix C).

	Hyperlinks to key electronic records on FERC e-library website (e.g., most recent Commission Orders, WQC, ESA documents, etc.)	2007 FERC License WQC
Power Plant Character-istics	Date of initial operation (past or future for operational applications)	The School Street facility was constructed between in 1831 and hydroelectric generation commenced in 1916, with additional generating units added in 1922 and 1925.
	Total name-plate capacity (MW)	38.8 MW
	Average annual generation (MWh)	173,000 MWH
	Number, type, and size of turbines, including maximum and minimum hydraulic capacity of each unit	The powerhouse contains five vertical Francis turbines, each with a capacity of 7,760 kW, for a total of 38,800 kW of installed capacity. The Project's minimum hydraulic capacity is 775 cfs while the maximum hydraulic capacity is 6,600 cfs. The turbines are direct-connected to five General Electric Company generators. #1 – #4 9,000 KVA; #5 – 12,500 KVA.
	Modes of operation (run-of-river, peaking, pulsing, seasonal storage, etc.)	Run-of-River; Continuous varying seasonal minimum flow is passed through the downstream fish passage facilities year-round.
	Dates and types of major equipment upgrades	No major equipment upgrades have occurred at the Project.
	Dates, purpose, and type of any recent operational changes	No major operational changes have occurred at the Project.
	Plans, authorization, and regulatory activities for any facility upgrades	No major facility upgrades are planned in the near future.
Character-istics of Dam, Diversion, or Conduit	Date of construction	School Street facility was built in 1831.
	Dam height	16-feet-high
	Spillway elevation and hydraulic capacity	1,280-feet-long; crest elevation of 156.1 feet mean sea level (msl).

Information Type	***Variable Description***	***Response (and reference to further details)***
	Tailwater elevation	The normal tailwater elevation is 141 feet msl.
	Length and type of all penstocks and water conveyance structures between reservoir and powerhouse	A power canal running parallel to the river carries plant flow 4,400-feet from the intake to five 190-foot-long steel penstocks.
	Dates and types of major, generation-related infrastructure improvements	Between 2007 and 2009 Brookfield conducted power canal excavation of 44,000 cubic yards of earth and rock to increase the hydraulic conveyance capacity of the power canal.
	Designated facility purposes	The purpose of this facility is to generate power to be supplied to the local grid.
	Water source	Mohawk River
	Water discharge location or facility	Water utilized by the Project discharges directly into the waters of the Mohawk River directly below the Powerhouse.
Characte-ristics of Reservoir and Watershed	Gross volume	The 100-acre impoundment has a useable storage capacity of 788 acre-feet at 156.1 feet msl.
	Surface area at full pool	At full pool of 156.1 feet msl, the Project impoundment is approximately 100 acres.
	Maximum water surface elevation (ft. MSL)	156.1 feet msl
	Maximum and minimum volume and water surface elevations for designated power pool, if available	This is a run-of-river Project. No power pool available.

	Upstream dam(s) by name, ownership, FERC number (if applicable), and river mile	Upstream Dam: Crescent Project Owner: NYPA FERC No.: 4678 River Mile (RM): 13.6 Status: In Service Upstream Dam: Vischer Ferry Owner: NYPA FERC No.: 4679 RM: 3.5 Status: In Service Downstream Dam: New York State Dam Owner: Boralex FERC No.: N/A RM: 1.3 Status: In Service See Appendix B for a map of Mohawk River dam locations in the Project vicinity. Updated Mohawk River dam information comes from New York DEC Natural Resources and Environmental Protection Maps: https://www.dec.ny.gov/pubs/103459.html
	Operating agreements with upstream or downstream reservoirs that affect water availability, if any, and facility operation	Historically, the School Street Project was operated as a store and release facility in conjunction with the upstream licensed Crescent Project and Vischer Ferry Project. In 2000, the licenses for the two upstream projects were amended to require that their respective surface elevations be maintained within 6 inches below the top of the dam (top of flashboards during the navigation season). As a result, the School Street Project is now operating in a run-of-river mode because the restrictions on the reservoir elevation at the upstream projects produce a more even daily distribution of flow during periods of off-peak and peak power demand.
	Area inside FERC project boundary, where appropriate	147 acres +/-

Hydrologic Setting	Average annual flow at the dam	5,942 cfs	
	Average monthly flows of Mohawk River at Cohoes, NY. USGS Gage 01357500	Annual Monthly Mean for the period 1917-2018:	January – 6,060 cfs February – 5,910 cfs March – 11,300 cfs April – 13,900 cfs May – 6,790 cfs June – 3,990 cfs July – 2,610 cfs August – 1,990 cfs September – 2,440 cfs October – 3,760 cfs November – 5,740 cfs December – 6,710 cfs

	Location and name of relevant stream gauging stations above and below the facility	USGS Gage 01357500 is located at: Lat 42°47'07.4", long 73°42'28.0", Albany County, NY, Hydrologic Unit 02020004, on right bank at School Street powerhouse in Cohoes, and 2.0 mi upstream from mouth. Drainage area at gage is 3,450 square miles.
	Watershed area at the dam	The drainage area upstream of the Project is approximately 3,450 square miles.
Designated Zones of Effect	Number of zones of effect	Three (3) Zones of Effect (ZOE): Impoundment ZOE Bypass Reach ZOE Downstream ZOE See Appendix A for a depiction of Project ZOEs.
	Upstream and downstream locations by river miles	Zone 1 Impoundment ZOE: RM 3.5 (Crescent Dam) to RM 2.9 (School Street Dam) Zone 2 Bypass Reach ZOE: RM 2.9 (School Street Dam) to RM 2.1 (School Street powerhouse tailrace)

		Zone 3 Downstream ZOE: RM 2.1 (Powerhouse tailrace) to RM 1.3 (New York State Dam)
	Type of waterbody (river, impoundment, by-passed reach, etc.)	According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory[7], the Impoundment ZOE is classified as a lake area, the Bypass Reach ZOE is classified as a riverine area above Cohoes Falls and classified as a lake area below Cohoes Falls, and the Downstream ZOE is classified as a lake area.
	Delimiting structures	Upstream ZOE: Crescent Dam RM 3.5 to School Street Dam RM 2.9 Bypass Reach ZOE: School Street Dam RM 2.9 to New York State Dam RM 1.3 Downstream ZOE: School Street Dam 2.9 to New York State Dam RM 1.3
	Designated uses by state water quality agency	New York Department of Environmental Conservations designates waters in the Mohawk River near the School Street Project watershed as a Class C fresh surface waters. Class C fresh surface waters of New York are managed to achieve and maintain a level of quality that fully supports the following designated uses: fishing, aquatic biota, wildlife, and primary/secondary contact recreation. These waters shall be suitable for fish, shellfish and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.[8]

[7] https://www.fws.gov/wetlands/

[8] https://www.dec.ny.gov/chemical/23853.html

Information Type	*Variable Description*	*Response (and reference to further details)*
Additional Contact Information	Names, addresses, phone numbers, and e-mail for local state and federal resource agencies	Please see section 4.0 for the Project Contacts Form
	Names, addresses, phone numbers, and e-mail for local non-governmental stakeholders	Please see section 4.0 for the Project Contacts Form
Photographs and Maps	Photographs of key features of the facility and each of the designated zones of effect	Please see Appendix A for photographs of key features of the facility and identification of each designated ZOE, and for project drawings.
	Maps, aerial photos, and/or plan view diagrams of facility area and river basin	Please see Appendix B for aerial photos of facility area and river basin.

2.0 STANDARDS MATRICES

2.1 IMPOUNDMENT ZOE

Criterion		Alternative Standards				
		1	2	3	4	Plus
A.	**Ecological Flow Regimes**	X				
B.	**Water Quality**		X			
C.	**Upstream Fish Passage**	X				
D.	**Downstream Fish Passage**		X			
E.	**Watershed and Shoreline Protection**	X				
F.	**Threatened and Endangered Species Protection**		X			
G.	**Cultural and Historic Resources Protection**		X			
H.	**Recreational Resources**	X				

2.2 BYPASS REACH ZOE

Criterion		Alternative Standards				
		1	2	3	4	Plus
A.	**Ecological Flow Regimes**		X			
B.	**Water Quality**		X			
C.	**Upstream Fish Passage**	X				
D.	**Downstream Fish Passage**		X			
E.	**Watershed and Shoreline Protection**	X				
F.	**Threatened and Endangered Species Protection**		X			
G.	**Cultural and Historic Resources Protection**		X			

Criterion		Alternative Standards				
		1	2	3	4	Plus
H.	**Recreational Resources**		X			

2.3 DOWNSTREAM ZOE

Criterion		Alternative Standards				
		1	2	3	4	Plus
A.	**Ecological Flow Regimes**	X				
B.	**Water Quality**		X			
C.	**Upstream Fish Passage**	X				
D.	**Downstream Fish Passage**	X				
E.	**Watershed and Shoreline Protection**	X				
F.	**Threatened and Endangered Species Protection**		X			
G.	**Cultural and Historic Resources Protection**		X			
H.	**Recreational Resources**		X			

3.0 SUPPORTING INFORMATION

3.1 ECOLOGICAL FLOWS STANDARDS: IMPOUNDMENT ZOE

Criterion	*Standard*	*Instructions*
A	1	Not Applicable / De Minimis Effect: • Confirm the location of the powerhouse relative to other dam/diversion structures to establish that there are no bypassed reaches at the facility. • If Run-of-River operation, provide details on how flows, water levels, and operation are monitored to ensure such an operational mode is maintained. • In a conduit project, identify the water source and discharge points for the conduit system within which the hydropower plant is located. • For impoundment zones only, explain how fish and wildlife habitat within the zone is evaluated and managed – ***NOTE:*** this is required information, but it will not be used to determine whether the Ecological Flows criterion has been satisfied. All impoundment zones can apply Criterion A-1 to pass this criterion.

- There is no bypassed reach located within the Impoundment ZOE.
- In accordance with the section 3.1 of the Offer of Settlement (Settlement) and Water Quality Certification (WQC) Condition 8, the Project is operated as a run of river facility and limits impoundment fluctuation to 0.5-foot below the permanent dam crest elevation of 156.1 feet msl. The New York Department of Environmental Conservation (New York DEC) and U.S. Fish and Wildlife Service (FWS) are notified whenever the 0.5-foot limit is exceeded for a duration of 30 minutes or longer; only drawdowns below 1.0 foot for 30 minutes or longer are reported to the Commission.

  The Project's 2007 Streamflow and Water Level Monitoring Plan (prescribed by section 3.4 of the Settlement, WQC Condition 10, and License Article 401), as approved by FERC Order dated September 26, 2007[9], outlines flow management for the facility. As outlined within the plan, Erie measures the impoundment level at the Project using impoundment remote gauging equipment upstream of the existing ice fender. The impoundment elevation is sampled and recorded every minute and an hourly average elevation is calculated and stored at the Hydro Control Center. The hourly elevation is recorded to the nearest 0.1 foot.
- This is not a conduit project.
- The Project's run-of-river operations create a stable impoundment environment. Since 2009 five impoundment fluctuation excursions have occurred. The most recent event occurred on December 31, 2017 with the impoundment water level below the FERC regulatory low level for 2 hours and 52 minutes. FERC did not find any of these as

[9] 120 FERC ¶ 62,210

license violations.

ECOLOGICAL FLOWS STANDARDS: BYPASS REACH ZOE

Criterion	***Standard***	***Instructions***
A	2	Agency Recommendation (see Appendix A for definitions): • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally stringent). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. • Explain how the recommendation relates to agency management goals and objectives for fish and wildlife. • Explain how the recommendation provides fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations).

- In accordance with section 3.1 of the Settlement and WQC Condition 8, the Project is operated as a run-of-river facility. When the Project is not operating, all flows are spilled from the dam. In accordance with section 3.2.2 of the Settlement and WQC Condition 9, Erie provides a continuous minimum flow (Table 2), or inflow, whichever is less, into the Mohawk River bypassed reach via flow release structures on each end of the Project dam. This minimum flow is used to enhance the aquatic habitats of the Project area.

- In accordance with section 3.2.3 of the Settlement and WQC Condition 9(c), Erie undertook modifications to the river's bottom in the bypass reach to optimize the distribution of the aquatic habitat minimum flows into the existing channel downstream of the dam. No streambed modifications were allowed at or near Cohoes Falls to maintain its visual integrity.

TABLE 2. AQUATIC HABITAT MINIMUM FLOW TO THE BYPASS REACH

	Release Location		
Time Period	Release at North/Left end of Dam (cfs)	Release at South/Right end of Dam (cfs)	Total (cfs)
December 1 to March 31	30	90	120
April 1 to April 14	45	90	135
April 15 to November 30	45	200	245

- In accordance with section 3.3 of the Settlement and License Article 402, Erie provides an aesthetic flow of at least 500 cfs into the bypass reach to provide aesthetic flows over

Cohoes Falls during daylight hours on weekends and Federal holidays from May 15 to October 31.

- The Settlement's aquatic habitat minimum flow schedule (Table 2) is based on a Delphi-type exercise conducted in 2002 and 2003 among Erie, FWS, New York DEC, and other NGO participants, the study included an evaluation of flow releases at the north and south flow release locations. Due to the morphology of the streambed, it was determined that a significant amount of riffle habitat located on the northern side of the bypassed reach could not be wetted solely by use of the south release gate, even at the highest flow releases. Therefore, the study participants determined that releases from a north location were needed to enhance the riffle habitat on the northern side of the bypassed reach. The participants found that releasing the flows discussed in Table 2 through the two release locations, in combination with the channel modifications, would maximize the wetted area in the upper portion of the bypassed reach without adversely affecting the scenic nature of Cohoes Falls.

  The results of the Delphi exercise also confirm IFIM study results conducted for the same summer period. Based on the IFIM study results, benthic macroinvertebrate habitat increases dramatically as flows increase to 200 cfs, with additional minor increases at flows up to 300 cfs. Settlement participants determined the 245-cfs minimum flow under the Settlement would provide comparable benefits to flow levels recommended in the final EA for macroinvertebrates and fish during the spawning, growing, and rearing seasons. In addition to the benefits of the seasonal minimum flow provisions to fish and invertebrate habitat, the minimum flows during the summer months would provide more stable water temperatures and dissolved oxygen levels than existing conditions, because the larger volume of water would be less responsive to fluctuations due to atmospheric conditions.

  During the winter period, study participants determined that the habitat for fish would change little, since most fish would be overwintering in the pools, which are relatively insensitive to changes in flows. On the other hand, some reduction in macroinvertebrate habitat would be expected as flows decrease from the summer level of 245 cfs to the winter season level of 120 cfs, because most of the reductions would occur in the shallower riffle areas. However, it is not expected that these habitat reductions would have much of an impact on the benthic resources or food supply for fish for several reasons. A flow release of 120 cfs would continue to wet the valuable riffle habitat located at the upper end of the bypassed reach along the northern shore, areas between the two large pools, and the higher gradient areas approaching Cohoes Falls. Any benthic invertebrate habitat that is desiccated during the winter period would be quickly colonized from populations upstream of the bypassed reach once flows are increased in the spring. Also, the reliance of the fish community of the bypassed reach on the benthic population as a food source would be less during the overwintering period due to slower metabolic rates and reduced feeding activity.

ECOLOGICAL FLOWS STANDARDS: DOWNSTREAM ZOE

Criterion	*Standard*	*Instructions*
A	1	Not Applicable / De Minimis Effect: • Confirm the location of the powerhouse relative to other dam/diversion structures to establish that there are no bypassed reaches at the facility. • If Run-of-River operation, provide details on how flows, water levels, and operation are monitored to ensure such an operational mode is maintained. • In a conduit project, identify the water source and discharge points for the conduit system within which the hydropower plant is located. • For impoundment zones only, explain how fish and wildlife habitat within the zone is evaluated and managed – ***NOTE:*** this is required information, but it will not be used to determine whether the Ecological Flows criterion has been satisfied. All impoundment zones can apply Criterion A-1 to pass this criterion.

- In accordance with section 3.1 of the Settlement and WQC Condition 8, the Project is operated as a run-of-river facility. When the Project is not operating, all flows are spilled from the dam.

3.2 WATER QUALITY STANDARDS: ALL ZOES

Criterion	*Standard*	*Instructions*
B	2	Agency Recommendation: • If facility is located on a Water Quality Limited river reach, provide an agency letter stating that the facility is not a cause of such limitation. • Provide a copy of the most recent Water Quality Certificate, including the date of issuance. • Identify any other agency recommendations related to water quality and explain their scientific or technical basis. • Describe all compliance activities related to the water quality related agency recommendations for the facility, including on-going monitoring, and how those are integrated into facility operations.

- The 2016 State of New York 303(d) List of Impaired Waters[10] does not identify the waters in the Project area as being impaired. However, the New York DEC lists numerous portions of the upper Mohawk River on its 2016 List of Priority Surface Waters.
- New York DEC issued a Project WQC on October 10, 2006 (see Appendix C for a copy of the WQC).

[10] https://www.dec.ny.gov/docs/water_pdf/303dListfinal2016.pdf

3.3 UPSTREAM FISH PASSAGE STANDARDS: ALL ZOES

Criterion	*Standard*	*Instructions*
C	1	Not Applicable/De Minimis Effect: • The facility does not create a barrier to upstream passage, or • There are no migratory fish in the vicinity of the facility and the facility is nor the cause of extirpation of such species if they had been present historically

- Cohoes Falls located below the Project dam in the bypass reach is a natural barrier to the upstream movement of anadromous fish in the Mohawk River and specifically through the Project area. American Eel is present in the Mohawk River and historically have been able to pass upstream through the Project area and over Cohoes Falls. In addition, Blueback Herring have become established upstream of the Project because of migrating upstream, not over Cohoes Falls, but instead through the nearby Erie Canal lock and canal system, and then dropping back downstream on the Mohawk River through the Project.

- FERC License Article 408 reserves the Commission's authority to require the Licensee to construct, operate, and maintain, or to provide for the construction, operation, and maintenance of, fishways as may be prescribed by the Secretary of the Interior under Section 18 of the Federal Power Act. There are no License or WQC provisions for upstream passage at this time.

- According to FWS's IPaC (Information for Planning and Consultation) program[11], there are no threatened or endangered fish species in the Mohawk River that would be impacted by the Project (Appendix E).

3.4 DOWNSTREAM FISH PASSAGE AND PROTECTION STANDARDS: IMPOUNDMENT AND BYPASS REACH ZOES

As discussed above, American eel and blueback herring do manage to migrate upstream of the Project area. As such, both species were primary considerations within the design of the current downstream fish passage protection measures at the Project.

In addition, the Project impoundment contains a diverse warmwater and coldwater fish assemblage. Smallmouth bass and walleye are species of particular management interest to New York DEC. A multi-season survey conducted in 1993 through 1994 found that bluegill sunfish was the most abundant species in the impoundment, along with largemouth bass, smallmouth bass, and yellow perch. Based on entrainment studies conducted at other similar hydroelectric projects in New York, resource agencies concluded that some component of the juvenile and adult freshwater fish in the Project impoundment may move downstream, primarily during spring and fall seasons when water temperatures range between 10 and 20 degrees Celsius.

[11] https://ecos.fws.gov/ipac/

Criterion	*Standard*	*Instructions*
D	2	Agency Recommendation: • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally stringent). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is part of a Settlement Agreement or not. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented.

- In accordance with sections 3.5 and 3.7 of the Settlement and WQC conditions 11 and 13, Erie prepared a fish passage plan and effectiveness testing plan in consultation with FWS and NOAA Fisheries. Phase 1 fish protection and downstream passage required Erie to: 1) screen the bypassed flow release mechanism near the upper gatehouse (south end of dam); 2) install an angled bar rack upstream of the lower gatehouse with no more than 4-inch spacing between bars and a seasonal overlay with no greater than 1-inch spacing between bars for the period from April 15 to November 30 annually; and 3) install fish passage pipe(s) and/or flumes near the angled bar rack. In addition, the final plan lists the specific measures, methods, and schedules to evaluate fish passage efficiency and fishway survival/mortalities for passage through the fishway bypass structures discussed above.

  To provide for the passage of American eel, the lower portion of the angled bar rack includes a solid, two-foot high, concrete eel diversion berm to guide emigrating American Eel toward the bypass entrance at the downstream end of the rack.

  On October 3, 2007, Erie submitted the final Phase 1 Fishway Effectiveness Testing Plan[12]. This plan was approved by FERC Order Modifying and Approving Fishway Effectiveness Testing Plan on November 20, 2007[13].

- Under section 3.6 of the Settlement and WQC Condition 12, within 5 years of issuance of the FERC operating license Erie was permitted to install a new "fish friendly" turbine and powerhouse to provide alternative fish protection and downstream measures. This potential turbine is the subject of LIHI's Condition 2. At this time Erie does not plan to install a sixth, fish friendly generating unit.

- The adult American eel downstream survival study was completed in October 2011. Erie collected a target of 3 lots of 30 actively migrating adult eel, either in the Project area or contiguous segments of the Mohawk and Hudson rivers. Specimens were marked and held for a brief recovery period, injected into the fishway, collected in the outfall, and held for 12 hours. Although the final evaluation did not meet the target sample size of 90 eels, 56 eels (of 105 released) that were evaluated exhibited a 100 percent survival rate. Study/passage results were found to be satisfactory by FWS via a letter dated June 12, 2012 (Appendix D) and indicated that no further eel testing was

[12] Phase 1 Fishway Effectiveness Testing Plan
[13] 121 FERC ¶ 62,126

required.

- The resident fish species studies were completed in 2009 with the results reported and reviewed by the resource agencies in 2011. Erie conducted sampling in the spring and fall when ambient river temperatures were between 10 and 20 degrees Celsius. The species tested were representative of various fish body categories employed during previous entrainment studies done in 1993 through 1995 (smallmouth bass, largemouth bass, rock bass, bluegill, yellow perch, and various cyprinids). At least 30 different specimens were collected, marked and injected into the fishway, then held for a recovery period where physical condition and water quality parameters as well as fishway operation was also recorded. Bypass survival of resident fish was generally high across test groups, body types, and size classes. The overall survival rate for all fish tested was 93.57 percent. Resource agencies found these resident fish survival studies to be satisfactory (letter dated May 20, 2011 from FWS and an email dated June 8, 2011 from New York DEC, Appendix D).

- The adult blueback herring downstream survival studies were completed in 2010. Erie collected and electronically tagged a target sample size of 100 healthy post-spawned fish from the impoundment, held them for a two-hour recovery period and then released the sample group into the power canal at a point sufficiently upstream to allow normal swimming behavior prior to arriving at the downstream fishway. Fixed radio antenna arrays were used to detect fish upstream of the trashrack, the gatehouse entrance, the fishway entrance, powerhouse, tailrace, and fishway exit. The study results determined that 81.8 percent of the test adult herring exiting the power canal were passed via the fishway. The remaining valid test herring were entrained via the penstocks and turbines. Resource agencies found the adult herring survival study and results to be satisfactory (letter dated May 20, 2011 from FWS and an email dated June 8, 2011 from New York DEC, Appendix D).

- Juvenile blueback herring downstream survival studies were conducted annually from 2011 through 2014 with varying results. Resource agencies approved more testing in 2015. Due to their fragile nature, juvenile herring passage efficiency was determined by concurrent monitoring of fish density in the flow of both the lower gatehouse forebay and the fishway to determine relative density of fish using each route during out-migration events. Passage survival was determined by collecting naturally passing juvenile herring in the fishway outfall as they existed the fish bypass discharge. Erie used a stationary pen in a backwatered area to hold and observe approximately 100 juveniles for eight hours. Sampling was conducted during the out-migration season, typically September through October. Studies from the 2011 through 2015 showed that passage survival of juvenile herring migrating through the downstream was poor (43.3 percent survival rate).

  In a letter dated July 20, 2016 (Appendix D), FWS noted the 2014 and 2015 studies show that a small percentage of juvenile herring were utilizing the fishway and concluded that the downstream fish passage facility at the Project was not effectively passing juvenile herring. A consensus between Erie and the resource agencies was reached through site visit consultations on June 14, and July 15, 2017 that a desktop evaluation would be conducted to investigate passage survival at the Project. As such, two other options were considered for possible passage alternatives: 1) turbine passage (entrainment) or 2) directing juvenile herring into the bypass reach through an existing gate immediately upstream of the canal gatehouse. An individual based model employing Monte-Carlo simulation was used to determine the best overall route of passage at the Project. The model relies on empirical data collected at other similar study sites. The model results suggested that the best overall route of passage based on survival rate estimates is entrainment passage.

In a letter dated March 29, 2018 (Appendix D), FWS does not concur with Erie's evaluation conclusion that turbine passage (entrainment) is clearly the preferred route for downstream fish passage at the Project. In the same letter, FWS proposes that Erie continue to operate the fishway as they have since the Project license was issued with an attraction flow of 132 cfs. For the juvenile passage period, defined as August through October, Erie should install a guidance system at the headgate structure. During that same time frame, the additional flow of 198 cfs should be released into the bypassed reach when aesthetic flows are not being spilled (normal weekdays), for a total of 448 cfs. The units should continue to per operated in preferential order from 1 to 5. If necessary and feasible, an appropriate plunge pool should be created where the juvenile herring enter the river after being guided through the headgate structure. In a letter dated June 12, 2018, New York DEC concurs with the March 29, 2018 letter from FWS concerning the desktop evaluation study.

In a letter dated November 15, 2018, Erie notes that they are currently planning a coordination meeting with both the FWS and New York DEC to discuss the best path forward regarding downstream passage for juvenile herring. The meeting will likely occur in early 2019. The same letter also responds to LIHI's Condition 1 and Condition 2 regarding the Project.

3.5 DOWNSTREAM FISH PASSAGE STANDARDS: DOWNSTREAM ZOE

Presently there are migratory species (American eel and blueback herring) located within the vicinity of the Project. However, as discussed above, both species manage to migrate upstream to the Project impoundment via alternative routes.

Criterion	***Standard***	***Instructions***
D	1	<u>Not Applicable / De Minimis Effect:</u> • Explain why the facility does not impose a barrier to downstream fish passage in the designated zone, considering both physical obstruction and increased mortality relative to natural downstream movement (e.g., entrainment into hydropower turbines). • For riverine fish populations that are known to move downstream, explain why the facility does not contribute adversely to the sustainability of these populations or to their access to habitat necessary for successful completion of their life cycles. • Document available fish distribution data and the lack of migratory fish species in the vicinity. • If migratory fish species have been extirpated from the area, explain why the facility is or was not the cause of this.

- There are no barriers to downstream fish passage in the downstream ZOE. Once fish cross over the School Street Dam with use of the downstream passage facilities and through the bypass reach, the fish do not have any further impediments to passage through the downstream ZOE.

3.6 SHORELINE AND WATERSHED PROTECTION STANDARDS: ALL ZOES

Criterion	*Standard*	*Instructions*
E	1	Not Applicable / De Minimis Effect: • If there are no lands with significant ecological value associated with the facility, document and justify this (e.g., describe the land use and land cover within the project boundary). • Document that there have been no Shoreline Management Plans or similar protection requirements for the facility.

- River right of the School Street Project is a mixed-use zone containing rural housing and industrial uses while river left is surrounded by natural lands. Resource agencies did not consider a shoreline buffer, or watershed protection plan, as necessary for the Project, given the nature and location of the facility.

- Land cover units with non- significant ecological value identified within the vicinity of the Project can be found in Table 3 (based on National Land Cover Database 2016: https://www.mrlc.gov/tools).

TABLE 3. PROJECT AREA LAND COVER AS CLASSIFIED BY THE NLCD 2016

Class/Value	*Classification Description*
11	**Open Water**- areas of open water, generally with less than 25% cover of vegetation or soil.
21	**Developed, Open Space**- areas with a mixture of some constructed materials, but mostly vegetation in the form of lawn grasses. Impervious surfaces account for less than 20% of total cover. These areas most commonly include large-lot single-family housing units, parks, golf courses, and vegetation planted in developed settings for recreation, erosion control, or aesthetic purposes.
22	**Developed, Low Intensity**- areas with a mixture of constructed materials and vegetation. Impervious surfaces account for 20% to 49% percent of total cover. These areas most commonly include single-family housing units.
41	**Deciduous Forest**- areas dominated by trees generally greater than 5 meters tall, and greater than 20% of total vegetation cover. More than 75% of the tree species shed foliage simultaneously in response to seasonal change.
42	**Evergreen Forest**- areas dominated by trees generally greater than 5 meters tall, and greater than 20% of total vegetation cover. More than 75% of the tree species maintain their leaves all year. Canopy is never without green foliage.

Class/Value	*Classification Description*
43	**Mixed Forest**- areas dominated by trees generally greater than 5 meters tall, and greater than 20% of total vegetation cover. Neither deciduous nor evergreen species are greater than 75% of total tree cover.
81	**Pasture/Hay**-areas of grasses, legumes, or grass-legume mixtures planted for livestock grazing or the production of seed or hay crops, typically on a perennial cycle. Pasture/hay vegetation accounts for greater than 20% of total vegetation.
90	**Woody Wetlands**- areas where forest or shrubland vegetation accounts for greater than 20% of vegetative cover and the soil or substrate is periodically saturated with or covered with water.
95	**Emergent Herbaceous Wetlands**- Areas where perennial herbaceous vegetation accounts for greater than 80% of vegetative cover and the soil or substrate is periodically saturated with or covered with water.

3.7 THREATENED AND ENDANGERED SPECIES STANDARDS: ALL ZOES

Criterion	*Standard*	*Instructions*
F	2	<u>Finding of No Negative Effects:</u> • Identify all listed species in the facility area based on current data from the appropriate state and federal natural resource management agencies. • Provide documentation of a finding of no negative effect of the facility on any listed species in the area from an appropriate natural resource management agency.

- A U.S. Fish and Wildlife Information for Planning and Conservation (IPaC) Trust Resources Report was generated February 3, 2016 for the Project area (Appendix E). The IPaC Report identified one endangered species, the Northern Long-eared Bat (*Myotis septentrionalis*), and 16 migratory birds protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. All of the following birds are listed as Birds of Conservation Concern: American Bittern (*Botaurus lentiginosus*), Bald Eagle (*Haliaeetus leucocephalus*), Black-billed Cuckoo (*Coccyzus erythropthalmus*), Black-crowned Night-heron (*Nycticorax nycticorax),* Blue-winged Warbler (*Vermivora pinus)*, Canada Warbler (*Wilsonia Canadensis*), Golden-winged Warbler (*Vermivora chrysoptera),* Olive-sided Flycatcher (*Contopus cooperi*), Peregrine Falcon (*Falco peregrinus*), Pied-billed Grebe (*Podilymbus podiceps*), Prairie Warbler (*Dendroica discolor*), Red-headed Woodpecker (*Melanerpes erythrocephalus*), Short-eared Owl (*Asio flammeus*), Upland Sandpiper (*Bartramia* longicauda), Willow Flycatcher (*Empidonax traillii*), and Wood Thrush (*Hylocichla mustelina*). The only year- round bird found in the Project area is the Bald Eagle. All the other 15 species are found exclusively during breeding or wintering season.

The Bald Eagle and Short-eared Owl are state-endangered species listed under the protection of the New York Endangered Species Law[14]. The Northern Long-eared Bat and Upland Sandpiper are listed as state-threatened.

- By letter filed February 9, 1996, FWS stated that the Karner blue butterfly is not likely to inhabit the project vicinity due to the lack of preferred habitat. Further, FWS noted that, although the bald eagle had been sighted on the Mohawk River during the winter and may forage in open waters downstream of the existing hydropower projects, the School Street Project is not likely to adversely affect this species. FWS concluded that no Biological Assessment or further section 7 consultation was required. Section 2.9 of the Settlement, which FWS signed, states that consultation with New York DEC and FWS has established that, except for some transient individuals, there are no federally listed or state-listed threatened or endangered species in the area of the School Street Project. That being the case, no further ESA coordination or consultation with the FWS is required. In a letter dated January 29, 2016 (Appendix E), New York DEC determined that no state-listed species, nor significant natural communities exist at the Project site or in its vicinity.

3.8 CULTURAL AND HISTORIC RESOURCES STANDARDS: ALL ZOES

Criterion	***Standard***	***Instructions***
G	2	Approved Plan: • Provide documentation of all approved state, provincial, federal, and recognized tribal plans for the protection, enhancement, and mitigation of impacts to cultural and historic resources affected by the facility. • Document that the facility is in compliance with all such plans.

- In accordance with section 3.8 of the Settlement and License Article 403, Erie developed a Historic Properties Management Plan (HPMP) in consultation with the National Park Service (NPS), the New York Office of Parks, Recreation and Historic Preservation (SHPO), and American Indian Nations[15]. The HPMP considers the following matters:

- 1) ensuring continued access to Erie lands in the Project vicinity by members of the Haudenosaunee (Iroquois) Confederacy for ceremonial purposes, including commemoration of the Peacemaker's journey and related events at Cohoes Falls;

- 2) special consideration will be given to the placement of low-level diversion structures and minor channel modifications specified in section 3.2.3 of the Settlement because Cohoes Falls is considered a sacred site by native peoples of the Haudenosaunee (Iroquois) Confederacy. These will only be used in the immediate vicinity of the dam, well upstream of Cohoes Falls, and beyond the view-shed of the lands used by members of the Confederacy for ceremonial purposes;

[14] https://www.dec.ny.gov/animals/7494.html

[15] This includes the Mohawk Nations, namely the St. Regis Band of Mohawk Indians, the Mohawk Nation Council of Chiefs and the Mohawk Council of Ahkwesabsne, and the Stockbridge Munsee Mohicans, among others.

- 3) the preservation and rehabilitation of the Cohoes Company Dam, Upper Gatehouse, Canal, and Conboy Avenue iron bridge, which are listed as contributing elements to the Harmony Mills National Historic Landmark (NHL) District, and preservation of the National Register listed School Street powerhouse through continued use;

- 4) protection of the two National Register eligible sites on the island between the power canal and river (Younglove Mill Site and I.D.F. Lansing House Site), which were identified during Phase I archaeological reconnaissance studies undertaken by Erie in 2003;

- 5) any new project construction, including the rack structure and raking device, fish passage intake(s) and conduit(s), new powerhouse, and related penstock and intake structure, should be designed to be unobtrusive within the Harmony Mills NHL District; and

- 6) procedures and protocols for consultation, monitoring, and treatment of any previously unidentified historic properties discovered during Project operation and construction.

- Per License Article 403, Erie implements provisions of the Programmatic Agreement, executed on July 19, 1996. On June 25, 2007[16] Erie filed the final HPMP with FERC and was approved by FERC on January 23, 2008[17]. Stipulation 5.5 of the HPMP notes that an annual report of activities conducted under the implemented HPMP must be filed with FERC and the SHPO. The most recent annual report was filed with FERC on February 8, 2019 (Appendix F).

- During the relicensing process for the School Street Project, FERC staff identified Cohoes Falls as a culturally sensitive area. Although Cohoes Falls is not located within the project boundary, Cohoes Falls was included within the Area of Potential Effect (APE) for relicensing the project because the undertaking can affect the falls. Any operational changes proposed as part of the relicensing had the potential to affect river flows over Cohoes Falls.

- On August 31, 2015[18], Erie filed an application amendment of license for the Project. Erie proposed to amend the Project license to remove approximately 3.38 acres of land from the project boundary. The land proposed for removal lies in a narrow strip along the Mohawk River extending upstream and downstream of the project's dam, opposite the shore on which the project's powerhouse and related features are located. In its application, Erie states that these lands are not necessary for the safe and effective operation of the project and that their removal from the project boundary would not affect project operations, public infrastructure, recreational use, or environmental resources. A FERC Order approving the removal of the 3.38 acres of land from the project boundary

[16] Final HPMP (privileged elibrary document)
[17] 122 FERC ¶ 62,054
[18] Amendment for Non-Capacity Amendment of License

was issued on April 1, 2016[19]. FERC staff did not identify any historic properties or archeological resources within the APE (i.e., the 3.38 acres proposed for removal). The 38.5-acre parcel (which includes the 3.38 acres of Project lands) was transferred to the Hiawatha Institute of Indigenous Knowledge (HIIK) and was supported by local Tribes (correspondence presented in Appendix F).

3.9 RECREATIONAL RESOURCES STANDARDS: IMPOUNDMENT ZOE

Criterion	*Standard*	*Instructions*
H	1	Not Applicable/De Minimis Effect: • The facility does not occupy lands or waters to which the public can be granted safe access and does not otherwise impact recreational opportunities in the vicinity of the facility

- There are no FERC approved recreational facilities in the impoundment ZOE.

3.10 RECREATIONAL RESOURCES STANDARDS: BYPASS REACH ZOE and DOWNSTREAM ZOE

Criterion	*Standard*	*Instructions*
H	2	Agency Recommendation: • Document any comprehensive resource agency recommendations and enforceable recreation plan that is in place for recreational access or accommodations. • Document that the facility is in compliance with all such recommendations and plans.

- In accordance with section 3.9 of the Settlement and License Article 404, Erie developed a Recreation Plan that provides a description of the following facilities: 1) a new pedestrian footbridge across the power canal; 2) a new footpath to the base of the falls and to the project tailrace; 3) a new trail system on the island between the power canal and Cohoes Falls; 4) a footpath for fishing access near the project tailrace; and 5) access for the disabled. In addition, Erie in consultation with the City of Cohoes, Hudson-Mohawk State Heritage Area (RiverSpark), and Erie Canalway Heritage Corridor, would install and maintain signage on the geology of Cohoes Falls, its role as a scenic attraction, navigation around the falls, and waterpower and industrial development. Article 404 also requires Erie to file a monitoring report every 6 years concurrent with the Form 80 filing and provide a parking area along School Street adjacent to Erie lands adjacent to the Project's penstock.

- On August 15, 2007[20], Erie filed the final Recreation Plan, on November 15, 2007[21], Erie filed a

[19] 155 FERC ¶ 62,002
[20] Final Recreation Plan

[21] Final Recreation Plan Supplemental Filing

supplement to the plan in response to comments from FERC staff, which included a monitoring report of recreational use and long-term recreational needs into the plan. FERC staff approved the final Recreation Plan on January 25, 2008[22]. On April 30, 2013, Erie filed two Exhibit R drawings as required by the Order Approving Recreation Plan Under Article 404. FERC staff reviewed the drawings and determined they include the necessary facilities and conform to FERC's rules and regulations[23] (Appendix G).

[22] 122 FERC ¶ 62,067

[23] 143 FERC ¶ 62,150

4.0 CONTACTS FORMS

Project Owner:	
Name and Title	Erie Boulevard Hydropower, L.P.
Company	Brookfield Renewable
Phone	315-267-1036
Email Address	Danny.Maguire@brookfieldrenewable.com
Mailing Address	184 Elm Street, Potsdam, NY 13676
Consulting Firm / Agent for LIHI Program (if different from above):	
Name and Title	Jot Splenda
Company	Louis Berger – WSP
Phone	919-866-4417
Email Address	jsplenda@louisberger.com
Mailing Address	Louis Berger 1001 Wade Ave, Suite 400 Raleigh, NC 27615
Compliance Contact (responsible for LIHI Program requirements):	
Name and Title	Daniel Maguire, P.E., Compliance Manager
Company	Brookfield Renewable Energy Group
Phone	315-267-1036
Email Address	Danny.Maguire@brookfieldrenewable.com
Mailing Address	184 Elm Street, Potsdam, NY 13676
Party responsible for accounts payable:	
Name and Title	Judith Charette
Company	Brookfield Renewable
Phone	1-819-561-8099
Email Address	AP@brookfieldrenewable.com
Mailing Address	41 Victoria, Gatineau, QC J8X 2A1

Agency Contact (Check area of responsibility: Flows ☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	New York Department of Environmental Conservation
Name and Title	Chris VanMaaren, DEC Region 4 Fisheries Manager
Phone	607-652-2645
Email address	fwfish4@dec.ny.gov
Mailing Address	65561 State Hwy 10, Stamford, NY 12167
Agency Contact (Check area of responsibility: Flows ☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	New York Department of Environmental Conservation
Name and Title	William Clark, Regional Permit Administrator
Phone	518-357-2455
Email address	William.clark@dec.ny.gov
Mailing Address	NYSDEC, 1130 North Westcott Road, Schenectady, NY 12306
Agency Contact (Check area of responsibility: Flows ☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	New York State Office of Parks, Recreation, and Historical Preservation
Name and Title	Michael Lynch, Division Director
Phone	518-268-2130
Email address	michael.lynch@parks.ny.gov
Mailing Address	Peebles Island Resource Center, One Delaware Avenue North, Cohoes, NY 12047

Agency Contact (Check area of responsibility: Flows☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	U.S. Fish and Wildlife Service
Name and Title	Steven Patch, Fish and Wildlife Biologist
Phone	607-753-9334
Email address	Steven_Patch@fws.gov
Mailing Address	3817 Luker Road, Cortland, NY 13045

Agency Contact (Check area of responsibility: Flows ☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	U.S. Fish and Wildlife
Name and Title	Melissa Grader, Federal Activities
Phone	413-548-8002
Email address	Melissa_Grader@fws.gov
Mailing Address	300 Westgate Center Drive, Hadley, MA 01035

Agency Contact (Check area of responsibility: Flows ☐, Water Quality ☐, Fish/Wildlife Resources ☐, Watersheds ☐, T/E Spp. ☐, Cultural/Historic Resources ☐, Recreation ☐):	
Agency Name	U.S. Fish and Wildlife Service
Name and Title	David Stilwell, Field Supervisor
Phone	607-753-9334
Email address	David_Stilwell@fws.gov
Mailing Address	3817 Luker Road, Cortland, NY 13045

5.0 SWORN STATEMENT

B.3 Sworn Statement and Waiver Form

All applications for LIHI Certification must include the following sworn statement before they can be reviewed by LIHI:

SWORN STATEMENT

As an Authorized Representative of Erie Boulevard Hydro, L.P. *, the Undersigned attests that the material presented in the application is true and complete.*

The Undersigned acknowledges that the primary goal of the Law Impact Hydropower Institute's certification program is public benefit, and that the LIHI Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions.

The Undersigned further acknowledges thot if LIHI Certification of the applying facility is granted, the LIHI Certification Mark License Agreement must be executed prior to marketing the electricity product as LIHI Certified®.

The Undersigned further agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications, fram any consequences of disclosing or publishing any submitted certification application materials to the public, or on any other oction pursuant to the Low Impact Hydropower Institute's certification program.

PLEASE INSERT FOR PRE-OPERATIONAL CERTIFICATIONS (see Section 4.5.3)**:**

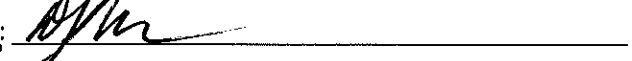
The Undersigned acknowledges that LIHI may suspend or revoke the LIHI Certification should the impacts of the focility, once operational, fail to comply with the LIHI program requirements.

Company Name: Erie Boulevard Hydro, L.P, a subsidiary of Brookfield Renewable Energy Group

Authorized Representative:

Name: Daniel Maguire P.E.

Title: Compliance Manager

Authorized Signature: 

Date: 5/28/2019

6.0 REFERENCES

- "Lower Mohawk River Fisheries" Norman McBride, In: Proceedings from the 2009 Mohawk Watershed Symposium, Union College, 27 March 2009.

APPENDIX A

PROJECT ZOES, PHOTOS, & DRAWINGS

FIGURE 2: SCHOOL STREET HYDROELECTRIC PROJECT ZONES OF EFFECT

APPENDIX B

AERIAL PHOTOS OF FACILITY AREA AND RIVER BASIN

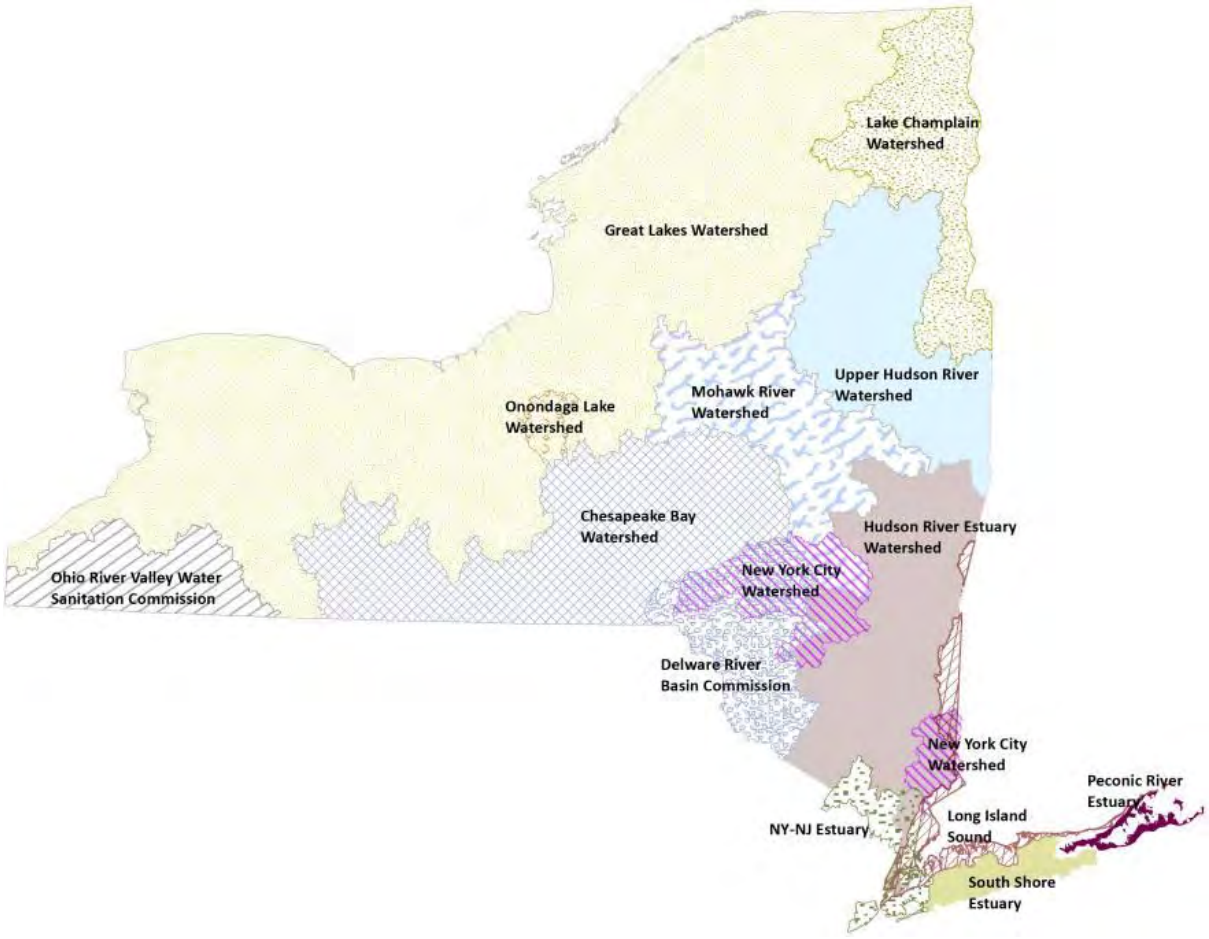


FIGURE 3: NEW YORK STATE DRAINAGE BASINS

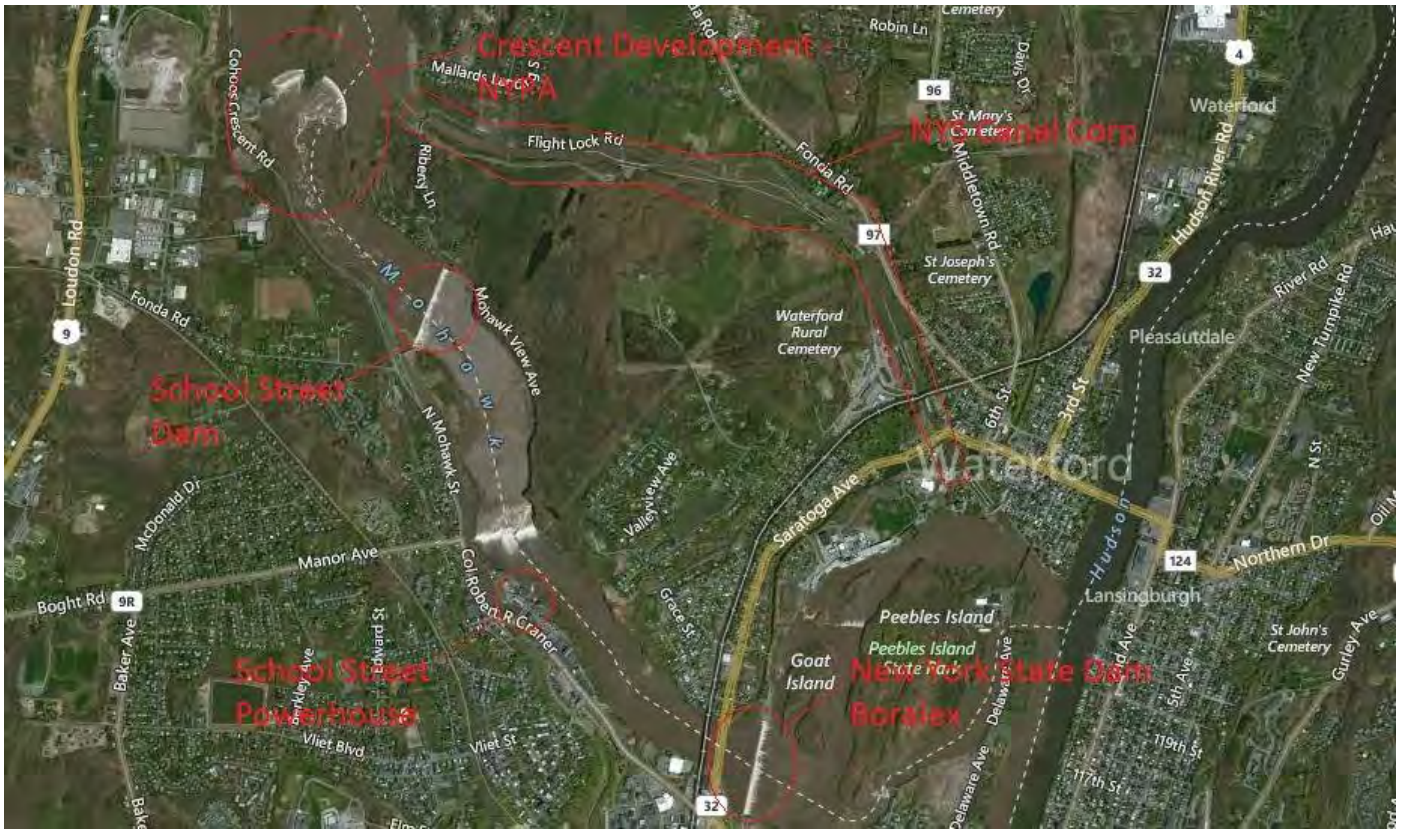


FIGURE 4: MOHAWK RIVER DAM LOCATIONS IN PROJECT VICINITY

APPENDIX C

WATER QUALITY

WINSTON & STRAWN LLP

35 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601-9703

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND

BUCKLERSBURY HOUSE
3 QUEEN VICTORIA STREET
LONDON EC4N 8NH

1700 K STREET, N.W.
WASHINGTON, D.C. 20006-3817

(202) 282-5000

FACSIMILE (202) 282-5100

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333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-1543

200 PARK AVENUE
NEW YORK, NEW YORK 10166-4193

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE

101 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94111-5894

WRITER'S DIRECT DIAL NUMBER
WRITER'S DIRECT DIAL
202-282-5715
mmadden@winston.com

October 10, 2006

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

Re: School Street Hydroelectric Project FERC Project No. 2539
Submittal of Section 401 Water Quality Certification

Dear Secretary Salas:

On behalf of Erie Boulevard Hydropower, L.P. (Erie) we are transmitting an original and eight copies of the Section 401 Water Quality Certification (401 WQC) for Erie's School Street Hydroelectric Project (FERC No. 2539) which was issued by the New York State Department of Conservation (NYSDEC) on October 10, 2006. This submittal is in follow-up to Erie's March 9, 2005 filing of the Settlement Agreement and Explanatory Statement for the relicensing of Erie's School Street Project, and Erie believes this 401 WQC is consistent with the terms of that Settlement Agreement.

If there are any questions regarding this submittal, please do not hesitate to contact David Culligan at (315) 413-2792.

Respectfully submitted,

William J. Madden, Jr.
Attorney for Erie Boulevard Hydropower, L.P.

Enclosure

cc: Service List

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Facility DEC ID 4-0103-00027

PERMIT
Under the Environmental Conservation Law (ECL)

Certificate Holder and Facility Information

Permit Issued To:
ERIE BOULEVARD HYDROPOWER LP
225 GREENFIELD PARKWAY
LIVERPOOL, NY 13088
(315) 413-2787

Facility:
SCHOOL STREET HYDROELECTRIC PROJECT
MOHAWK RIVER
COHOES, NY

Facility Location: in COHOES in ALBANY County
Facility Principal Reference Point: NYTM-E: 605.7 NYTM-N: 4737.7

Project Location: On the Mohawk River, near the junction of School Street and North Mohawk Street.

Authorized Activity: Operation and maintenance of the School Street Hydro facility (FERC No. 2539), a 38.8 MW hydroelectric facility in accordance with the attached conditions.

Permit Authorizations

Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 4-0103-00027/0001 (FERC 2539)
New Permit Effective Date: 10/10/2006
Expiration Date: Coincident with expiration date of Federal Energy Regulatory Commission license for FERC project No. 2539

NYSDEC Approval

By acceptance of this permit, the Certificate Holder agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: WILLIAM R ADRIANCE, Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: William R. ADriance Date: 10/10/2006

Distribution List

W. Clarke, R4
T. Hall, R5

Settlement parties

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER CERTIFICATE HOLDER OBLIGATIONS

Permit Attachments

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION

1. Conformance with Plans 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 and licensing Settlement Agreement.

2. State Not Liable for Damage 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.

3. Precautions Against Contamination of Waters 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.

4. No Interference with Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

5. State May Require Site Restoration 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 with appropriate authority 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.

6. Notification Requirements for Emergencies. The following procedures shall apply to all activities

conducted at the project in response to an emergency:

Prior to commencement of emergency activities, Certificate Holder must notify NYSDEC and receive approval in advance of the work commencing. If circumstances require that emergency activities be taken immediately such that prior notice to the NYSDEC is not possible, then the NYSDEC 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 or other written form of communication, including fax and electronic mail. This notification must be followed within 24 hours by submission of the following information:

a. a description of the action;
b. location map and plan of the proposed action;
c. 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 contacts listed in Special Condition .

7. Settlement Agreement.. This Certificate includes and incorporates the School Street Project Settlement Agreement dated March 7, 2005 and submitted to the Federal Energy Regulatory Commission (FERC) on March 8, 2005.

OPERATIONS

8. Run of River Operations. Within 18 months of the issuance of the FERC operating license for this project the Certificate Holder shall operate the project in a run-of-river mode in accordance with the Settlement Agreement, in particular Section 3.1.

9. Aquatic Habitat Flows to be Released to Bypassed Reach. The Certificate Holder shall provide aquatic habitat flows to the bypassed reach in accordance with the following;

a) Interim Flow. On the date FERC issues a new operating license for the project the Certificate Holder shall provide an interim flow of 90 cfs to be released into the bypassed reach from a canal gate near the upper gatehouse at the south end of the dam and in accordance with the Settlement Agreement, in particular Section 3.2.1.

b) Permanent Flows. Within one year of issuance of the FERC operating license the certificate holder shall provide to the Department for review and approval the final design of the structures to be constructed and operated to provide permanent flows to the bypassed reach as referenced in the Settlement Agreement, in particular Section 3.2.2.

Within 18 months of issuance of the FERC operating license the Certificate Holder shall begin to release the aquatic habitat flow to the bypassed reach of the Mohawk River in accordance with the approved design and the Settlement Agreement, in particular Section 3.2.2, including Table 3.2.A.

c) Channel Modifications. Within one year of issuance of the FERC operating license the certificate holder shall submit to the Department and U.S. Fish and Wildlife Service for review and approval a design for channel modifications to the river's bottom in the bypassed reach. The

design must be consistent with the requirements of the Settlement Agreement, in particular Section 3.2.3, including Figure 2. The design plans must include a survey of the existing channel and plan of the proposed changes. The plan shall also include details regarding erosion and sediment control during the channel modifications. The plan must demonstrate that work in the channel will comply with the goals and performance standards set forth in paragraph 21 below and applicable state water quality standards.

10. Flow and Water Level Monitoring. In accordance with the Settlement Agreement, in particular Section 3.4, the Certificate Holder must submit to FERC a Stream Flow and Water Level Monitoring Plan within 6 months of issuance of the FERC operating license. The plan must be developed in consultation with all settlement signatories. The plan must include the information referenced in Section 3.4 of the Settlement Agreement. All release structures, channel modifications, and ancillary equipment required by the Settlement Agreement shall be made operational and fully calibrated, as appropriate, within 18 months of issuance of the FERC operating license.

11. Fish Protection/Passage. Within 18 months of issuance of the FERC operating license the certificate holder shall complete the Phase I Fish Protection and Downstream Passage measures described in the settlement, particularly Section 3.5. All portions of the construction of the Phase I Fish Protection and Downstream Passage measures located in the power canal shall be completed in conjunction with and in compliance with the pertinent provisions of construction requirements paragraph 15 below.

12. "Fish Friendly Turbine Installation. Within 5 years of issuance of the FERC operating license the certificate holder is permitted to install a new "fish friendly" turbine and powerhouse to provide alternative Phase II fish protection and downstream passage measures described in the settlement, particularly Section 3.6.

13. Fishway Effectiveness Testing. The Certificate Holder shall develop a plan for fishway effectiveness testing in accordance with the Settlement Agreement, in particular Section 3.7. The plan must be approved by US Fish and Wildlife Service, NOAA Fisheries and the Department.

14. Recreational Access and Usage. Within 18 months of issuance of the FERC operating license the Certificate Holder shall develop recreational access and facilities at the project, as provided for in the Settlement Agreement, in particular Section 3.9, including public access trails, signage, and fishing access.

CONSTRUCTION REQUIREMENTS

15. Power Canal Excavation/Sediment Removal. The Certificate Holder proposes to increase the hydraulic capacity of the power canal. Within 1 year of the issuance of the FERC operating license the Certificate Holder shall submit to the Department for review and approval a comprehensive bedrock excavation and sediment removal plan for the power canal that meets the goals and performance standards set forth in paragraph 18 below and that includes the following information;

a) details regarding the temporary, or if appropriate, the permanent relocation of the City of Cohoes water intake during the period of time the power canal will be dewatered and excavated;

b) a bedrock excavation, sediment removal plan including existing and proposed grades and

contours. The final quantity of bedrock and sediment to be removed and the final grades to be reached must be provided. The plan must also include all details regarding bank modifications and stabilization measures required or proposed as part of the excavation;

c) details regarding the methods for dewatering the power canal prior to commencing construction, including, but not limited to the following; initial dewatering using the gatehouse, the management of water entering the canal after dewatering has taken place and work has commenced (i.e., stormwater outfalls to the canal and direct precipitation).;

d) a sampling protocol for characterizing the testing of the sediment to be removed that is consistent with the Department's Technical and Operations Guidance 5.1.9 or applicable guidelines/regulations. The sampling protocol should indicate that sampling results need to be submitted to the Department 30 days prior to the commencement of work in the power canal;

e) a disposal protocol specifying the proposed final disposition of the material removed from the power canal. The disposal protocol must recognize that disposal options will be based on analytical sediment sampling results and current applicable regulations/guidelines. The protocol must state that the Department has final approval authority of disposal locations;

f) an erosion and sediment control plan, prepared in accordance with applicable state standards, addressing the management of stormwater from all activities related to the bedrock excavation and sediment removal, including but not limited to, temporary storage areas and any final onsite disposal areas.

For all maintenance dredging/sediment removal during the remainder of the permit term the Certificate Holder shall submit a plan conforming with the requirements provided in paragraph 18 at least 90 days prior to the commencement of work.

The above plan and all work covered by the plan must meet the goals and performance standards set forth in paragraph 18 below.

16. Powerhouse Construction. Prior to any work at the powerhouse, including the installation of fish protection and passage measures and new generator/turbine, that requires the disturbance of soil or bedrock, the Certificate Holder shall submit to the Department for review and approval a pollution prevention plan that provides details of the following;

a) a dewatering plan for the work area, including how the work area will be isolated so that work may be completed in the dry. This include details of cofferdams or similar structures both above the powerhouse and in the tailrace;

b) a pollution prevention plan addressing construction erosion and control measures and post construction stormwater discharges from all disturbed areas, including temporary and permanently disturbed areas.

The above plan and all work covered by the plan must meet the goals and performance standards set forth in paragraph 18 below.

17. Other Construction Activities. At least 30 days prior to commencing any other activities within the

project boundary, including but not limited to the recreation enhancement measures referenced in Section 3.9 of the Settlement Agreement, which could adversely affect water quality, the Certificate Holder must submit to the Department for review and approval an erosion and sediment control plan. The erosion control plan and the work covered by the plan must meet the goals and performance standards set forth in paragraph 18 below. If future maintenenace dredging is planned conditions in paragraph 15 above shall apply.

18. Goals and Performance Standards. At minimum, the certificate holder must accomplish the following objectives:

a) isolate in-stream work from the flow of water and prevent discolored (turbid) discharges and sediments from entering the waters of the river due to excavation, dewatering and construction activities;

b) Exclude the use of heavy construction equipment below the mean high water line until the work area is protected by an approved structure and dewatered, except where an emergency response requires immediate action;

c) Stabilize any disturbed banks by grading to an appropriate slope, followed by armoring or vegetating as appropriate, to prevent erosion and sedimentation into the waterbody;

d) Minimize soil disturbance, provide appropriate grading and temporary and permanent re-vegetation of stockpiles and other disturbed areas to minimize erosion/ sedimentation potential;

e) Protect all waters from contamination by deleterious materials such as wet concrete, gasoline, solvents, epoxy resins or other materials used in the construction, maintenance and operation of the project;

f) Install effective erosion control measures on the downslope of all disturbed areas and maintain them in a fully functional condition. These erosion control measures are to be installed before commencing any other activities involving soil disturbance;

g) Ensure complete removal of all dredged and excavated material, debris or excess materials from construction, from the bed and banks of all water areas to an approved upland disposal site;

h) 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.

19. Turbidity Monitoring During Construction. During construction related activities, the Certificate Holder will monitor the waters of the river at a point immediately upstream of project activities and at a second point no more than 100 feet downstream from any discharge point or other potential source of turbidity. The Certificate Holder specifically agrees that if, at any time, turbidity measurements from the downstream locations exceed the measurements from the locations upstream of the work areas, all related construction on the project will cease until the source of the turbidity is discovered and the situation is corrected.

20. Maintenance of River Flows. During all periods of construction, flows immediately downstream of

work sites shall be maintained in accordance with condition 8 of this certificate (Run of River Operations).

21. Stormwater SPDES. All activities at the project requiring the disturbance of greater than one acre must obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activities (GP-02-01).

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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 Certificate Holder 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 Certificate Holder 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.

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.

3. Applications for Permit Renewals or Modifications The Certificate Holder 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.

4. Department Contacts. All contacts with the concerning this certificate, including submission of the information required by the above Natural Resource Permit Conditions and all applications for permit modification or renewal are to be submitted to:

NYSDEC - Headquarters
Chief Permit Administrator,
Division of Environmental Permits
625 Broadway

Albany NY 12233-1750

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the Certificate Holder to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfers Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER CERTIFICATE HOLDER OBLIGATIONS

Item A: Certificate Holder Accepts Legal Responsibility and Agrees to Indemnification
The Certificate Holder expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the Certificate Holder's acts or omissions in connection with the Certificate Holder's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Certificate Holder's Contractors to Comply with Permit
The Certificate Holder 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 Certificate Holder'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 Certificate Holder.

Item C: Certificate Holder Responsible for Obtaining Other Required Permits
The Certificate Holder is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way 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 Certificate Holder 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.

200610105044 Received FERC OSEC 10/10/2006 02:22:00 PM Docket# P-2539-003 Submission

Contents

APPENDIX D

FISH PASSAGE

RECEIVED JUN 14 2012
6308-USFWS-BREG-101

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, NY 13045

June 12, 2012

Matthew Johnson, Compliance Manager
Brookfield Renewable Energy
New York East Operations Center
339B Big Bay Road
Queensbury, NY 12804

RE: School Street Hydroelectric Project (FERC #2539)
Fishway Effectiveness Testing

Dear Mr. Johnson:

The U.S. Fish and Wildlife Service (Service) has reviewed the February 23, 2012, "*School Street Hydroelectric Project (P-2539); Fishway Effectiveness Test Results*," received on February 27, 2012. The cover letter for the report indicated that we should contact Brookfield Power (Brookfield) if we had any questions or desired additional information. The letter also indicated that Brookfield welcomed the opportunity to discuss the outstanding studies of juvenile blueback herring. Since we determined that the report was adequate and no additional information on eel effectiveness testing was needed, we did not respond to Brookfield's letter. The Service has been waiting for Brookfield to contact us to set up the requisite meetings to discuss this year's juvenile blueback herring studies.

We are now approximately 2 months from the time the juvenile blueback herring study should be conducted and have not received any additional requests for meetings or consultation with Brookfield. In addition, at the recent National Fish Passage Conference in Amherst, Massachusetts, Brookfield's consultant, Kleinschmidt Associates, presented a talk on the results of the effectiveness tests for American eels at the School Street project. During conversations with staff of Kleinschmidt, our staff was informed that Kleinschmidt does not have a contract to conduct the juvenile blueback herring testing this year.

The juvenile blueback herring study is already overdue and should be rescheduled for 2012. If Brookfield has selected a consultant to undertake the effectiveness monitoring, they should arrange a meeting with the Service and the New York State Department of Environmental Conservation (NYSDEC) to ensure that the effectiveness tests will be properly undertaken and meet agency requirements. If Brookfield has not yet selected a consultant, we encourage you to complete this action in a timely fashion and arrange appropriate consultation with the Service and the NYSDEC.

RESPONDED WITH
LETTER 6308-BREP-USFWS-004
6/15/2012

We appreciate the opportunity to review the report and look forward to completing consultation with Brookfield to enable the study to be completed in a timely fashion in 2012. If you have any questions or desire additional information, please contact Steve Patch at 607-753-9334.

Sincerely,

ACTING FOR David A. Stilwell
Field Supervisor

cc: FERC, Washington, DC (K. Bose)
NYSDEC, Albany, NY (M. Woythal)
FWS, Hadley, MA (C. Orvis)

Stephen_patch@fws.gov
david_stilwell@fws.gov
Curtis_orvis@fws.gov

Faxed 5/20/11

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, NY 13045

May 20, 2011

RECEIVED
MAY 25 2011
1:15pm

Tim Lukas, Compliance Specialist
Erie Boulevard Hydropower, LP
Hudson River Operations
399 Big Bay Road
Queensbury, NY 12804

RE: School Street Hydroelectric Project (FERC #2539)
Review of Phase I Fishway Effectiveness Testing and Hydraulic Survey

Dear Mr. Lukas:

The U.S. Fish and Wildlife Service (Service) has reviewed the April 12, 2011, Draft Report for the School Street Project entitled *Phase I Fishway Effectiveness Testing and Hydraulic Survey*. The results of the study and proposed future studies were discussed at an interagency meeting held in Albany, New York, on May 17, 2011. Several options for obtaining American eels and a variety of options for tagging and monitoring juvenile blueback herring were discussed. As a result of that meeting, Erie Boulevard Hydropower, LP, intends to provide the Service and the New York State Department of Environmental Conservation with proposals on the best way to accomplish the juvenile blueback herring and American eel testing.

We have no comments on the existing report. We look forward to reviewing the proposals for future studies. Any modifications to the fishway or its operations can be determined after all the study results have been reviewed.

The Service appreciates the opportunity to review the draft report. If you have any questions or desire additional information, please contact Steve Patch at 607-753-9334.

Sincerely,

Anne A. Secord

for David A. Stilwell
Field Supervisor

cc: NYSDEC, Albany, NY (M. Woythal)
FWS, Hadley, MA (C. Orvis)

From: Mark Woythal [mailto:mswoytha@gw.dec.state.ny.us]
Sent: Wednesday, June 08, 2011 1:41 PM
To: Lukas, Timothy
Subject: Re: FW: 20110520-DOI-01

Tim,

I have no additional comments on the School Street Fish Bypass Evaluation Report beyond those provided at the meeting. The meeting minutes accurately reflected the issues and outcomes discussed at the meeting.

Mark

Mark Woythal
Instream Flow Unit Leader

NY Dept of Environmental Conservation
Div. of Fish Wildlife & Marine Resources
Bureau of Habitat
625 Broadway, Albany, NY 12233-4756
mswoytha@gw.dec.state.ny.us
P (518) 402-8847
F (518) 402 9825

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045

March 29, 2018

Daniel Maguire, PE
Compliance Specialist
Brookfield Renewable
184 Elm St.
Potsdam, NY 13676

RE: School Street Hydroelectric Project (FERC #2539)
Review of Desktop Evaluation of Entrainment and Downstream Passage Survival of Juvenile Blueback Herring

Dear Mr. Maguire:

The U.S. Fish and Wildlife Service (Service) has reviewed Brookfield's February 26, 2018, *Desktop Evaluation of Entrainment and Downstream Passage Survival of Juvenile Blueback Herring* (Evaluation) at the School Street Project (Project), located on the Mohawk River in Albany and Saratoga Counties, New York. The Service does not concur with the Evaluation's conclusion that turbine passage is clearly the preferred route for downstream fish passage at the Project. We have the following comments on the Evaluation.

Background

The Evaluation was developed because the fishway at School Street is not effectively passing juvenile blueback herring (*Alosa aestivalis*) (jbbh). The fishway was previously shown to be effective for resident warmwater/coolwater fish species, adult blueback herring, and American eel (*Anguilla rostrata*). However, the fishway was ineffective for jbbh as only 0-5% of the jbbh utilized the fishway during the two tests, and mortality through the passage pipe was high. Since the fishway is not effective for jbbh passage, and no reasonable solutions to improve its effectiveness are apparent, jbbh are currently passing through the turbines and suffering an unknown amount of entrainment mortality. Installing a guidance barrier at the headgate, guiding the fish to the bypassed reach and over the falls, was discussed as a possible alternative to the fishway. The Service, the New York State Department of Environmental Conservation (NYSDEC), and Brookfield agreed that an analysis of the relative survival of fish passing through the turbines versus fish being guided to the bypassed reach would be an appropriate starting point.

The Model

Kleinschmidt developed a model to compare the three routes of passage – over the falls, through the turbines, and through the fishway – for the jbbh. The data entered into the model came from a variety of sources, including entrainment studies in New York and elsewhere, studies of fish passing over falls or other barriers, and a blade strike model (Franke et al. 1997). The model assumed that the jbbh would move proportionally to the amount of flow entering each alternative passage route. As discussed below, the Service disagrees with this assumption for use of the fishway. The first decision point was the Upper Gatehouse, where fish could be shunted to the bypassed reach or enter the power canal. If the jbbh entered the power canal, they had two possible routes of passage – through the downstream fish bypass or through the turbines. A random number generator was used to determine where each fish would go. In addition, estimates of survivability for each route were determined. The model determined that through turbine passage was the safest route while the fish bypass demonstrated the greatest mortality. Passage via the bypassed reach and over the falls ranked in the middle.

Passage via the Fishway

The model assumed that a certain percentage of the jbbh would pass through the fishway based on relative flows. However, in the two studies Brookfield conducted for jbbh at School Street, very few jbbh entered the fishway. The first study showed approximately 5% of the jbbh used the fishway, while the second study showed no jbbh using the fishway. Therefore, it is misleading to have the model demonstrate that the percentage of the jbbh that will enter the fishway is proportionate to the percent of flow entering the fishway. Given the on-site test results, it is more appropriate to discount the fishway entirely and assume that nearly all the jbbh entering the power canal will pass through the turbines, resulting in just two alternative routes of passage – the bypassed reach and the turbines.

Entrainment Mortality

We assume that the "mortality correlation factor" (MCF) value of 0.2 means that 20% of the fish struck by blades are expected to die, with the remaining 80% surviving. The MCF was originally developed for Kaplan turbine units, and then later transferred to Francis units (which are the type found at School Street). Franke et al. (1997) cautioned that there was poor correlation between measured and calculated survival with Francis turbines, so the correlation factor may be unreliable.[1] In addition, most of the data on Francis turbines comes from testing with Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead/rainbow trout (*O. mykiss*). These species are known to be much heartier than blueback herring. As discussed below, Brookfield discounted salmonid smolt data for survival over the falls because they believed that the jbbh were more fragile and that such data would not be reliable. The Service believes that assuming an 80% survival rate for jbbh struck by turbine blades is excessive, similarly due to their fragile nature.

[1] Franke et al. (1997) explains that: "The correlation coefficient, lambda, was reevaluated for Francis turbines. Figure 4.4.10-1 shows considerable scatter for the calculation of lambda for each survival data point. A value of lambda equal to 0.2 was chosen, based on Kaplan turbine results, and on the absence of a reliable estimation method. Figure 4.4.10-2 shows poor correlation between measured and calculated survival."

Brookfield added an "...ancillary entrainment stressor survival rate..." to the blade strike analysis to account for other possible causes of mortality such as shear stress and pressure-induced mortality. In addition, Brookfield developed a Rated Head vs. Survival Curve (Figure 6) for clupeids based on multiple turbine survival studies conducted around the country, including in New York. Since School Street has 92 feet of head (except Unit 5, which has 96 feet of head), the survival rate is estimated at 75%. Although Figure 6 from the Evaluation depicts real world studies demonstrating an average survival rate of about 75% for jbbh, the Kleinschmidt model calculates that 88-97% of the jbbh will survive turbine passage at School Street. Given the fragile nature of these young fish, the model's survival estimate seems excessively optimistic.

Survival Over Spillways

Brookfield presented data from eight studies that addressed survival of fish passing over dams of various heights, ranging from 16 feet to 300 feet. With the exception of the Turners Falls study, the survival estimates ranged from 90% to100%, with four studies demonstrating 96% or higher survival. Although most of these studies utilized juvenile salmonids, which we agree are a heartier species than blueback herring, the study at the next dam upstream from School Street, Crescent (FERC #4678), showed a 100% survival rate for jbbh.[2] In addition, Franke et al. (1997) presents results from a variety of balloon tag-recapture studies of fish passing over spillways or ice-log sluices. The height of fall ranged from 4 feet to 24 feet in these 17 studies of Atlantic salmon (*Salmo salar*), Chinook salmon, blueback herring, and American shad (*Alosa sapidissima*). Survival ranged from 92% to 100%.

It appears that the Turners Falls results (47.7%-75.6% survival) are the outlier for mortality of fish passing over dams. This is likely due to site-specific conditions, since the American shad studied at Turners Falls were discharged over a Bascule Gate and dropped directly down onto a ledge that lacked adequate pool depth. On page A-2 of the Evaluation, Brookfield indicates that "(t)he high rates of injury and low rates of survival over the Bascule Gates were ascribed to site-specific factors in this case," including "...boulders and concrete sills...that may have been the source of mortality and injury to fish during spill." As a result of site-specific conditions that adversely affect survival, we assert that the data from Turners Falls cannot readily be transferred to other sites.

Brookfield believes the studies testing salmonids passing over spillways are not transferrable to School Street because salmonids are heartier than blueback herring, although they did accept entrainment data based on salmonids. Franke et al. (1997) indicate that "...little species-related differences are evident" (in regards to passage over spillways). In addition, the Evaluation (page A-2) cites Mathur et al. (1996) as "...concluding that spillway passage cannot be assumed better or worse than turbine passage, as both survival measurements are very high in multiple studies." Mathur et al. (1996) also indicate that each hydro site is different, with site-specific factors affecting the survival of fish passing over spillways.

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[2] A 48-hour survival rate of 88.3% was also shown for that study. However, that rate is probably unreliable due to the difficulties encountered in handling and holding the fish for an extended time frame. Franke et al. (1997) accepts the 100% survival rate in their analysis.

Despite the fact that the Turners Falls data are not readily transferable to other sites based on site-specific conditions, and that the results are an outlier among the data from many studies, Brookfield chose the average survival rate at Turners Falls (63%) to represent the assumed survival rate for passage over Cohoes Falls. With a relatively low and unsubstantiated survival rate for passage over Cohoes Falls, the model finds the turbines to be the preferred route of passage. Had a more defensible survival rate of 92-100% (such as 100% at Crescent for jbbh and 98% at Cabot for American shad) been used for an estimate of fish passage survival over the dam and through the bypassed reach, the model would have demonstrated better survival for the bypassed reach than for the turbines. In addition, when compared to the average survival rate for jbbh (75%) calculated from real-world entrainment survival studies, the bypassed reach would clearly be the preferable route for jbbh travelling down the Mohawk River.

Effects of Predation

The Evaluation (page 23) indicates that predation within the relatively shallow water of the bypassed reach would likely reduce survival of fish passing over the dam and falls. It should be noted that predation on turbine-entrained fish is also high, since they are often disoriented or injured when exiting the draft tube and avian and piscine predators are often waiting to consume the known food supply exiting the turbines. It is likely that predation on entrained fish would be at least as great as or greater than predation on fish in the bypassed reach. Flocks of fish-eating birds are seldom seen in bypassed reaches, but are often evident in tailraces. In addition, anglers are more likely to seek large gamefish in tailraces than in bypassed reaches.

Brookfield's Proposal

In the Evaluation, Brookfield proposes to utilize the turbines as the preferred passage route for downstream migrating jbbh. Since the jbbh are not utilizing the fishway, Brookfield proposes to scale back the attraction flow from 330 cubic feet per second (cfs) (5% of the Project's maximum hydraulic capacity) to the original 132 cfs (2% of the maximum hydraulic capacity).[3] The additional flow would pass through the turbines. Since Unit 1 has the greatest likelihood of blade strike based on its configuration, Brookfield proposes to alter the order of unit operation from 1-2-3-4-5 to 2-3-4-5-1. Unit 1 is currently preferentially operated (first on, last off) to provide additional guidance towards the fishway.

As stated in the opening paragraph, the Service does not concur that the turbines are the preferred passage route for jbbh. Therefore, we cannot support that portion of Brookfield's proposal. We also cannot support modifying the preferential order of unit operation. Effectiveness testing was conducted by Brookfield for American eel, warmwater/coolwater species, and adult blueback herring. The fishway was found to be effective for all of these other species and life stages. Altering the preferential order of operation to improve survival of jbbh could reduce the effectiveness of the fish passage facilities for other species and life stages.

Since the fishway was effective for other species/life stages with a 2% attraction flow rather than a 5% attraction flow and the additional flow does not appear to help the jbbh, the Service can

[3] In 2016, the attraction flow to the fishway was increased in an attempt to guide more jbbh away from the turbines and into the fishway.

concur with returning the attraction flow to 132 cfs (2%). However, as described below, we believe releasing that flow into the bypassed reach at the headgate structure or over the dam would improve survival of jbbh utilizing the bypassed reach.

Service Proposal

The Service proposes that Brookfield continue to operate the fishway as they have since the license was issued with an attraction flow of 132 cfs. For the jbbh passage period, defined as August through October, Brookfield should install a guidance system, such as the Worthington BoatBuster-20 Fish Tight Guidance System™ (BoatBuster) at the headgate structure (or, if feasible, at the narrow portion of the power canal where the fish would enter the bypassed reach downstream from the falls). During that same time frame, the additional flow of 198 cfs (3% of the Project's maximum hydraulic capacity) should be released into the bypassed reach when aesthetic flows are not being spilled (normally weekdays), for a total of 448 cfs (weekend aesthetic releases are currently 500 cfs). The units should continue to be operated in preferential order from 1 to 5. If necessary and feasible, an appropriate plunge pool should be created where the jbbh will enter the river after being guided by the BoatBuster.

Alternative

As an alternative, the Service is willing to entertain the idea of conducting Hi-Z Turbine Tag™ studies of jbbh survival over the falls and through the units. Test fish would have to be released over the falls at both the 250 cfs and 500 cfs release levels[4]. In addition, both Unit 1 (greatest presumed blade strike mortality) and another unit would need to be tested.[5] The Hi-Z Turbine Tag™ was utilized for the spillway tests identified in Franke et al. (1997) and has been used for some entrainment mortality tests in New York and elsewhere. If the data are reliable (see discussion below) and turbine passage survival is clearly demonstrated to be as good as, or better than, passage through the bypassed reach, then the Service would be willing to consider turbines as the preferred passage mode for jbbh.

The Service has a concern that a Hi-Z Turbine Tag™ study might not yield conclusive results. It is well-known that jbbh are difficult to handle and control mortality is often high in jbbh studies. In addition, as Brookfield has discovered during the last decade, it is very difficult to have the appropriate test conditions when jbbh are present in the Mohawk River. The jbbh often move out in large numbers during high flow periods that are not conducive to safely conducting studies. Some years they move earlier or later than expected. Brookfield's jbbh effectiveness testing was delayed many times by lack of appropriate conditions and/or test fish. Therefore, Brookfield may be unable to conduct the test in a timely fashion or the results may be inconclusive, leaving us with no clearer picture of passage route survival than we currently have. If Brookfield wishes to pursue this option, we will need a clear set of parameters that must be met to allow the study data to be acceptable. In addition, this study would have to be done promptly so as not to delay installation of the guidance structure if that becomes the ultimate solution to effectively guide jbbh past the Project.

---

[4] The 500 cfs survival rates could probably be used to represent a 448 cfs release (or a third test could be conducted).
[5] Since Unit 5 is larger, survival rates may be different than the other units, so this unit may need to be tested as well.

Other Questions/Concerns

The Service has two questions for which the answer is not clear in the Evaluation.

- The target flow in the conveyance pipe during the downstream fish bypass survival study (page 12) was not identified. We believe it was likely 24 cfs. If so, it may be possible to reduce mortality through the conveyance pipe by adding some of the excess attraction water back into the conveyance return pipe.
- It is not clear whether the units at School Street currently experience cavitation.

Summary

Based on the likely high survival rate of fish passing over spillways and the relatively lower survival rate for jbbh passing through turbines, the Service believes the bypassed reach is a safer route of passage than through the turbines. We recommend a guidance structure such as the BoatBuster. The Service also recommends that Brookfield schedule an additional meeting with the Service and the NYSDEC to discuss the results of the summary and further actions that can be taken to improve the survival of jbbh migrating downstream past the School Street Project.

We appreciate the opportunity to review the Evaluation. If you have any questions or desire additional information, please contact Steve Patch at 607-753-9334.

Sincerely,

David A. Stilwell
Field Supervisor

cc: NYSDEC, Stamford, NY (C. VanMaaren, S. Wells)
USFWS, Hadley, MA (J. Morales)

Literature Cited

Franke, G.F., D.R. Webb, R.K. Fisher, Jr., D. Mathur, P.N. Hopping, P.A. March, M.R. Headrick, I.T. Laczo, Y. Ventikos, and F. Sotiropoulos. 1997. Development of environmentally advanced hydropower turbine system design concepts. Prepared for U.S. Dept. Energy, Idaho Operations Office Contract DE-AC07-94ID13223.

Mathur, D., P.G. Heisey, K.J. McGrath, and T.R. Tatham. 1996. Juvenile blueback herring (*Alosa aestivalis*) survival via turbine and spillway. JAWRA Journal of the American Water Resources Association 32(1): 155-161.

6/12

Daniel Maguire, PE
Compliance Specialist
Brookfield Renewable
184 Elm St.
Potsdam, NT 13676

RE: School Street Hydroelectric Project (FERC #2539)
Review of Desktop Evaluation of Entrainment and Downstream Passage Surviva
Of Juvenile Blueback Herring

Dear Mr. Maguire,

The NYS Department of Environmental Conservation has reviewed Brookfield's February 26, 2018, *Desktop Evaluation of Entrainment and Downstream Passage Survival of Juvenile Blueback Herring* at the School Street Project on the Mohawk Riv The NYSDEC does not concur with the Evaluation's conclusion that turbine passage clearly the preferred route for downstream fish passage at this site.

The NYSDEC concurs with the March 29, 2018 letter from the USFWS concerning th desktop evaluation. In this letter the Service draws out concerns with the data and comparative literature used to make the assessment. The NYSDEC agrees that the assessment does not accurately make the case that the best option for downstream passage for juvenile blueback herring is through the turbines.

Likewise, the NYSDEC supports the Service's suggested proposal to continue to operate the fishway as it has been since license issuance with an attraction flow of 13 cfs. Additionally, for the juvenile blueback herring passage period, defined as August through October, Brookfield should install a fish guidance system.

Please coordinate with the NYSDEC and the Service to schedule a meeting to further discuss this study and to develop the best option for downstream passage of juvenile blueback herring.

Sincerely,

Chris VanMaaren
NYSDEC Region 4 Habitat/Fisheries Manager

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

November 15, 2018

Project No. P-2539-NY
School Street Project
Erie Boulevard Hydropower, LP

Low Impact Hydropower Institute
Attn: Shannon Ames, Executive Director
329 Massachusetts Ave, Suite 2 Lexington, MA 02420

Subject: School Street (63) Annual Compliance Statement

Dear Ms. Ames:

In support of the "ANNUAL COMPLIANCE STATEMENT" for the above referenced project,
Brookfield Renewable, on behalf of the licensee Erie Boulevard Hydropower, L.P. (Erie) submits the following.

LIHI Conditions:

Condition 1: *The facility owner shall provide LIHI with the results of the 2015 downstream bypass efficiency testing for juvenile blueback herring and continue consultation the USFWS and NYDEC for the purpose of obtaining an updated assessment of the current fish passage effectiveness for that species at the facility. The result of Agency assessments may be: (a) that appropriate passage is being provided at the Project, (b) that effective fish passage effectiveness has not been demonstrated, or (c) that a recent decision has been made that passage at the site for juvenile herring is not needed, thus modifying the original commitments established in the Settlement Agreement and associated agency recommendations. If the 2015 testing is not found to be sufficiently effective and that downstream passage at the site is still required, then the owner shall inform LIHI of their plans to improve operations and continue testing. LIHI strongly recommends that all future testing be coordinated with the agencies to ensure they can participate in the testing. The results of the agency assessment of the 2015 studies shall be provided to LIHI within 60 days of their receipt by the Owner. Additional letters of correspondence from consultation with the USFWS and NYDEC on these passage issues shall also be provided to LIHI within 60 days of receipt by the licensee. LIHI reserves the right to suspend its certification if the agencies do not determine that safe passage is being provided and that such passage needs have not been waived.*

Current Status of Condition: In June 2016, members of Brookfield staff met with representatives from the U.S. Fish and Wildlife Service (USFWS), New York State Department of Environmental
Conservation (NYSDEC), and Kleinschmidt Associates (KA), the consultant that developed and executed the effectiveness testing. The purpose of the meeting was to discuss the results of the 2015 fishway effectiveness testing which focused on the effectiveness of the fishway for passing juvenile Blueback Herring (JBBH). In their follow-up letter dated July 20, 2016 the USFWS concluded that based on the results of two years of testing, the fish passage facility is not effectively passing JBBH. The letter goes on to further provide options for improving the project effectiveness. The USFWS also provided a recommendation for the short term, increasing the attraction flow to 330 cfs to support the JBBH outmigration. The NYSDEC provided an email concurring with the USFWS letter and recommendations. On September 8, 2016 Brookfield increased the attraction flow to 330 cfs. The increase was timed to be concurrent with the upstream facility opening their JBBH fish passage gate.

During a site visit on June 14, 2017 and conference call on July 15, 2017, the USFWS and NYSDEC agreed a desktop evaluation for passage survivability by various passage options would allow Erie and the Agencies to determine the best, final course of action to improve project passage survival for emigrating
JBBH. On February 26, 2018, Brookfield provided the USFWS and the NYSDEC with the January 2018 Desktop Evaluation of Entrainment & Downstream Passage Survival of Juvenile Blueback Herring (herein referred to as "The Desktop Study") prepared by Kleinschmidt Associates (KA).

KA determined the best overall route of passage for the JBBH at the Project to be turbine passage based upon the empirical passage survival rates. The results of the study suggest the order in which the units are operated may be adjusted to minimize entrainment mortality from blade strike. Therefore, Erie committed to review its unit sequencing to determine operating procedures that improve the

theoretical JBBH survival rate. In light of the findings of the Desktop Study, Erie requested the Agencies concurrence with returning the attractant flow to 132 cfs (2% of hydraulic capacity).

On March 29, 2018, the USFWS provided its review of the Desktop Study. The USFWS did not concur with the conclusion that turbine passage is the preferred route for downstream fish passage at the Project and opposed Erie's proposal for modifying the unit sequencing. The USFWS did support returning the attraction flow to 132 cfs. The USFWS went on to suggest Erie install a guidance system at the headgate structure (or, if feasible, at the narrow portion of the power canal where the fish would enter the bypassed reach downstream from the falls) and also recommended during that same time frame, an additional flow of 198 cfs (3% of the Project's maximum hydraulic capacity) be released into the bypassed reach when aesthetic flows are not being spilled (normally weekdays), for a total of 448 cfs (weekend aesthetic releases are currently 500 cfs).

As an alternative, the response stated the USFWS would be willing to entertain the idea of conducting Hi-Z Turbine Tag™ studies of JBBH survival over the falls and through the units. In addition, both Unit 1 (greatest presumed blade strike mortality) and another unit would need to be tested. If the data are reliable and turbine passage survival is clearly demonstrated to be as good as, or better than, passage through the bypassed reach, then the USFWS would be willing to consider turbines as the preferred passage mode for JBBH.

On June 12, 2018 Brookfield received correspondence from the NYSDEC stating that they do not concur with the Evaluation's conclusion that turbine passage is the preferred route for downstream fish passage. The NYSDEC concurs with the March 29, 2018 letter from the USWFS concerning the Desktop Study.

Erie is currently planning to coordinate a meeting with both the USFWS and the NYSDEC to discuss the best path forward. This meeting will likely occur in early 2019.

Condition 2: *If a decision is made to pursue installation of the sixth, fish-friendly generating unit at the Project within the next five years, the facility owner shall notify LIHI within 60 days of when FERC approves such an installation. Such installation may lead to a re-evaluation of potentially affected criteria, such as fish passage requirements.*

Current Status of Condition: At this time Brookfield does not plan to install a sixth, fish friendly generating unit.

Compliance for the Reporting Period (November 20, 2017 – November 20, 2018):
There have been no operational compliance incidents since the last recertification period.

Should you have any questions please feel free to contact me at (518) 743-2007.

Sincerely,

Jason Zehr
Compliance Specialist
Atlantic North Operations

Enclosures:

1. Brookfield Correspondence to the USFWS and the NYSDEC dated February 26, 2018 regarding the January 2018 Desktop Evaluation for Passage Survivability.
2. USFWS Response to the Desktop Evaluation of Entrainment and Downstream Passage Survival of Juvenile Blueback Herring.
3. NYSDEC Response to the Desktop Evaluation of Entrainment and Downstream Passage Survival of Juvenile Blueback Herring.
4. January 2018 Desktop Evaluation of Entrainment & Downstream Passage Survival of Juvenile Blueback Herring

CC: M. Johnson
D. Maguire
S. Faulds
S. Mascarenhas

APPENDIX E

THREATENED AND ENDANGERED SPECIES

Brookfield

Brookfield Renewable Energy Group
399 Big Bay Road,
Queensbury, NY 12804

Tel 518.743.2017
Fax 518.745.4292
www.brookfieldrenewable.com

January 14, 2016

Mr. Nicholas Conrad
New York State Department of Environmental Conservation
New York Natural Heritage Program
625 Broadway
Albany, NY 12233-4757

Subject: **School Street Hydroelectric Project (FERC No. 2539)**
Threatened and Endangered Species Consultation

Dear Mr. Conrad:

Erie Boulevard Hydropower, L.P. (Erie) is the owner, operator, and licensee of the School Street Hydroelectric Project (FERC No. 2539). The project is located on the Mohawk River within Albany and Saratoga Counties, New York.

As a matter of background, a Federal Energy Regulatory (FERC) license for the Project was issued on February 15, 2007.

Project operations and environmental protection measures at this project have been largely determined by a comprehensive Offer of Settlement Erie developed in conjunction with NYSDEC and other entities in 2005. The licensing process for this project included consultation with resource agencies regarding threatened and endangered species.

Erie is presently working with the Low Impact Hydropower Institute (LIHI) to recertify the School Street Project 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 Project. The project location and coordinates have been provided below, as well as on the enclosed topographic map.

School Street Latitude: 42.7972 Longitude: 73.7134

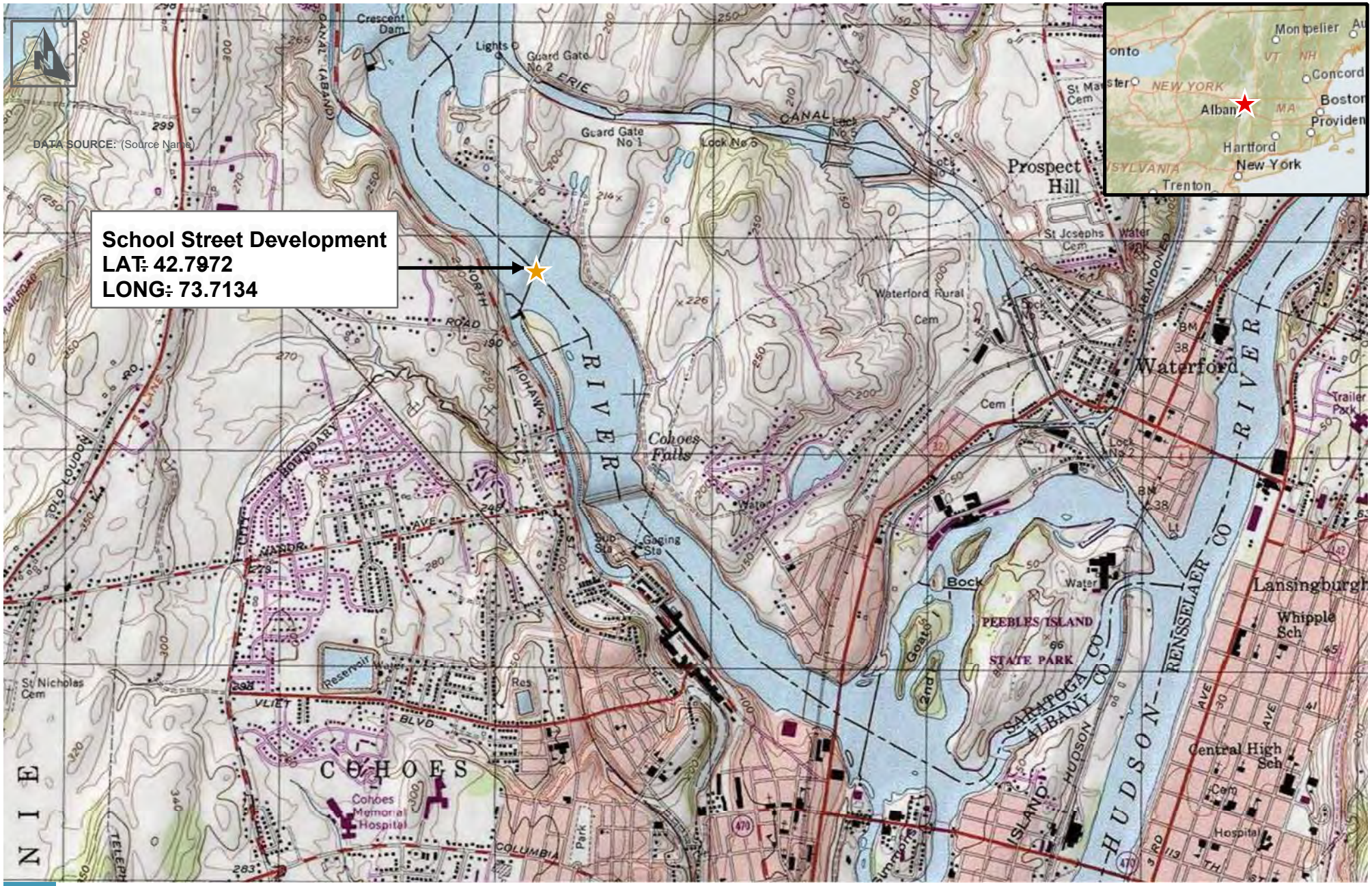
Erie would appreciate a response within 30 days of the date of this letter. Thank you in advance for your assistance, and if you have any questions, please do not hesitate to contact me at (518) 743-2093 or by email at ian.borlang@brookfieldrenewable.com.

Sincerely,

Ian Borlang
Compliance Manager,
Eastern Region, Atlantic Operations

Attachment

cc: B. Garrett (Erie)
D. Daoust (Erie)



Brookfield

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SCHOOL STREET HYDROELECTRIC PROJECT

FERC NO. 2539

MOHAWK RIVER, COHOES, NEW YORK

PATH: G:\PROJECTS\BROOKFIELD\133301_NYWESTCOMPLIANCE\MAP_DOCS\SCHOOL STREET LIHI MAP.MXD - USER: KAUSTIN - DATE: 1/8/2016

Brookfield

Brookfield Renewable Energy Group
399 Big Bay Road,
Queensbury, NY 12804

Tel 518.743.2017
Fax 518.745.4292
www.brookfieldrenewable.com

January 14, 2016

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

Subject: **School Street Hydroelectric Project (FERC No. 2539)**
Threatened and Endangered Species Consultation

Dear Mr. Stillwell:

Erie Boulevard Hydropower, L.P. (Erie) is the owner, operator, and licensee of the School Street Hydroelectric Project (FERC No. 2539). The project is located on the Mohawk River within Albany and Saratoga Counties, New York.

As a matter of background, a Federal Energy Regulatory (FERC) license for the Project was issued on February 15, 2007.

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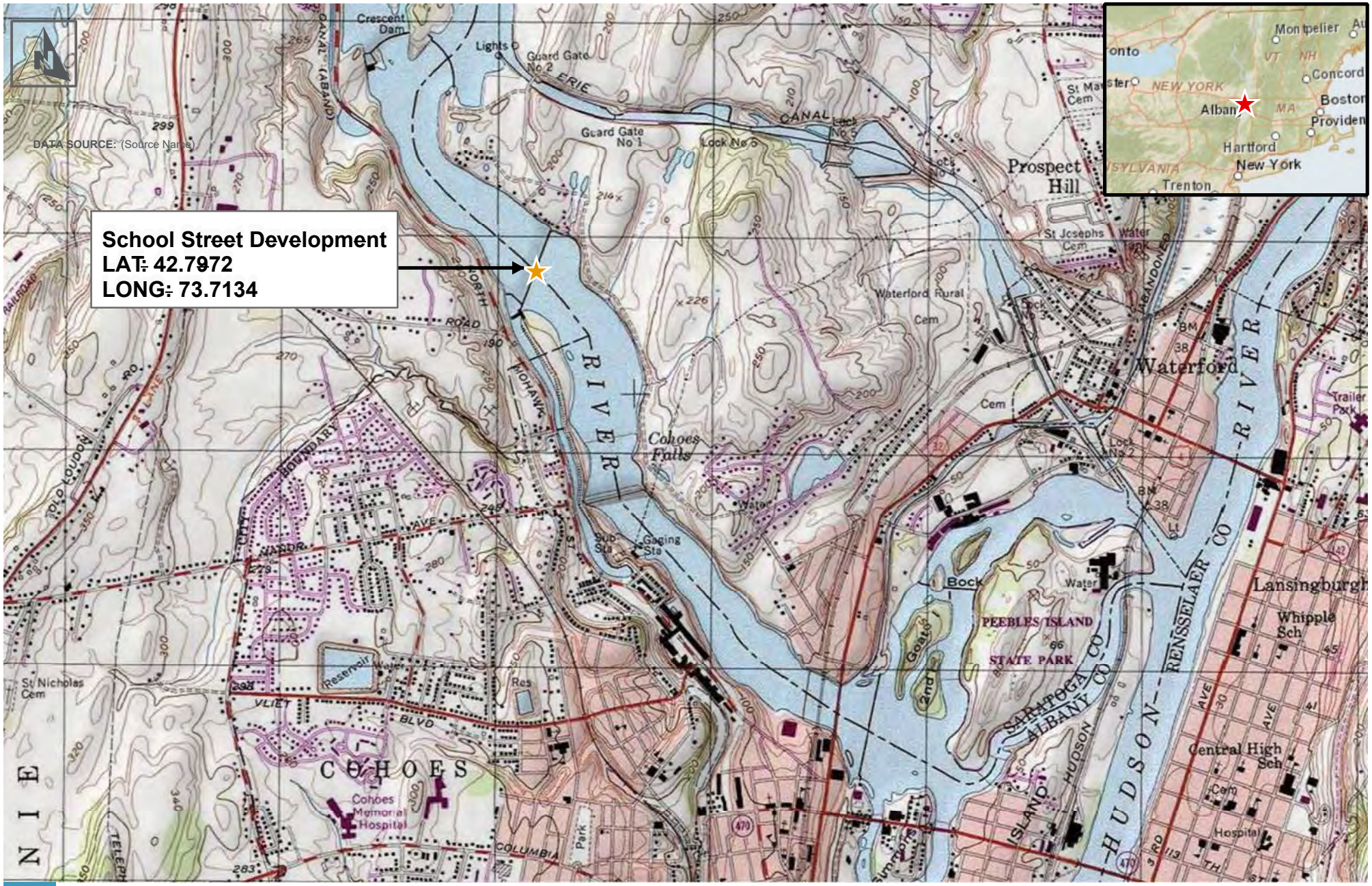
Erie would appreciate a response within 30 days of the date of this letter. Thank you in advance for your assistance, and if you have any questions, please do not hesitate to contact me at (518) 743-2093 or by email at ian.borlang@brookfieldrenewable.com.

Sincerely,

Ian Borlang
Compliance Manager
Eastern Region, Atlantic Operations

Attachment

cc: B. Garrett (Erie)
D. Daoust (Erie)



Brookfield

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SCHOOL STREET HYDROELECTRIC PROJECT

FERC NO. 2539

MOHAWK RIVER, COHOES, NEW YORK

PATH: G:\PROJECTS\BROOKFIELD\133301_NYWESTCOMPLIANCE\MAP_DOCS\SCHOOL STREET LIHI MAP.MXD - USER: KAUSTIN - DATE: 1/8/2016

From:	Doran, Sandra
To:	Borlang, Ian
Cc:	Sandra Doran
Subject:	School Street Hydro (FERC 2539) T&E
Date:	Thursday, January 28, 2016 8:26:10 AM

Hi Ian -

I receive your letter of January 14th, 2016. I understand that Erie Boulevard Hydropower is looking to update the species information for this project. On 2/6/2012, we responded to Matt Johnson regarding T&E species. Since then, the northern long-eared bat was listed as a threatened species (with a 4(d) rule) on May 4, 2015.

To update your files, we recommend that you revisit our website, obtain a new species list and send your effects determination to us.

To respond to your letter, I will be sending you a fax back with this information. If you have any questions, please call.

Sandie -

-

Sandra Doran, Fish & Wildlife Biologist
Conservation Planning Assistance/Endangered Species Branch
U.S. Fish & Wildlife Service New
York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045
(607) 753-9334 Ext. 0586 (voice)
(607) 753-9699 (fax)
http://nyfo.fws.gov (web)
sandra_doran@fws.gov (email)

From:	VanDonsel, MaryEllen
To:	Borlang, Ian
Cc:	Sandra Doran
Subject:	School Street Threatened and Endangered Species Consultation
Date:	Thursday, January 28, 2016 9:44:29 AM
Attachments:	12TA0156out dated 1-28-2016.pdf

Hello -

Please see the attached file for information on obtaining threatened and endangered species information relative to the subject project. A confirmation copy will not be sent unless requested.

Have a nice day.

MaryEllen VanDonsel
U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045
email:
maryellen_vandonsel@fws.gov
phone: 607-753-9334 fax: 607-753-9699

"In all things of nature there is something of the marvelous." - Aristotle

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office
3817 Luker Road
Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo

Document Control Number:_____12TA0156_____

To:_____Ian Borlang_____ Date:_____Jan 28, 2016_____

Regarding:__School Street Hydroelectric Project (FERC No. 2539)_____

Town/County: _____Mohawk River, Albany and Saratoga Counties_____

We have received your request for information regarding occurrences of federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. In an effort to streamline project reviews, species lists may now be obtained from our website at **http://www.fws.gov/northeast/nyfo/es/section7.htm**. Please go to this site and follow the instructions to obtain: an official list request response; information about listed, proposed, and candidate species; and steps to complete initial assessments of whether a species may be present and impacted by a proposed action. Please note that this process involves two parts: (1) visiting the U.S. Fish and Wildlife Service's IPaC website to obtain an official species list; and (2) returning to the New York Field Office's website to complete the remaining steps in determining your project's potential impacts.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq*.) prohibits unauthorized taking* of listed species and applies to federal and non-federal activities. Additionally, threatened and endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires federal agencies, in consultation with the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of designated critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all federal actions that may affect listed species.

For projects not authorized, funded, or carried out by a federal agency, we provide technical assistance to individuals and other non-federal entities to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

*Under the ESA and regulations, it is illegal for any person subject to the jurisdiction of the United States to ***take*** (includes harass, harm,

pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. “Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

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

Joe Martens
Commissioner

January 29, 2016

Ian Borlang
Brookfield Renewable Energy Group
399 Big Bay Road
Queensbury, NY 12804

Re: School Street Hydroelectric Project (FERC No. 2539) certification as low impact project
Town/City:City Of Cohoes, Waterford. County: Albany, Saratoga.

Dear Ian Borlang:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records in our database of state-listed species, nor of significant natural communities, on your site or in its vicinity. (While bald eagles are regularly observed in the vicinity of Cohoes Falls, we have no records of nest sites in the vicinity.) We have records of rare unlisted animals in the vicinity of the project, as listed in the enclosed report.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is 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.

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 or 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.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

New York Natural Heritage Program

Report on Rare Animals, Rare Plants, and Significant Natural Communities

The following rare animals have been documented in or along the Mohawk River in the vicinity of the School Street Hydroelectric Project.

We recommend that potential onsite and offsite impacts of the proposed project on these species be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*HERITAGE CONSERVATION STATUS*
Dragonflies and Damselflies			
Russet-tipped Clubtail	*Stylurus plagiatus*	Unlisted	Critically Imperiled in NYS 13104
Midland Clubtail	*Gomphurus fraternus*	Unlisted	Vulnerable in NYS
14381 Mohawk River, 2008-06-27: These two rare dragonfly species were found along the east shore of the Mohawk River just upstream of the Crescent Dam, adjacent to a public boat launch and the Colonie landfill.			
Freshwater Mussels			
Alewife Floater	*Anodonta implicata*	Unlisted	Crically Imperiled in NYS
14381 Mohawk River, Town of Waterford, 1978. (No further details on location available.)			

This report only includes records from the Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at http://plants.usda.gov/index.html (for plants).

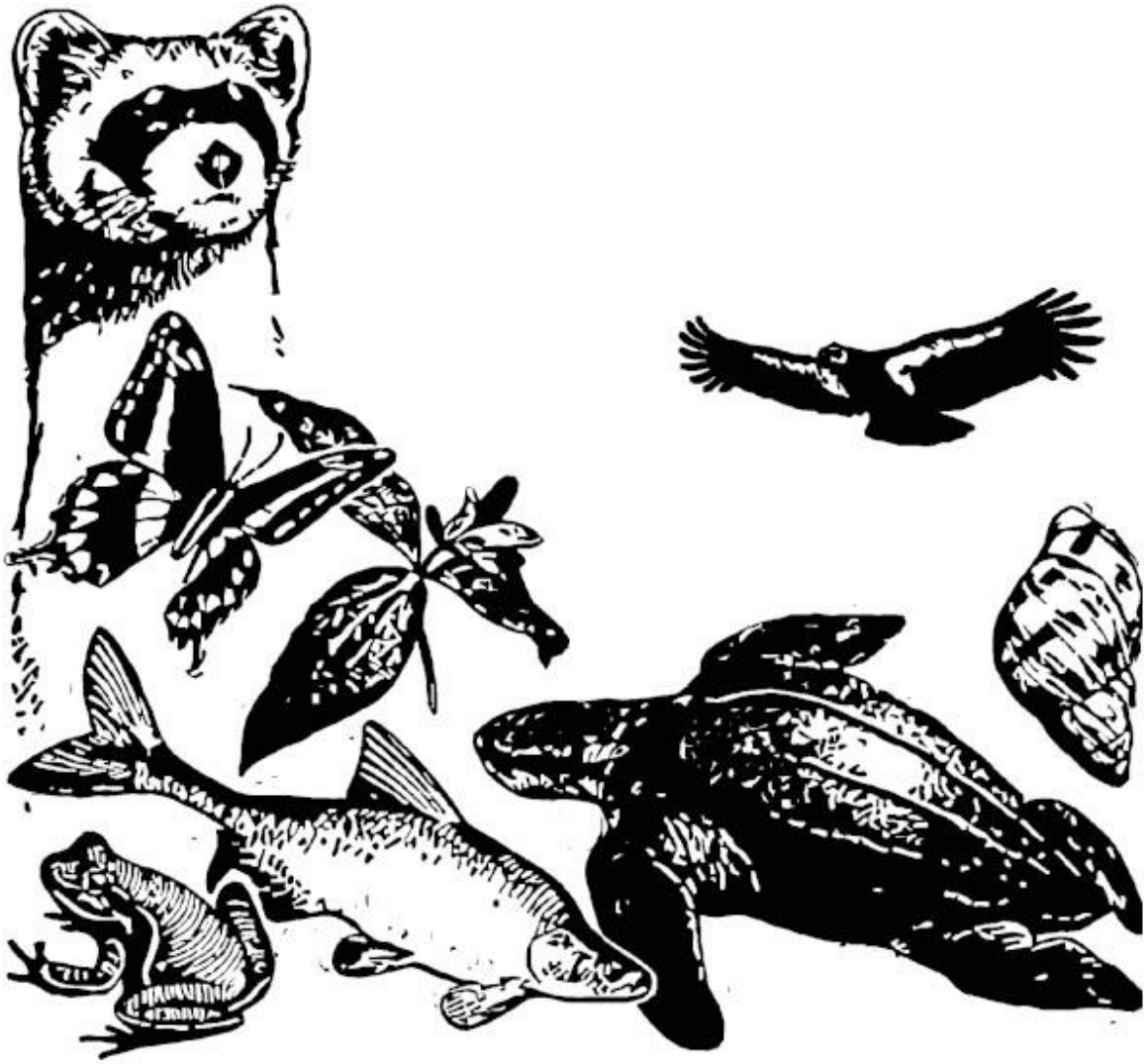
U.S. Fish & Wildlife Service

School Street Hydroelectric Project

IPaC Trust Resource Report

Generated February 03, 2016 05:52 PM MST, IPaC v2.3.2

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



IPaC - Information for Planning and Conservation (http://ecos.fws.gov/ipac/): A project planning tool to help streamline the U.S. Fish & Wildlife Service environmental review process.

US Fish & Wildlife Service

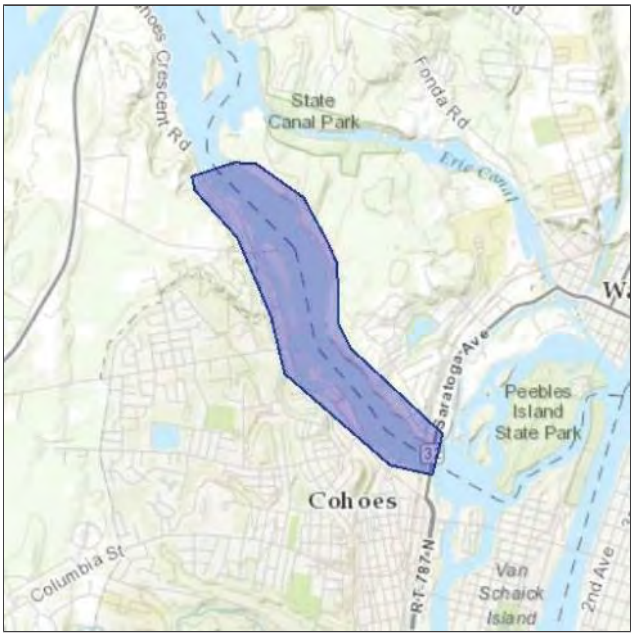
IPaC Trust Resource Report

NAME

School Street Hydroelectric Project

LOCATION

Albany and Saratoga counties, New York



DESCRIPTION

The Project is a 38.8-megawatt, federally licensed hydroelectric project. The Project is located on the Mohawk River in Albany and Saratoga Counties, NY. The original dam was constructed in 1831 and electric power generation commenced in 1916. A renewed operating license was issued in 2007 from the Federal Energy Regulatory Commission. The licensee is seeking certification from the Low Impact Hydropower Institute which requires applicants consult resource agencies regarding endangered species.

IPAC LINK

http://ecos.fws.gov/ipac/project/WQDIU-GNKI5-FELAC-JN5MR-YRB5DY

U.S. Fish & Wildlife Contact Information

Trust resources in this location are managed by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9349
(607) 753-9334

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require FWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from the Regulatory Documents section in IPaC.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Mammals

Northern Long-eared Bat Myotis septentrionalis — Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity which results in the of migratory birds or eagles is prohibited unlesstake authorized by the U.S. Fish and Wildlife Service ( ). There are no provisions for[1] allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

Additional information can be found using the following links: • Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php • Conservation measures for birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php • Year-round bird occurrence data http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php

The following species of migratory birds could potentially be affected by activities in this location:

American Bittern Botaurus lentiginosus
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3

Bald Eagle Haliaeetus leucocephalus Year-round
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008

Black-billed Cuckoo
Coccyzus erythropthalmus
Season: Breeding
https://ecos.fws.gov/tess

_public/profile/speciesProfile.action?spcode=B0HI

Black-crowned Night-heron Nycticorax nycticorax
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EU

Blue-winged Warbler Vermivora pinus
Season: Breeding

Canada Warbler Wilsonia canadensis
Season: Breeding

Golden-winged Warbler Vermivora chrysoptera
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4
Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Olive-sided Flycatcher Contopus cooperi
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN

Peregrine Falcon Falco peregrinus
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU

Pied-billed Grebe Podilymbus podiceps
Season: Breeding

Prairie Warbler Dendroica discolor
Season: Breeding

Red-headed Woodpecker Melanerpes erythrocephalus
Season: Breeding

Short-eared Owl Asio flammeus
Season: Wintering
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD

Upland Sandpiper
Bartramia longicauda
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC

Willow Flycatcher
Empidonax traillii
Season: Breeding
https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6

Wood Thrush
Hylocichla mustelina
Season: Breeding
Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Bird of conservation concern

Refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns. **There are no refuges in this location**

APPENDIX F

CULTURAL RESOURCES

Brookfield

Brookfield Renewable Energy Group
399 Big Bay Road,
Queensbury, NY 12804

Tel 518.743.2017
Fax 518.745.4292
www.brookfieldrenewable.com

February 8, 2019 Project No. 2539-New York

School Street Hydroelectric Project

Erie Boulevard Hydropower, L.P.

Hon. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street
Washington, D.C. 20426

Subject: **School Street Hydroelectric Project (P-2539); Article 403 - Historic Properties Management Plan Annual Report**

In reference to: Order Approving Historic Properties Management Plan; 122 FERC ¶ 62,054; Issued January 23, 2008.

Dear Secretary Bose:

Brookfield Renewable (Brookfield), on behalf of Erie Boulevard, Hydropower LP, the licensee of the referenced project, is hereby submitting the 2018 Historic Properties Management Plan, (HPMP), Annual Report, in letter form, for the above-referenced Hydroelectric Project.

The order issuing new license was issued on February 15, 2007. Article 407, 409 stipulates that "Amendment to the 1996 Programmatic Agreement Among the Federal Energy Regulatory Commission, the Advisory Council on Historic Preservation, and the New York State Historic Preservation Officer for Managing Historic Properties That May Be Affected By Licensee Issued for the Continued Operation of the Hydroelectric Power Projects in Upstate New York". There are historic resources at the project, and a HPMP for School Street was submitted in 2007. The Amendment prescribes that a HPMP shall be prepared and implemented to ensure continued compliance, and requires that Erie file an Annual Report with FERC, SHPO, and the Tribes, on activities undertaken that may be subject to the HPMP. Please be advised that there have been no ground disturbing activities that would be subject to the HPMP since the filing of the last report dated February 15, 2018.

If you have any questions, please don't hesitate to contact me at (518) 743-2007 or at Jason.Zehr@brookfieldrenewable.com.

Sincerely,

Jason Zehr
Compliance Specialist, Atlantic North Operations cc: D. Maguire (Brookfield)
M. Johnson
J. Elmer
M. Sutton

O. Hooper
J. Spain (FERC-NYRO)
N. Agnoli D. Fedele
D. Bagrow (NYSHPO)
Chief Ron LaFrance Jr. (St. Regis Mohawk Tribe)

Document Content(s)

Brookfield
Renewable Power

Hudson River Operations
399 Big Bay Road
Queensbury, NY 12804

Tel (518) 743-2017
Fax (518) 745-4292
www.brookfieldpower.com

FERC Project No. 2539-NY;
School Street Hydroelectric Project,
re: Removal of Old Conboy Ave. Bridge

June 19, 2009
(Via E-file)

Hon. Kimberly D. Bose, Secretary
Room 1-A
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: School Street Hydroelectric Project; P-2539
Correspondence re: Removal of the Old Conboy Avenue Bridge

Dear Secretary Bose:

Erie Boulevard Hydropower, L.P. (Erie) wishes to provide a brief response to the recent correspondence to the Commission from Walter and June Cherniak and Mr. Walter Lipka, (Accession No. 20090617-0034, as posted to the docket on June 17, 2009), concerning the removal of the so-called "Conboy Avenue Bridge" from the intake canal at Erie's School Street Hydroelectric Project (FERC Project No. 2539).

The subject letter accurately notes that Erie will be removing the old Conboy Avenue bridge (and two supporting pier structures) from the current location spanning the School Street Project intake canal. The letter acknowledges that such removal is an "understandable requirement".

However, the correspondence goes on to indicate "concern" with Erie's "proposals" for subsequent disposition of the bridge, specifically noting that Erie "proposes to either relocate the bridge from the site area and out of the city (sic) of Cohoes, or scrap and dispose of the bridge." They conclude that "Neither of these alternatives seems consistent with the stipulations in the license agreement issued to (Erie) in February 2007", noting that the Historic Properties Management Plan (HPMP) for the site "must consider the preservation and rehabilitation of historic features within the site area". They also note that the Conboy Avenue Bridge is specifically mentioned as one of these resources.

Erie wishes to clarify and be on the record that we are in fact in full compliance with the requirements and intent of the HPMP with regards to historic features, and certainly with

respect to the old bridge. The HPMP specifically acknowledges that removal of the old bridge from its current location is necessary and appropriate. Erie, in close coordination with the City of Cohoes, the National Park Service, and other agencies and stakeholders, has diligently pursued all reasonable and appropriate avenues with regards to the potential relocation of the bridge. As a result of those efforts, removal of the bridge, donation to the City of Cohoes, and transport to a suitable location per their direction was agreed to by all parties. It was anticipated at that time that the City would be placing the structure in close proximity to a remnant section of the historic Erie Canal, which was more in keeping with its original use and location prior to being relocated to span the School Street intake canal.

However, as the work within the power canal was being initiated earlier this year, and Erie's contractor began to plan for the removal and relocation of the bridge, the City informed us that for a number of reasons, including public safety and liability concerns, they were no longer interested in taking ownership of the iron structure and relocating it to a site within the City.

As a result of this decision by the City, Erie contacted Mr. Duncan Hay of the National Park Service to inform him of this dilemma and inquire as to an appropriate course of action. Following some initial outreach efforts on our behalf by Mr. Hay, he was able to identifying several potential entities that might have an interest in the structure, including a couple of groups with ongoing trail development initiatives in the nearby area.

At this point, and as we recently presented to the City of Cohoes Historic Preservation Board (meeting of June 16, 2009), Erie has been able to identify one group, there is a trails group in nearby Clifton Park, NY that has indicated a possible initial interest in the bridge. However, the planning and development process for that trail system is currently ongoing, and it will be several months if not a year or more before they will have a better idea of whether the structure is consistent with their trail plans and associated needs. While donation and placement of the bridge at a suitable location with within the City of Cohoes was and remains the preferred alternative for its ultimate disposition, the fact remains that this currently appears unlikely, and other options are therefore being appropriately pursued.

At this point in time, Erie must remove the structure and associated piers in the very near future as the canal work is nearing completion, the temporary access roads will soon be removed, and the canal will be re-watered. However, as we continue to actively explore the available options for final disposition of the bridge, Erie still plans to remove the structure from the canal as originally planned and agreed to (likely requiring it be separated into two sections), and will temporarily store the structure on-site. At our recent meeting with the City of Cohoes Historic Preservation Board, it was specifically agreed that Erie would store the bridge sections on-site for up to two years as we explore options for relocating the structure.

If Commission staff should have any further questions regarding this matter, please do not hesitate to contact the undersigned at (518) 743-2012.

Sincerely,

Timothy Lukas
Compliance Specialist
for Erie Boulevard Hydropower, L.P.

cc: Ruth Pierpoint, Director, NY State Office of Parks, Recreation and Historic Preservation
Reed Nelson, Director, Office of Federal Agency Programs,
Advisory Council on Historic Preservation
Melissa Ashline-Heil, Director, Cohoes Dept. of Building and Planning
T. Uncher
J. Vallee

New York State Office of Parks,
Recreation and Historic Preservation

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

Division for Historic Preservation

Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

January 27, 2015

Ian Borlang
Compliance Manager
Brookfield Renewable Power
399 Big Bay Rd
Queensbury, NY 12804

Re: FERC
School Street Hydroelectric Project Land Transfer
Cohoes Falls, Mohawk River
City of Cohoes, Albany County and Town of Waterford, Saratoga County 12PR02574

Dear Mr. Borlang:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966.

SHPO has received information (letter dated 23 December 2014) from Brookfield Renewable Power, Inc., parent of Erie Boulevard Hydropower, LP, which holds the current license to operate the School Street Hydroelectric Project (FERC No. 2539), regarding their intent to transfer a portion of the project property to an entity known as the Hiawatha Institute of Indigenous Knowledge (HIIK).

The School Street plant is located at Cohoes Falls which is historically associated with the formation of the Haudenosaunee (Iroquois) Confederacy and also lies within the traditional territory of the Mohican Nation. Consequently, this area has the potential to hold religious/cultural significance for a number of Native American Nations. Since the portion of the property proposed for transfer was not part of the Area of Potential Effects (APE) for the license renewal (07PR05392), its cultural/historical/religious significance was not specifically addressed during the relicensing process.

Therefore, SHPO recommends that the Federal Energy Regulatory Commission (FERC), the federal licensing agency for the School Street project, should consult with all of the consulting parties, including the federally-recognized Indian Nations and the SHPO, to determine the property's eligibility for listing on the National Register of Historic Places and/or as a traditional cultural property, to assess the potential effect of the proposed property transfer, and to reach an agreement among the consulting parties regarding the disposition of the property.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov via e-mail only

cc: David Arquette, Mohawk Nation Council of Chiefs (via U.S. mail)
Kimberly Bose, FERC (efile)
Bonney Hartley, Stockbridge-Munsee Community Band of Mohicans (via email)
Mohawk Council of Akwesasne (via U.S. mail)
Rachel Price, FERC (via email)
Arnold Printup, St. Regis Mohawk Tribe (via email)
Sherry White, Stockbridge-Munsee Community Band of Mohicans (via email)

Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS

TRIBAL COUNCIL OFFICES

September 25, 2015

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

BY eFILING

DOCKET NO.: P-2539-000

RE: Comments on Application for Non-Capacity Amendment of License (Modification of Project Boundary) for School Street Hydroelectric Project by Erie Boulevard Hydropower, LP

Dear Secretary Bose and Deputy Secretary Davis:

The Stockbridge-Munsee Community is a federally-recognized Indian tribe (80 Fed. Reg. 1942, 1946 (2015)) that is made up of Mohican Indians and Munsee Indians and has an ancestral homeland encompassing land in what is now New York State. The Stockbridge-Munsee Community ("Stockbridge") has reviewed the above-referenced application materials prepared by Erie Boulevard Hydropower, LP ("Erie") and submits the following comments.

1. In its application, Erie proposes to modify the project boundary of the School Street Hydroelectric Project (FERC No. 2539) to exclude a 3.38± acre strip of land ("Subject Land"). Stockbridge does not oppose this modification of the project boundary to exclude the Subject Land. However, as part of its application, Erie has also proposed the transfer this Subject Land to the Hiawatha Institute of Indigenous Knowledge ("HIIK"). Stockbridge opposes this transfer to the HIIK.

2. Since it learned of the intended modification of project area to exclude the Subject Land in 2012, Stockbridge has taken the consistent position that it would like to have the lands transferred to it. Stockbridge has been in communication with the other federally-recognized tribe, the St. Regis Mohawk Tribe ("Mohawks"), who is involved in this matter about their interest in the Subject Land and offered to enter into an access agreement with them to ensure that their interests are protected. Stockbridge feels that it is in the best interests of the tribes to have the land transferred to a federally-recognized Indian tribe, as compared to a non-profit group that was established in 2011. Stockbridge is better situated to protect and be responsible for the Subject Land, as well as ensure tribal access to Cohoes Falls, in perpetuity.

   Stockbridge had suggested that Erie schedule a joint consultation meeting with both tribes to discuss the disposition of the Subject Land and any concerns that

Erie may have about the Mohawks' ability to access the property in letters sent in 2014 and 2015. No consultation was scheduled to discuss the matter.

3. Stockbridge is offended by Erie's unwarranted bias against it throughout the application document and this entire process. Stockbridge has an interest in the project area and Subject Land. The Programmatic Agreement for this project identifies that there are indications of a Mohican presence in the area as the New York State Historic Preservation Office reminded Erie shortly before this application was submitted (*See*, August 7, 2015 letter from Nancy Herter that was attached to the application). Stockbridge has also identified that it has historical ties to Cohoes Falls.

   Nevertheless, Erie's application contains the consistent theme of minimizing Stockbridge's interest as compared to the interest of the Haudenosaunee.[1] Erie takes this approach despite their acknowledgement that the Mohawks have not submitted any comments on the proposal. Furthermore, the repeated reference to Haudenosaunee, as compared to referencing the Mohawks as the specific Haudenosaunee tribe with an identified interest, may be done to provide further cover for Erie's preference for working with HIIK. HIIK is a Haudenosaunee-based organization and the Mohicans are not Haudenosaunee.

   It appears that Erie initiated this process with a preferred approach and, instead of considering Stockbridge's request that the land be transferred to it, attempted to have Stockbridge fall in line with their plans. As they admit in Section E.4.1 (on the bottom of page E-8), they even tried to get Stockbridge to join the HIIK rather than working with the only federally-recognized tribe who has shown an interest in obtaining the Subject Land as of this time.

4. Stockbridge also has the following comments in response to specific language in Erie's August 31, 2015 application.

   a. Under E.2 (the 1st full sentence on page E-2), the application references the Subject Land lying adjacent to Cohoes Falls and the Haudenosaunee and Mohicans ties to the area. The middle of this sentence contains a disturbing use of the phrase "and perhaps only by them." It can be construed as implying that Stockbridge's assertions of Mohican ties to the area are baseless, which is not supported by the facts.

   b. Also under E.2 (at the end of the above-referenced sentence on page E-2), Erie has inserted a footnote referencing Stockbridge's "alleged ancestral claim to significant acreage elsewhere in upstate New York." The referenced case, which was dismissed on laches-like grounds without reaching the merits, has absolutely no connection to the project area.[2] The only reason

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[1] The Mohawks are one member of the Haudenosaunee confederacy of tribes. The record does not show any of the Haudenosaunee member tribes, other than the Mohawks, had a physical presence in the region around Cohoes Falls.

[2] Similar land claims brought by Haudenosaunee tribes have also been dismissed on the same laches-like grounds.

that Stockbridge can see to include reference to the lawsuit, as well as the way it was referenced, is to attempt to discredit Stockbridge and its offer to accept the transfer of the Subject Land.

c. The application references the importance of Cohoes Falls to the Haudenosaunee in E.2 (the 11th line on page E-2). While Stockbridge does not dispute it is important to the Mohawks, it sees this reference as being another attempt to disvalue its offer to accept the transfer of the land as it does not acknowledging Mohican ties and Stockbridge's current interest and involvement in this process.

d. Under E.4.1 (on the bottom of page E-8), Erie asserts that Stockbridge never responded to the offer to have Stockbridge join HIIK. This statement is not accurate. Stockbridge sent a responsive email to both HIIK and Erie's representative on March 19, 2014 indicating that Stockbridge was not interested in pursuing joining HIIK. Stockbridge also sent a separate letter to Erie's representative also dated March 19, 2014 reiterating its interest in the Subject Land and requesting a meeting be scheduled with the Mohawks. Copies of both of these communications are attached to this comment letter.

e. Also under E.4.1 (on page E-10, immediately before E.4.2), there is language referencing the importance of Cohoes Falls to the Haudenosaunee and that Stockbridge has not identified any specific significant interest in the Subject Land. This statement conflates 2 items that are not the same. As previously stated in the application, Cohoes Falls is not part of the Subject Land or in the project boundary. However, the statement seems to be equating an interest in this offsite feature with Stockbridge not identifying a specifically stated interest in the Subject Land (while remaining silent on whether the Mohawks, or Haudenosaunee in general, have a specific interest in the Subject Land itself as well as in Cohoes Falls).

f. Stockbridge strongly disagrees with the approach toward the discussion in the final 2 paragraphs of E.5.6 (page E-18). These paragraphs continue to take the same approach as previously described of undervaluing Mohican ties and emphasizing Mohawk ties to the off-site Cohoes Falls. However, they go further and make the assumption that the transfer of the land to a third-party group better protects the land and access by Native Americans than the conveyance of the land to a federally-recognized Indian tribe. If the concern is whether the Mohawks will have access, Stockbridge has already indicated it would be willing to enter into an agreement assuring access over the Subject Land. The application is silent as to what HIIK will do to provide access to both the Mohawks and Stockbridge if they receive the Subject Land.

g. The 1st sentence of E.6.1.5 (page E-20) states that Cohoes Falls is identified as significant site for both the Mohawks and Stockbridge. However, in the very next sentence "Erie recognizes that Cohoes Falls has cultural and historical significance to the Mohawk Nations." No similar recognition of

Mohican ties in the area is provided. The following paragraph uses the same approach to discount Mohican ties and Stockbridge's offer to accept the land as has been previously described in this letter.

h. The final paragraph of E.6.1.5 (page E-21) contends that none of the consulting parties identified a potential adverse effect from the proposed amendment under this application. Stockbridge disagrees with this statement and had identified its concerns in its February 6, 2015 comment letter. While Stockbridge agrees that it does not see an adverse impact from part of the proposed action (the exclusion of the Subject Land from the project area), it had identified a potential adverse effect from the transfer to HIIK. The federally-recognized tribes could lose access to Cohoes Falls over the Subject Land if HIIK chose to deny access, if the organization was dissolved, if it failed to pay any assessed taxes or to properly maintain the Subject Land. HIIK is a relatively new organization and only been in existence as a legal entity since 2011. A federally-recognized Indian tribe like Stockbridge is better positioned to take ownership and responsibility for the Subject Land, as well as to ensure future access to Cohoes Falls.

In summary, Stockbridge is deeply concerned by the biased tone and conclusions in Erie's application. Stockbridge also is disappointed that Erie ignored the repeated requests for a joint meeting to discuss the disposition of the Subject Land before issuing this application. Stockbridge does not believe that its interests would be served by the transfer of the land to HIIK and support this document that seems targeted toward that conclusion.

Sincerely,

Wallace A. Miller
Tribal President

Enclosures

Cc: Stockbridge-Munsee Tribal Council
Stockbridge-Munsee Historic Preservation Department
Stockbridge-Munsee Legal Department
Advisory Council for Historic Preservation
Attached Distribution List

School Street Hydroelectric Project
Stakeholder Distribution List

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

Wendy Weber, Regional Director
U.S. Fish and Wildlife Service
Northeast Region
300 Westgate Center Dr.
Hadley, MA 01035

Mark Woythal
NYSDEC
625 Broadway
5th Floor
Albany, NY 12233-4756

Duncan Hay
U.S. Department of Interior
National Park Service
15 State Street 10th Floor
Boston, MA 02109-3502

Mr. George E. Primeau Sr., Mayor
City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

Bob Radliff, Executive Director
Erie Canalway National Heritage Corridor
1 Deleware Avenue
Cohoes, NY 12047

Hudson-Mohawk State Heritage Area
(RiverSpark)
Burden Iron Works Museum
1 E. Industrial Parkway
Troy, NY 12180-5942

John, R. Koelmel, Chairman
New York Power Authority
123 Main Street
Mail Stop 10-H
White Plains, NY 10601-3170

John E. Lawler, Supervisor
Town of Waterford
65 Broad Street
Waterford, NY 12188

A. Charles Parker, President
New York State Conservation Council, Inc.
8 East Main Street
Ilion, NY 13357-1899

Ms. Ruth Pierpont
New York State Office of Parks, Recreation and
Historical Preservation
Peebles Island Resource Center
Delaware Avenue
Cohoes, NY 12047

Parks and Trails New York
29 Elk Street
Albany, NY 12207

Rensselaer County Conservation Alliance, Inc.
P.O. Box 1055
Troy, NY 12181

Chiefs Ron LaFrance, Jr., Paul O. Thompson,
and Beverly Cook
Saint Regis Mohawk Tribe
412 State Route 37
Hogansburg, NY 13655
Attn: Arnold Printup, THPO

Mohawk Council of Akwesasne
P.O. Box 579
Cornwall, Ontario K6H 5T3

David Arquette
Mohawk Nation Council of Chiefs
398 State Route 37
Hogansburg, NY 13655

Mr. Wally Miller, President
Stockbridge-Munsee Community – Mohican
Nation
N8510 Muh-He-Con-Nuck St.
Bowler, WI 54416

Mr. Mike Ludwig
U.S. Department of the Interior National Marine
Fisheries Service Habitat & Protection Resource
Division 212 Rogers Avenue Milford, CT 06460

Grace Musumeci
Regional NEPA Coordinator
U.S. Environmental Protection Agency
Region 2
290 Broadway, 25th Floor New York, NY 10007

Tim Thompson
President
Hiawatha Institute for Indigenous Knowledge
727 East Washington Street
Syracuse, NY 13244

Bridget Swanke

From: Bridget Swanke
Sent: Wednesday, March 19, 2014 3:37 PM
To: 'Joanne Shenandoah'
Cc: kanentiio@aol.com; shenandoahjoanne@gmail.com; JohnKim.Bell@brookfieldrenewable.com
Subject: RE: Following up on Cohoes Falls land transfer

I forwarded your request for a phone conference to the Stockbridge-Munsee Tribal Council. They are not interested in scheduling a phone conference with the Hiawatha Institute of Indigenous Knowledge to discuss the Cohoes Fall land issue at this time. Thank you for your offer though.

Bridget Swanke
Staff Attorney
Stockbridge-Munsee Community
P.O. Box 70, N8476 Moh He Con Nuck Road, Bowler, WI 54416
715-793-4868 (fax: 715-793-4856)
bridget.swanke@mohican-nsn.gov

From: Joanne Shenandoah [mailto:shenandoaj@aol.com]
Sent: Tuesday, February 18, 2014 6:45 AM
To: JohnKim.Bell@brookfieldrenewable.com; Robert Chicks; Bridget Swanke; starlyn.tourillott@mohican-nsn.gov
Cc: kanentiio@aol.com; shenandoahjoanne@gmail.com
Subject: Following up on Cohoes Falls land transfer

Good Morning to our brothers and sisters of the Mohican Nation,

I am pleased to respond to the email from John Kim Bell regarding the on-going discussion regarding Cohoes Falls. It would be our honor to discuss the vision of this sacred site and to set up a phone conference with you. Would you kindly let us know two different dates when we might be able to have a phone conference? Doug and I will be traveling starting February 23 through March 12, but can certainly make time to conference with you.

I look forward to hearing from you.

In Peace and Friendship, Respectfully yours,
Joanne Shenandoah

-----Original Message-----
From: Bell, John <JohnKim.Bell@brookfieldrenewable.com>
To: 'robert.chicks@mohican-nsn.gov' <robert.chicks@mohican-nsn.gov>; 'bridget.swanke@mohican-nsn.gov' <bridget.swanke@mohican-nsn.gov>; 'starlyn.tourillott@mohican-nsn.gov' <starlyn.tourillott@mohican-nsn.gov>
Cc: 'kanentiio@aol.com' <kanentiio@aol.com>; 'shenandoaj@aol.com' <shenandoaj@aol.com>; 'shenandoahjoanne@gmail.com' <shenandoahjoanne@gmail.com>
Sent: Thu, Feb 6, 2014 11:19 am
Subject: John Kim Bell following up on Cohoes Falls land transfer

Good Morning Robert, Bridget and Starlyn: Happy New Year to all. I am following up from our meeting last fall to continue discussions regarding Brookfield's land transfer to the Hiawatha Institute of Indigenous Knowledge. When last we met you were about to have an election. I would be pleased to have an update and to continue our discussion regarding the position your chief and council is taking on the land transfer. The Hiawatha Institute would like to invite a representative appointed by your chief and council to be an active participant in determining how this historic site should be commemorated. I would like to put Doug George and Joanne Shenandoah from the board of the Hiawatha Institute in touch with you and am copying them on this email so that they can contact you directly to discuss the project. I would be happy to have a telephone call with you to discuss next steps. Please advise when you might be available to talk and thanks. Kind regards, John Kim

John Kim Bell
Senior Advisor, Aboriginal Affairs
Brookfield Renewable Energy Group
480 de la Cite Boulevard
Gatineau, Quebec J8T 8R3
Telephone: 819.561.8692
Fax: 819.561.7188
Mobile: 647.293.8614
Email: johnkim.bell@brookfieldrenewable.com

Stockbridge-Munsee Community

BAND OF MOHICAN INDIANS

March 19, 2014

LEGAL OFFICE

John Kim Bell
Senior Advisor, Aboriginal Affairs
Brookfield Renewable Energy Group
480 de la Cite Boulevard
Gatineau, Quebec J8T 8R3

By Email:
JohnKim.Bell@brookfieldrenewable.com

RE: Meeting to Discuss the Transfer of Land by Cohoes Falls, NY

Dear Mr. Bell:

This letter is being provided in follow-up to our prior meeting on the proposed transfer of undeveloped land located by Cohoes Falls, NY by the Brookfield Renewable Energy Group ("Brookfield"). I have discussed the issue with the Stockbridge-Munsee Tribal Council and they have authorized me to send this letter.

First, Stockbridge confirms its position as stated in the December 12, 2012 letter provided as part of the Section 106 consultation process. Stockbridge would prefer that Brookfield transfer the property to Stockbridge. Stockbridge would then work out an agreement with the St. Regis Mohawk Tribe that allows access for Mohawk cultural ceremonies.

Second, the Stockbridge-Munsee Tribal Council suggests that a meeting be scheduled between the Stockbridge-Munsee Community, the St. Regis Mohawk Tribe, and Brookfield to discuss these issues. We feel such a meeting will be useful for laying out the positions of all the parties.

The Stockbridge-Munsee Community appreciates the willingness to and prior efforts of Brookfield to transfer the property by Cohoes Falls, NY. We understand that you had worked with the Hiawatha Institute of Indigenous Knowledge on this matter prior to learning of Stockbridge's interest through the Section 106 consultation process. However, at this point, we feel that the interests of the federally-recognized Indian tribes are better served if the land is transferred to the Stockbridge-Munsee Community.

Sincerely,

Bridget Swanke
Staff Attorney

Cc: Stockbridge-Munsee Tribal Council
Sherry White, Stockbridge-Munsee Historic Preservation Officer
St. Regis Mohawk Tribal Council
Arnold Printup, St. Regis Mohawk Historic Preservation Officer

N8476 MOH HE CON NUCK ROAD • PO BOX 70 • BOWLER, WI 54416 • (715) 793-4392 • FAX (715) 793-4856

Stockbridge-Munsee Community
BAND OF MOHICAN INDIANS

LEGAL OFFICE

November 6, 2015

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

BY eFILING

DOCKET NO.: P-2539-069
LICENSEE: Erie Boulevard Hydropower, L.P.
NAME OF PROJECT: State Street Hydroelectric Power
RE: COMMENTS on Application for Amendment of License (Modification of Project Boundary to Remove approximately 3.38 Acres)

Dear Secretary Bose and Deputy Secretary Davis:

The Stockbridge-Munsee Community, a federally-recognized Indian tribe (80 Fed. Reg. 1942, 1946 (2015)), submitted comments in relation to the action proposed by the Licensee on September 25, 2015. As these comments were submitted prior to the official comment period, this letter is to confirm that the Stockbridge-Munsee Community requests that the comments outlined in the letter dated September 25, 2015 be taken into consideration as part of this official comment period.

The Stockbridge-Munsee Community does not oppose the modification of the project boundary to exclude a 3.38± acre strip of land as a general matter. Nevertheless, as outlined in the September 25, 2015 comment letter, the Stockbridge-Munsee Community does take issue with a variety of items within the Application for Amendment of License and opposed the transfer of the 3.38± strip of land to the Hiawatha Institute of Indigenous Knowledge ("HIIK").

The Stockbridge-Munsee Community is troubled by the Application's bias against it, as well as the Application's conclusions. As the Licensee had shown a willingness to work with Indian tribes, the Stockbridge-Munsee Community had requested a joint meeting to discuss the disposition of the land at issue. Despite previous offers to host such a meeting, the Licensee never scheduled it. The Stockbridge-Munsee Community does not believe that its interests would be served by the transfer of the land to Hiawatha Institute of Indigenous Knowledge. It therefore cannot support the Application.

Sincerely,

Bridget Swanke
Senior Counsel

N8476 MOH HE CON NUCK ROAD • PO BOX 70 • BOWLER, WI 54416 • (715) 793-4392 • FAX (715) 793-4856

Stockbridge-Munsee Community

BAND OF THE MOHICAN INDIANS

TRIBAL COUNCIL OFFICES

September 25, 2015

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

BY eFILING

DOCKET NO.: P-2539-000
RE: Comments on Application for Non-Capacity Amendment of License (Modification of Project Boundary) for School Street Hydroelectric Project by Erie Boulevard Hydropower, LP

Dear Secretary Bose and Deputy Secretary Davis:

The Stockbridge-Munsee Community is a federally-recognized Indian tribe (80 Fed. Reg. 1942, 1946 (2015)) that is made up of Mohican Indians and Munsee Indians and has an ancestral homeland encompassing land in what is now New York State. The Stockbridge-Munsee Community ("Stockbridge") has reviewed the above-referenced application materials prepared by Erie Boulevard Hydropower, LP ("Erie") and submits the following comments.

1. In its application, Erie proposes to modify the project boundary of the School Street Hydroelectric Project (FERC No. 2539) to exclude a 3.38± acre strip of land ("Subject Land"). Stockbridge does not oppose this modification of the project boundary to exclude the Subject Land. However, as part of its application, Erie has also proposed the transfer this Subject Land to the Hiawatha Institute of Indigenous Knowledge ("HIIK"). Stockbridge opposes this transfer to the HIIK.

2. Since it learned of the intended modification of project area to exclude the Subject Land in 2012, Stockbridge has taken the consistent position that it would like to have the lands transferred to it. Stockbridge has been in communication with the other federally-recognized tribe, the St. Regis Mohawk Tribe ("Mohawks"), who is involved in this matter about their interest in the Subject Land and offered to enter into an access agreement with them to ensure that their interests are protected. Stockbridge feels that it is in the best interests of the tribes to have the land transferred to a federally-recognized Indian tribe, as compared to a non-profit group that was established in 2011. Stockbridge is better situated to protect and be responsible for the Subject Land, as well as ensure tribal access to Cohoes Falls, in perpetuity.

   Stockbridge had suggested that Erie schedule a joint consultation meeting with both tribes to discuss the disposition of the Subject Land and any concerns that

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Erie may have about the Mohawks' ability to access the property in letters sent in 2014 and 2015. No consultation was scheduled to discuss the matter.

3. Stockbridge is offended by Erie's unwarranted bias against it throughout the application document and this entire process. Stockbridge has an interest in the project area and Subject Land. The Programmatic Agreement for this project identifies that there are indications of a Mohican presence in the area as the New York State Historic Preservation Office reminded Erie shortly before this application was submitted (*See*, August 7, 2015 letter from Nancy Herter that was attached to the application). Stockbridge has also identified that it has historical ties to Cohoes Falls.

   Nevertheless, Erie's application contains the consistent theme of minimizing Stockbridge's interest as compared to the interest of the Haudenosaunee.[1] Erie takes this approach despite their acknowledgement that the Mohawks have not submitted any comments on the proposal. Furthermore, the repeated reference to Haudenosaunee, as compared to referencing the Mohawks as the specific Haudenosaunee tribe with an identified interest, may be done to provide further cover for Erie's preference for working with HIIK. HIIK is a Haudenosaunee-based organization and the Mohicans are not Haudenosaunee.

   It appears that Erie initiated this process with a preferred approach and, instead of considering Stockbridge's request that the land be transferred to it, attempted to have Stockbridge fall in line with their plans. As they admit in Section E.4.1 (on the bottom of page E-8), they even tried to get Stockbridge to join the HIIK rather than working with the only federally-recognized tribe who has shown an interest in obtaining the Subject Land as of this time.

4. Stockbridge also has the following comments in response to specific language in Erie's August 31, 2015 application.

   a. Under E.2 (the 1st full sentence on page E-2), the application references the Subject Land lying adjacent to Cohoes Falls and the Haudenosaunee and Mohicans ties to the area. The middle of this sentence contains a disturbing use of the phrase "and perhaps only by them." It can be construed as implying that Stockbridge's assertions of Mohican ties to the area are baseless, which is not supported by the facts.

   b. Also under E.2 (at the end of the above-referenced sentence on page E-2), Erie has inserted a footnote referencing Stockbridge's "alleged ancestral claim to significant acreage elsewhere in upstate New York." The referenced case, which was dismissed on laches-like grounds without reaching the merits, has absolutely no connection to the project area.[2] The only reason

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[1] The Mohawks are one member of the Haudenosaunee confederacy of tribes. The record does not show any of the Haudenosaunee member tribes, other than the Mohawks, had a physical presence in the region around Cohoes Falls.

[2] Similar land claims brought by Haudenosaunee tribes have also been dismissed on the same laches-like grounds.

that Stockbridge can see to include reference to the lawsuit, as well as the way it was referenced, is to attempt to discredit Stockbridge and its offer to accept the transfer of the Subject Land.

c. The application references the importance of Cohoes Falls to the Haudenosaunee in E.2 (the 11th line on page E-2). While Stockbridge does not dispute it is important to the Mohawks, it sees this reference as being another attempt to disvalue its offer to accept the transfer of the land as it does not acknowledging Mohican ties and Stockbridge's current interest and involvement in this process.

d. Under E.4.1 (on the bottom of page E-8), Erie asserts that Stockbridge never responded to the offer to have Stockbridge join HIIK. This statement is not accurate. Stockbridge sent a responsive email to both HIIK and Erie's representative on March 19, 2014 indicating that Stockbridge was not interested in pursuing joining HIIK. Stockbridge also sent a separate letter to Erie's representative also dated March 19, 2014 reiterating its interest in the Subject Land and requesting a meeting be scheduled with the Mohawks. Copies of both of these communications are attached to this comment letter.

e. Also under E.4.1 (on page E-10, immediately before E.4.2), there is language referencing the importance of Cohoes Falls to the Haudenosaunee and that Stockbridge has not identified any specific significant interest in the Subject Land. This statement conflates 2 items that are not the same. As previously stated in the application, Cohoes Falls is not part of the Subject Land or in the project boundary. However, the statement seems to be equating an interest in this offsite feature with Stockbridge not identifying a specifically stated interest in the Subject Land (while remaining silent on whether the Mohawks, or Haudenosaunee in general, have a specific interest in the Subject Land itself as well as in Cohoes Falls).

f. Stockbridge strongly disagrees with the approach toward the discussion in the final 2 paragraphs of E.5.6 (page E-18). These paragraphs continue to take the same approach as previously described of undervaluing Mohican ties and emphasizing Mohawk ties to the off-site Cohoes Falls. However, they go further and make the assumption that the transfer of the land to a third-party group better protects the land and access by Native Americans than the conveyance of the land to a federally-recognized Indian tribe. If the concern is whether the Mohawks will have access, Stockbridge has already indicated it would be willing to enter into an agreement assuring access over the Subject Land. The application is silent as to what HIIK will do to provide access to both the Mohawks and Stockbridge if they receive the Subject Land.

g. The 1st sentence of E.6.1.5 (page E-20) states that Cohoes Falls is identified as significant site for both the Mohawks and Stockbridge. However, in the very next sentence "Erie recognizes that Cohoes Falls has cultural and historical significance to the Mohawk Nations." No similar recognition of

Mohican ties in the area is provided. The following paragraph uses the same approach to discount Mohican ties and Stockbridge's offer to accept the land as has been previously described in this letter.

h. The final paragraph of E.6.1.5 (page E-21) contends that none of the consulting parties identified a potential adverse effect from the proposed amendment under this application. Stockbridge disagrees with this statement and had identified its concerns in its February 6, 2015 comment letter. While Stockbridge agrees that it does not see an adverse impact from part of the proposed action (the exclusion of the Subject Land from the project area), it had identified a potential adverse effect from the transfer to HIIK. The federally-recognized tribes could lose access to Cohoes Falls over the Subject Land if HIIK chose to deny access, if the organization was dissolved, if it failed to pay any assessed taxes or to properly maintain the Subject Land. HIIK is a relatively new organization and only been in existence as a legal entity since 2011. A federally-recognized Indian tribe like Stockbridge is better positioned to take ownership and responsibility for the Subject Land, as well as to ensure future access to Cohoes Falls.

In summary, Stockbridge is deeply concerned by the biased tone and conclusions in Erie's application. Stockbridge also is disappointed that Erie ignored the repeated requests for a joint meeting to discuss the disposition of the Subject Land before issuing this application. Stockbridge does not believe that its interests would be served by the transfer of the land to HIIK and support this document that seems targeted toward that conclusion.

Sincerely,

Wallace A. Miller
Tribal President

Enclosures

Cc: Stockbridge-Munsee Tribal Council
Stockbridge-Munsee Historic Preservation Department
Stockbridge-Munsee Legal Department
Advisory Council for Historic Preservation
Attached Distribution List

School Street Hydroelectric Project
Stakeholder Distribution List

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

Wendy Weber, Regional Director
U.S. Fish and Wildlife Service
Northeast Region
300 Westgate Center Dr.
Hadley, MA 01035

Mark Woythal
NYSDEC
625 Broadway
5th Floor
Albany, NY 12233-4756

Duncan Hay
U.S. Department of Interior
National Park Service
15 State Street 10th Floor
Boston, MA 02109-3502

Mr. George E. Primeau Sr., Mayor
City of Cohoes
97 Mohawk Street
Cohoes, NY 12047

Bob Radliff, Executive Director
Erie Canalway National Heritage Corridor
1 Deleware Avenue
Cohoes, NY 12047

Hudson-Mohawk State Heritage Area
(RiverSpark)
Burden Iron Works Museum
1 E. Industrial Parkway
Troy, NY 12180-5942

John, R. Koelmel, Chairman
New York Power Authority
123 Main Street
Mail Stop 10-H
White Plains, NY 10601-3170

John E. Lawler, Supervisor
Town of Waterford
65 Broad Street
Waterford, NY 12188

A. Charles Parker, President
New York State Conservation Council, Inc.
8 East Main Street
Ilion, NY 13357-1899

Ms. Ruth Pierpont
New York State Office of Parks, Recreation and
Historical Preservation
Peebles Island Resource Center
Delaware Avenue
Cohoes, NY 12047

Parks and Trails New York
29 Elk Street
Albany, NY 12207

Rensselaer County Conservation Alliance, Inc.
P.O. Box 1055
Troy, NY 12181

Chiefs Ron LaFrance, Jr., Paul O. Thompson,
and Beverly Cook
Saint Regis Mohawk Tribe
412 State Route 37
Hogansburg, NY 13655
Attn: Arnold Printup, THPO

Mohawk Council of Akwesasne
P.O. Box 579
Cornwall, Ontario K6H 5T3

David Arquette
Mohawk Nation Council of Chiefs
398 State Route 37
Hogansburg, NY 13655

Mr. Wally Miller, President
Stockbridge-Munsee Community – Mohican
Nation
N8510 Muh-He-Con-Nuck St.
Bowler, WI 54416

Mr. Mike Ludwig
U.S. Department of the Interior National Marine
Fisheries Service Habitat & Protection Resource
Division 212 Rogers Avenue Milford, CT 06460

Grace Musumeci
Regional NEPA Coordinator
U.S. Environmental Protection Agency
Region 2
290 Broadway, 25th Floor New York, NY 10007

Tim Thompson
President
Hiawatha Institute for Indigenous Knowledge
727 East Washington Street
Syracuse, NY 13244

Bridget Swanke

From: Bridget Swanke
Sent: Wednesday, March 19, 2014 3:37 PM
To: 'Joanne Shenandoah'
Cc: kanentiio@aol.com; shenandoahjoanne@gmail.com; JohnKim.Bell@brookfieldrenewable.com
Subject: RE: Following up on Cohoes Falls land transfer

I forwarded your request for a phone conference to the Stockbridge-Munsee Tribal Council. They are not interested in scheduling a phone conference with the Hiawatha Institute of Indigenous Knowledge to discuss the Cohoes Fall land issue at this time. Thank you for your offer though.

Bridget Swanke
Staff Attorney
Stockbridge-Munsee Community
P.O. Box 70, N8476 Moh He Con Nuck Road, Bowler, WI 54416
715-793-4868 (fax: 715-793-4856)
bridget.swanke@mohican-nsn.gov

From: Joanne Shenandoah [mailto:shenandoaj@aol.com]
Sent: Tuesday, February 18, 2014 6:45 AM
To: JohnKim.Bell@brookfieldrenewable.com; Robert Chicks; Bridget Swanke; starlyn.tourillott@mohican-nsn.gov
Cc: kanentiio@aol.com; shenandoahjoanne@gmail.com
Subject: Following up on Cohoes Falls land transfer

Good Morning to our brothers and sisters of the Mohican Nation,

I am pleased to respond to the email from John Kim Bell regarding the on-going discussion regarding Cohoes Falls. It would be our honor to discuss the vision of this sacred site and to set up a phone conference with you. Would you kindly let us know two different dates when we might be able to have a phone conference? Doug and I will be traveling starting February 23 through March 12, but can certainly make time to conference with you.

I look forward to hearing from you.

In Peace and Friendship, Respectfully yours,
Joanne Shenandoah

-----Original Message-----
From: Bell, John <JohnKim.Bell@brookfieldrenewable.com>
To: 'robert.chicks@mohican-nsn.gov' <robert.chicks@mohican-nsn.gov>; 'bridget.swanke@mohican-nsn.gov' <bridget.swanke@mohican-nsn.gov>; 'starlyn.tourillott@mohican-nsn.gov' <starlyn.tourillott@mohican-nsn.gov>
Cc: 'kanentiio@aol.com' <kanentiio@aol.com>; 'shenandoaj@aol.com' <shenandoaj@aol.com>; 'shenandoahjoanne@gmail.com' <shenandoahjoanne@gmail.com>
Sent: Thu, Feb 6, 2014 11:19 am
Subject: John Kim Bell following up on Cohoes Falls land transfer

Good Morning Robert, Bridget and Starlyn: Happy New Year to all. I am following up from our meeting last fall to continue discussions regarding Brookfield's land transfer to the Hiawatha Institute of Indigenous Knowledge. When last we met you were about to have an election. I would be pleased to have an update and to continue our discussion regarding the position your chief and council is taking on the land transfer. The Hiawatha Institute would like to invite a representative appointed by your chief and council to be an active participant in determining how this historic site should be commemorated. I would like to put Doug George and Joanne Shenandoah from the board of the Hiawatha Institute in touch with you and am copying them on this email so that they can contact you directly to discuss the project. I would be happy to have a telephone call with you to discuss next steps. Please advise when you might be available to talk and thanks. Kind regards, John Kim

John Kim Bell
Senior Advisor, Aboriginal Affairs
Brookfield Renewable Energy Group
480 de la Cite Boulevard
Gatineau, Quebec J8T 8R3
Telephone: 819.561.8692
Fax: 819.561.7188
Mobile: 647.293.8614
Email: johnkim.bell@brookfieldrenewable.com

Stockbridge-Munsee Community
BAND OF MOHICAN INDIANS

March 19, 2014

LEGAL OFFICE

John Kim Bell
Senior Advisor, Aboriginal Affairs
Brookfield Renewable Energy Group
480 de la Cite Boulevard
Gatineau, Quebec J8T 8R3

By Email:
JohnKim.Bell@brookfieldrenewable.com

RE: Meeting to Discuss the Transfer of Land by Cohoes Falls, NY

Dear Mr. Bell:

This letter is being provided in follow-up to our prior meeting on the proposed transfer of undeveloped land located by Cohoes Falls, NY by the Brookfield Renewable Energy Group ("Brookfield"). I have discussed the issue with the Stockbridge-Munsee Tribal Council and they have authorized me to send this letter.

First, Stockbridge confirms its position as stated in the December 12, 2012 letter provided as part of the Section 106 consultation process. Stockbridge would prefer that Brookfield transfer the property to Stockbridge. Stockbridge would then work out an agreement with the St. Regis Mohawk Tribe that allows access for Mohawk cultural ceremonies.

Second, the Stockbridge-Munsee Tribal Council suggests that a meeting be scheduled between the Stockbridge-Munsee Community, the St. Regis Mohawk Tribe, and Brookfield to discuss these issues. We feel such a meeting will be useful for laying out the positions of all the parties.

The Stockbridge-Munsee Community appreciates the willingness to and prior efforts of Brookfield to transfer the property by Cohoes Falls, NY. We understand that you had worked with the Hiawatha Institute of Indigenous Knowledge on this matter prior to learning of Stockbridge's interest through the Section 106 consultation process. However, at this point, we feel that the interests of the federally-recognized Indian tribes are better served if the land is transferred to the Stockbridge-Munsee Community.

Sincerely,

Bridget Swanke
Staff Attorney

Cc: Stockbridge-Munsee Tribal Council
Sherry White, Stockbridge-Munsee Historic Preservation Officer
St. Regis Mohawk Tribal Council
Arnold Printup, St. Regis Mohawk Historic Preservation Officer

United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, NY 13045

ER 15/0607
FERC #2539

November 13, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Mail Code: DLC, HL-11.2
888 First St., NE
Washington, DC 20426

RE: School Street Hydroelectric Project (FERC #2539)
Application for Amendment of License

Dear Ms. Bose:

The U.S. Fish and Wildlife Service (Service) has reviewed the November 3, 2015, *Notice of Application Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests* referencing the *Application for Amendment of License* (Amendment) for the School Street Hydroelectric Project, located on the Mohawk River in Albany and Saratoga Counties, New York. The Amendment would remove a narrow strip of land from the Project Boundary which would become part of a larger parcel of land that will be transferred to the Hiawatha Institute of Indigenous Knowledge, an organization that disseminates Haudenosaunee knowledge for future generations. The Service has no objections to the proposed Amendment.

We appreciate the opportunity to review the proposed Amendment. If you have any questions or desire additional information, please contact Steve Patch at 607-753-9334.

Sincerely,

for Patricia Cole
David A. Stilwell
Field Supervisor

cc: OEPC, Washington, DC (S. Alam)
DOI, Boston, MA (A. Raddant)
DOI, Newton, MA (A. Tittler)
Service List

ANDREW M. CUOMO ROSE HARVEY
Governor Commissioner

November 30, 2015

Ms. Jennifer Polardino
FERC
888 First Street, N.E.
Washington , District of Columbia 20426

Re: FERC
School Street Hydroelectric Project Land Transfer

Cohoes Falls, Mohawk River
12PR02574
FERC 2539

Dear Ms. Polardino:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO is in receipt of a copy of a letter from Wallace A. Miller, Tribal President, StockbridgeMunsee Community Band of the Mohican Indians to FERC, dated 25 September 2015. This letter raises serious issues regarding the proposed transfer of 3.3 acres of land to the Hiawatha Institute. In order to continue consultation, we recommend that the best course of action would be to hold a face-to-face meeting of all interested parties as soon as possible.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov via e-mail only

Saint Regis Mohawk Tribe

Chief Beverly Cook
Chief Ron LaFrance Jr.
Chief Eric Thompson
Sub-Chief Shelley Jacobs
Sub-Chief Michael L. Conners
Sub-Chief Cheryl Jacobs

VIA E-FILING

November 23, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Docket No. P-2539-000—Comment on Application for Non-Capacity Amendment of License (Modification of Project Boundary) for School Street Hydroelectric Project by Erie Boulevard Hydropower, L.P.

Dear Secretary Bose:

The Saint Regis Mohawk Tribe (Tribe) is a federally-recognized Indian Tribe (80 Fed. Reg. 1942, 1946 (2015). The Tribe traditionally serves as the keeper of the six-nation Haudenosaunee Confederacy and regards as its original homeland northeastern New York State extending into southern Canada and Vermont.

The Tribe strongly supports Erie Boulevard Hydropower, L.P.'s (Erie) application to remove a certain narrow, 3.38 acre strip of land from the Project Boundary at Erie's School Street Hydroelectric Project (FERC No. 2539). If approved, that removal will enable Erie to transfer a larger parcel of land adjacent to Cohoes Falls to the Hiawatha Institute of Indigenous Knowledge (HIIK), a not-for-profit organization developed to practice, protect, enhance, and disseminate Haudenosaunee knowledge to future generations and designated as an appropriate recipient by the Mohawk tribes after years of discussion and efforts. That private parcel transfer is critically important, as it will enable the Tribe and other tribes to construct a memorial, visitor's center, and viewing area near the site where Skennenrahawi, the Great Peacemaker convinced the Mohawk people to become the founders of the world's oldest united nations, the Haudenosaunee (Iroquois) Confederacy, several hundred years ago.

The Tribe respectfully does not agree with the Stockbridge-Munsee Community's (SMC) use of the Federal Energy Regulatory Commission's process regarding the small strip of land in order to impede Erie's private transfer of the larger parcel to the HIIK. The Tribe also respectfully does not agree with the SMC's interest in having the subject parcel transferred to the SMC instead because the HIIK is not itself a federally-recognized tribe. As noted, the subject land has been critically important to the Haundenosaunee for religious and cultural reasons for many centuries. In addition, the parcel transfer has been in the making for more than a decade, with the Tribe, the Mohawk Council of Nation Chiefs, and the Mohawk Nation at Akwesasne all authorizing the transfer to the HIIK as the culturally

412 State Route 37
Akwesasne, New York 13655
www.srmt-nsn.gov
Phone: 518-358-2272

appropriate charity to receive the parcel. Indeed, the HIIK is named after a creator of the Haudenosaunee Confederacy over 800 years ago. Further, during the past few years, the Tribe and Erie each have made efforts to reach agreement with the SMC regarding disposition of the land, but each time have encountered the same roadblock—the SMC's insistence that *it* be the recipient. The Tribe and fellow Mohawk tribes do not support that, and at this point do not believe that further consultation between or among the parties regarding ownership will be fruitful.

For these and other reasons, the Tribe asks that the Commission approve Erie's application for the removal of the narrow strip of land and allow the private land transfer flowing from that to occur. The Tribe intends to resume dialogue with the SMC, if it desires, regarding possible ways to ensure that the SMC has access to the land for any ceremonial needs that the SMC might have.

Sincerely,

THE SAINT REGIS MOHAWK TRIBE

Beverly Cook,
Tribal Chief

Ron LaFrance, Jr.,
Tribal Chief

Eric Thompson,
Tribal Chief

CC: Attached Distribution List

FEDERAL ENERGY REGULATORY COMMISSION

Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2539-069- NY School Street Hydroelectric Project Erie Boulevard Hydropower, L.P.

January 12, 2016

Ms. Rose Harvey, SHPO
New York State Division for Historic Preservation
Pebbles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Subject: Determination of no historic properties affected by the proposed removal of 3.38 acres of land from the School Street Project (P-2539) boundary

Dear Ms. Harvey:

On August 31, 2015, Erie Boulevard Hydropower, L.P. (Erie) filed an application for amendment of license for the School Street Hydroelectric Project No. 2539 (School Street Project).[24] Erie proposes to amend the School Street Project license to remove approximately 3.38 acres of land from the project boundary. The land proposed for removal lies in a narrow strip along the Mohawk River extending upstream and downstream of the project's dam, opposite the shore on which the project's powerhouse and related features are located. In its application, Erie states that these lands are not necessary for the safe and effective operation of the project and that their removal from the project boundary would not affect project operations, public infrastructure, recreational use, or environmental resources.

As you are aware, the School Street Project is located near Cohoes Falls, a site historically associated with the formation of the Haudenosaunee Confederacy and situated within the traditional territory of the Mohican Nation.

[24] *Erie Boulevard Hydropower, L.P.* 118 FERC ¶ 61,101 (issued February 15, 2007).

On September 25, 2015, the Stockbridge-Munsee Community Band of Mohican Indians (Stockbridge) filed comments on Erie's amendment application. While not opposed to the modification of the project boundary to exclude the 3.38 acres of land in question, Stockbridge expressed opposition to the transfer of the land to the Hiawatha Institute of Indigenous Knowledge (HIIK). Similarly, Stockbridge indicated that while it does not anticipate an adverse impact resulting from removal of the 3.38 acres of land from the project boundary, an adverse effect could perhaps result from the transfer to HIIK if Stockbridge were subsequently denied or otherwise prevented access to Cohoes Falls over the land in question. Stockbridge re-filed these comments on November 6, 2015, during the official comment period. On December 10, 2015, the Saint Regis Mohawk Tribe, a member of the Haudenosaunee Confederacy, filed comments in support of Erie's application to remove the 3.38 acres from the project boundary. Both tribes assert historical ties to Cohoes Falls.

During the relicensing process for the School Street Project, Commission staff identified several known historic properties in the vicinity of the project, including Cohoes Falls.[25] Although Cohoes Falls is not located within the project boundary, Cohoes Falls was included within the Area of Potential Effect (APE) for relicensing the project because the undertaking was capable of affecting the falls. Any operational changes proposed as part of the relicensing had the potential to affect river flows over Cohoes Falls.

In the current amendment proceeding, however, the proposed undertaking is not capable of affecting Cohoes Falls. The undertaking in this case is defined as the removal of the 3.38 acres lining either side of the Mohawk River from the project boundary. Removal of this land from the project boundary has no potential to affect flows over Cohoes Falls. In addition, removal of this land from the project boundary would have no effect on access to or viewing of Cohoes Falls. Because removal of this land has no capability of affecting the falls, or any other historic property that might be located outside of the 3.38 acres, Commission staff has determined that the APE for this undertaking is appropriately limited to the 3.38 acres that Erie proposes to remove from the project boundary, and does not include Cohoes Falls.

We recognize that Stockbridge raised concerns that viewing of and access to Cohoes Falls might be affected by a larger land transfer from Erie to HIIK. However, the

[25] *See* Erie's Historic Properties Management Plan (HPMP) for the School Street Project filed on June 25, 2007. Commission staff approved the HPMP on January 23, 2008. *Erie Boulevard Hydropower, L.P.,* 122 FERC ¶ 62,054.

Commission has no jurisdiction to review or condition any actions related to this larger land transfer. As a result, these actions are private, not federal, and are not part of the Commission's undertaking in this case.

Commission staff has not identified any historic properties or archeological resources within the APE (i.e., the 3.38 acres proposed for removal). Additionally, as established in the relicensing proceeding, the presence of undiscovered archeological resources within the APE is extremely unlikely.[26] Therefore, based on the record before us, we have made a determination that no historic properties would be affected by the proposed removal of 3.38 acres from the project boundary. Please provide us with your concurrence or any comments within 30 days from the date of this letter.

Further, if any participant provides additional information demonstrating the cultural or historic significance of the 3.38-acre parcel proposed for removal from the project boundary, we will consider this information and reevaluate our determination as appropriate.

The Commission strongly encourages electronic filing. Please file any additional information using the Commission's eFiling system at http://www.ferc.gov/docsfiling/efiling.asp. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington D.C. 20426. The first page of any filing should include the docket number P-2539-069.

If you have any questions regarding this matter, please contact Jennifer Polardino at (202) 502-6437 or Jennifer.Polardino@ferc.gov.

Sincerely,

Steve Hocking, Chief
Environmental and Project Review Branch
Division of Hydropower
Administration and Compliance

[26] *See* HPMP at 33 (explaining that because the narrow strips of land on both sides of the Mohawk River were "intensively developed in the nineteenth and twentieth centuries, the potential for undiscovered cultural resources is low.").

cc: Mr. Philip Perazio
Division for Historic Preservation
New York State Parks
Pebbles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Ms. Nancy Herter
Division for Historic Preservation
New York State Parks
Pebbles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Mr. Ian Borlang Erie
Boulevard Hydropower, L.P.
399 Big Bay Road
Queensbury, NY 12804

Mr. Wallace A. Miller
Tribal President
Stockbridge-Munsee Community Band of the Mohican Indians
N8476 Moh He Con Nuck Road
Bowler, WI 54416

Ms. Beverly Cook
Tribal Chief
Saint Regis Mohawk Tribe
412 State Route 37
Akwesane, NY 13655

Mr. Ron LaFrance, Jr.
Tribal Chief
Saint Regis Mohawk Tribe
412 State Route 37
Akwesane, NY 13655

Mr. Eric Thompson
Tribal Chief

Saint Regis Mohawk Tribe
412 State Route 37
Akwesane, NY 13655

Mr. Doug George-Kanentiio
Vice President
Hiawatha Institute of Indigenous Knowledge
727 East Washington Street
Syracuse, NY 13244

APPENDIX G

RECREATION RESOURCES

122 FERC ¶ 62,067
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Erie Boulevard Hydropower, L.P. Project No. 2539-038

ORDER APPROVING RECREATION PLAN UNDER ARTICLE 404

(Issued January 25, 2008)

On August 15, 2007, Erie Boulevard Hydropower, L.P. (licensee) filed a recreation plan (plan) pursuant to article 404 of the project license for the School Street Project (FERC No. 2539).[1] On November 15, 2007, the licensee filed a supplement to the plan in response to comments from the Commission staff, which included a monitoring report of recreational use and long-term recreational needs into the plan. The project is located on the Mohawk River in Albany and Saratoga Counties, New York.

BACKGROUND

Article 404 of the project license requires that, within six months of the date of license issuance, the licensee should file for Commission approval a recreation plan consistent with the requirements of Section 3.9 of the Settlement Agreement
(Settlement)[2] (Appendix B of the license). The plan should include, at minimum:

(1) a provision for an interpretive sign(s) at the Cohoes Falls viewing area that informs the visitor of the annual schedule for aesthetic flow releases and historical information about the hydroelectric facilities that are visible at the site, as well as a description of how the facilities are operated;

(2) a provision for extending the parking area toward the canal along the section of School Street adjacent to the project penstock intake that would include removing the existing metal storage shed next to the powerhouse and landscaping the parking lot;

---

[1] Order on Offer of Settlement and Issuing New License issued February 15, 2007 (118 FERC ¶ 61,101)

[2] Executed March 7, 2005, among the licensee, New York Rivers United, New York State Conservation Council, New York State Department of Environmental Conservation, Rensselaer County Conservation Alliance, U.S. Department of the Interior, U.S. Fish and Wildlife Service and National Park Service (NPS), and New York Power Authority (signatories), and filed with the Commission on March 9, 2005.

(3) a monitoring report to filed every 6 years during the term of the license concurrent with its Form 80 filing, that, at a minimum, includes: (a) annual recreation use figures; (b) a discussion of whether recreation needs

are being met at the project; (c) a description of the methodology used to collect all data; (d) a proposal to provide additional recreation facilities at the project if the monitoring results indicate such a need; (e) documentation of agency consultation and agency comments on the report after it has been prepared and provided to the agencies; and (f) specific descriptions of how the agencies' comments are accommodated by the report.

The licensee should include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the Settlement signatories, and specific descriptions of how the agencies' comments are accommodated by the plan. The licensee should allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing should include the licensee's reasons, based on site-specific information.

Section 3.9 of the Settlement requires the licensee to develop recreational access and facilities at the project as listed below. These would be "carry-in/carry-out" facilities and trash receptacles would not be provided. The licensee should:

(1) construct a new pedestrian footbridge across the power canal upstream of the powerhouse. The new bridge would be designed to minimize visual intrusion into the Harmony Mills National Historic Landmark District. Final configuration and location are dependent on completion of additional engineering studies;

(2) construct an Americans with Disabilities Act (ADA)-compliant vehicular drop off area along North Mohawk Street near the new bridge;

(3) install a public, ADA-compliant Cohoes Falls viewing area on the island formed between the power canal and the river, near the terminus of the new footbridge to the island. This viewing area (as well as the new pedestrian footbridge) would be closed during winter months;

(4) construct a footpath to the base of the falls, and a second viewing area and fishing access near the base of the falls;

(5) provide a separate footpath to fishing access near the project tailrace; and,

(6) develop a trail system on the island, beginning at the terminus of the new footbridge, to facilitate daytime recreational use such as bird watching, sightseeing, and fishing above the falls. The design of the trail system would take into account public safety, site security concerns, and protection of archaeological properties. This trail system, which connects items 4, 5, and 6, would be open to the public during daylight hours from May 1 through November 1, annually.

Based on consultation with the City of Cohoes, Hudson-Mohawk State Heritage Area (RiverSpark), and Erie Canalway National Heritage Corridor, the licensee should fabricate, install, and maintain signs and exhibits on project lands and in the vicinity that deal with: (a) the geology of Cohoes Falls; (b) their role as a scenic attraction; (c) navigation around the falls; (d) waterpower and industrial development by the Cohoes Company and Harmony Mills Company; and (e) hydroelectricity DESCRIPTION OF PLAN

The licensee's plan provides a description of the proposed recreation facilities. The plan's provisions are summarized below:

Proposed Project Recreational Facilities

The proposed recreational facilities are located primarily on the island area that abuts the power canal and the Mohawk River overlooking Cohoes Falls and the project powerhouse, with additional access provided below the powerhouse. The proposed ADA-compliant pedestrian footbridge would span the canal. The bridge would connect an ADA-accessible bus drop off area adjacent to North Mohawk Street on the land side of the canal to an ADA-accessible Cohoes Falls overlook viewing area on the river side of the canal. Access to the facilities would be through a gate, which would be locked during off-hours (dusk to dawn).

A foot trail would then extend along the canal progressing from the footbridge over the canal in both an upstream and downstream direction, and would allow access to the public for activities such as sightseeing and bird watching. The foot trail would have security fencing along its route for safety and guidance purposes.

The foot trail proceeding upstream along the canal would have a gate at the location where Cohoes Falls meets the canal, opposite Manor Avenue. Although a primitive trail would proceed further upstream along the canal, access above the Manor Avenue area would be controlled by an electronic gate system for security and public safety concerns.

The foot trail proceeding downstream from the footbridge would traverse the slope of the island and provide access to the tailrace fishing platform and the lower Cohoes Falls primitive trail access and viewing area. Stairs would be constructed to facilitate access to the primitive trail system and southerly shoreline below the falls. These access
trails would be open to the public during daylight hours from May 1 through November 1.

Landscaping, Safety, and Security Features

Security fencing would be provided along the foot trails, as appropriate, to separate the recreational facilities from the project structures to ensure safe access to the recreational facilities. All gates that provide access to the foot trails would be locked during the hours of darkness as an additional means of ensuring the safety of the public.

Recent improvements to the area along School Street and the lower canal area between North Mohawk Street and the canal have included:

> Moving the fence adjacent to the parking area along School Street back towards the canal, which has allowed for the ability to provide additional parking along School Street as well as associated new sidewalks and landscaping. In addition, the modern operations garage that was located in the parking area has been removed providing unobstructed views of the lower canal area.
> Clearing, grading, and seeding the formerly overgrown area between North Mohawk Street and the lower canal to provide a visually pleasing lawn area overlooking the lower canal area.

Tailrace Fishing Access Platform

A new tailrace fishing access platform would be constructed adjacent to the upstream side of the powerhouse. Access to the platform would be via the foot trail that extends down the slope from the falls overlook in the vicinity of the footbridge access point. Ladders would be provided along the tailrace retaining wall adjacent to the fishing access area to provide an egress point for fishermen who may have accessed the southerly shoreline area and need to exit the tailrace area. The platform would be available for use during daylight hours from May 1 through November 1, annually.

Aesthetic Flows

In accordance with article 402 of the license and Section 3.3 of the Settlement, the licensee would release an aesthetic flow of 500 cubic feet per second (cfs) into the bypass reach to provide aesthetic flows over Cohoes Falls during daylight hours on weekends and Federal holidays from May 15 through October 31. Flows are released into the bypass reach and over the falls 365 days per year for aquatic habitat enhancement purposes. During the period from May 15 through October 31 when the 500 cfs aesthetic flow is not released, the flow over the falls would be 245 cfs.

Conceptual Exhibits and Signs

The licensee would design and construct an outdoor exhibit that consists primarily of interpretive signage. This exhibit would be located at the Cohoes Falls Overlook Viewing Area. The interpretive signs would provide the visitor with contextual information related to the geology, geography, and history of Cohoes Falls and the surrounding area. It is anticipated that the interpretive themes to be presented at the upper Cohoes Falls viewing area would include the geology of Cohoes Falls, the various means by which early European and American settlers developed schemes for navigating around the falls, the role of Cohoes Falls as a scenic attraction for nineteenth and twentieth century visitors, the waterpower and industrial developments undertaken in Cohoes by the Cohoes Company and the Harmony Mills Company, and the development of the site for hydroelectric production.

Monitoring Program

Long-term monitoring of the recreational use and need for additional facilities and the development of a monitoring report would include: (a) annual recreation use figures; (b) a discussion of whether recreation needs are being met at the project; (c) a description of the methodology used to collect all data; (d) a proposal to provide additional recreation facilities at the project if the monitoring results indicate such a need; (e) documentation of agency consultation and agency comments on the report after it has been prepared and provided to the agencies; and (f) specific descriptions of how the agencies' comments are accommodated by the report.

The monitoring report would be filed with the Commission every six years concurrent with the required Recreation Report (Form 80) filing.

AGENCY CONSULTATION

The licensee developed the plan in accordance with the consultation requirements of license article 404 and Section 3.9 of the Settlement, and submitted it to the Settlement signatories for a review on June 22, 2007. On June 29, 2007, the licensee conducted a site visit for the stakeholders which included a walking tour of the sites of

the proposed recreational facilities. The comments from the site visit were incorporated into the plan and a revised plan was submitted to the stakeholders on July 19, 2007. Comments received on the revised plan were incorporated into the plan filed on August 15, 2007.

DISCUSSION AND CONCLUSION

The implementation schedule for the proposed recreational facilities is reasonable. Construction of the recreational facilities would occur during the 2008 construction season with completion and commissioning of the facilities by August 15, 2008. The licensee would develop outdoor exhibits and interpretive signs in consultation and coordination with the NPS and local interest organizations.

The plan adequately addresses the requirements of article 404 of the license and Section 3.9 of the Settlement. The proposed recreational facilities would provide for increased and improved access to the project area. The plan adequately provides for the construction of, enhancements to, and maintenance of the recreational facilities. The interpretive program would educate the public on the area's natural environment and history. The licensee's monitoring program would evaluate the level of recreational use of the recreational facilities and the need for additional facilities. The plan contains maps and photographs depicting the location of existing project structures and the proposed recreational facilities. The licensee should file, within 90 days of completion of the facilities, as-built drawings consistent with article 203 of the license. The plan should be approved.

The Director orders:

(A) The recreation plan filed August 15, 2007, and supplemented on November 15, 2007, pursuant to article 404 of the license and Section 3.9 of the Settlement Agreement of the School Street Project, is approved.

(B) The completion and commissioning of the facilities with all signs and interpretive exhibits in place shall be by August 15, 2008. Within 90 days of completing construction of the new facilities and existing facility improvements approved in ordering paragraph (A), the licensee shall file for Commission approval, as-built drawings showing the location and layout of the completed facilities in relation to the project boundary. These drawings shall be consistent with article 203 of the license.

(C) 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.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance

Brookfield

Brookfield Renewable Energy Partners
NY East Regional Operating Center
399 Big Bay Road
Queensbury, NY 12804

Tel (518) 743-2017
Fax (518) 745-4292
www.brookfieldpower.com

April 30, 2013

CEII Material Enclosed – Do Not Release

2539-BREG/FERC-374

Hon. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street
Washington, D.C. 20426

Subject: School Street Hydroelectric Project (P-2539); School Street Exhibit 'F' & 'R' Updates

In reference to: None

Dear Secretary Bose:

Brookfield Renewable Energy Group, (Brookfield), on behalf of its wholly owned subsidiary Erie Boulevard, Hydropower LP, is hereby submitting revised Exhibit F and R drawings for our School Street Development. These revisions include License Settlement upgrades to the project. Brookfield kindly requests that you review and accept these drawings at your first convenience.

If you have any questions, or require additional information, please do not hesitate to contact me at (518) 743-2081 or John Kurimski at (518) 743-2098.

Sincerely,

Matthew Johnson
Compliance Manager, NY East Operations

cc: T. Uncher (Brookfield)
J. Vallee (Brookfield)
R. Shantie (Brookfield)
J. Kurimski (Brookfield)
J. Auser (Brookfield)
N. Agnoli (FERC-NYRO)
J. Dutta (FERC-NYRO)
E. Gall (FERC-NYRO)

Enclosures: 7

143 FERC ¶ 62,150
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Erie Boulevard Hydropower, L.P. Project No. 2539-003 ORDER APPROVING

EXHIBIT R DRAWINGS

(May 28, 2013)

1. On April 30, 2013, Erie Boulevard Hydropower, L.P. (licensee), licensee for the School Street Project (FERC No. 2539), filed two Exhibit R drawings as required by an Order Approving Recreation Plan Under Article 404 (Order).[1] The project is located on the Mohawk River in Albany and Saratoga counties, New York, and does not occupy federal land.

Background

2. Ordering paragraph (B) of the Order, in part, requires the licensee, within 90 days of completing construction of the new facilities and existing facility improvements, to file for Commission approval, as-built drawings showing the location and layout of the completed facilities in relation to the project boundary. The drawings file should be consistent with Article 203 of the license. [2]

Review

3. The licensee filed Exhibit R drawings for the Falls View Park and the Cohoes Falls Overlook areas. Staff reviewed the drawings and determined they include the necessary facilities and conform to the Commission's rules and regulations. Ordering paragraph (A) of this order approves the as-built Exhibit R drawings. The Commission approved recreation amenities will be monitored as part of oversight of the project; therefore, ordering paragraph (B) requires the licensee to file electronic file formats of the approved exhibits. Ordering paragraph (C) requires location point for each Commission approved recreation amenity.

[1] 122 FERC ¶ 62,067 (January 25, 2008).

[2] 118 FERC ¶ 61,101 (February 15, 2007).

4. Staff reviewed the approved Recreation Plan to determine the Commission approved recreation facilities for this license; a complete listing of these facilities is in the table below.

Table 1 – Approved Recreation Features

Recreation Site Name	Recreation Facilities
Falls Overlook Viewing Area	□ Interpretive Sign(s)
Falls View Park	• Tailrace Fishing Access • Observation Platform • Trails • ADA Overlook • Fishing Platforms (2) • Pedestrian Bridge • Parking • ADA Drop Off Area • Interpretive Sign(s)

The Director orders:

(A) The following exhibit drawings, filed by Erie Boulevard Hydropower, L.P. for the School Street Project, on April 30, 2013, are approved and made a part of the license:

Exhibit No.	FERC Drawing No.	Drawing Title
R-1	P-2539-1007	School Street Development – Recreational Facilities
R-2	P-2539-1008	School Street Development – Recreational Facilities Detail Plan As-Built

(B) Within 45 days of the date of issuance of this order, the licensee shall file the approved exhibit drawings in electronic file formats. The licensee shall file two separate sets of the exhibit drawings in electronic format with the Secretary of the Commission, ATTN: OEP/DHAC. A third set shall be filed with the Commission's Division of Dam Safety and Inspections New York Regional Office. The file names should include: FERC Project-Drawing Number, FERC Exhibit Number, Drawing Title, date of this order, and file extension in the following format [P-2536-1007, R-1, School Street Development – Recreational Facilities, MM-DD-YYYY.TIF]. The electronic drawings should meet the following format specification:

IMAGERY - black & white raster file
FILE TYPE – Tagged Image File Format, (TIFF) CCITT Group 4
RESOLUTION – 300 dpi desired, (200 dpi min)
DRAWING SIZE FORMAT – 24" X 36" (min), 28" X 40" (max)
FILE SIZE – less than 1 MB desired

(C) Within 45 days of the date of this order, the licensee shall file location point data and a completed attribute table that is representative of Commission approved recreation amenities. The location points must be positionally accurate to ±40 feet in order to comply with National Map Accuracy Standards for maps at a 1: 24,000 scale. The location points must include latitude/longitude in decimal degrees, based on the horizontal reference datum of the North American Datum of 1983 (NAD 83). The attribute table shall be prepared in accordance with the table on the next page.

-- The rest of this page has been intentionally left blank --

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Latitude	Longitude	Approval Order[1]	Notes
2539	School Street	Falls Overlook Viewing Area	Interpretive Sign(s)	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	
2539	School Street	Falls View Park	Tailwater Fishing	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	
2539	School Street	Falls View Park	Overlooks/ Vistas	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Trails	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	Pedestrian Bridge
2539	School Street	Falls View Park	Overlooks/ Vistas	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	ADA Overlook
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Interpretive Sign(s)	Constructed	##.####	##.####	122 FERC ¶ 62,067 January 25, 2008	

[1] Provide the order name and issuance date which approved each listed recreation amenity.

(D) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825*l* (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2012). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Charles K. Cover, P.E.
Chief, Project Review Branch
Division of Hydropower Administration
and Compliance

Brookfield

Brookfield Renewable Energy Partners
Atlantic Operating Center
399 Big Bay Road
Queensbury, NY 12804

Tel (518) 743-2017
Fax (518) 745-4292
www.brookfieldpower.com

October 23, 2013

2539-BREP/FERC-471

Hon. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street
Washington, D.C. 20426

ORIGINAL

Subject: School Street Hydroelectric Project (P-2539); School Street Location Point Data

In reference to: FREC Order 143 FERC ¶ 62,150. Dated May 28, 2013.

Dear Secretary Bose:

Brookfield Renewable Energy Partners (Brookfield), on behalf of its wholly-owned subsidiary Erie Boulevard Hydropower LP, is hereby submitting the location point data and completed attribute table that is representative of the Commission approved recreation amenities at the subject Project. This is the final Director Order requested in the above-referenced order and Brookfield now considers this order closed.

If you have any questions please don't hesitate to contact me at (518) 743-2081 or John Kurimski at (518) 743-2098.

Sincerely,

Matthew Johnson
Compliance Manager, Atlantic Operations

cc: D. Bates (Brookfield)
S. Murphy (Brookfield)
R. Shantie (Brookfield)
J. McVaigh (Brookfield)
J. Kurimski (Brookfield)
J. Dutta (FERC-NYRO)
N. Agnoli (FERC-NYRO)
K. Sakallaris (FERC)

Enclosure(s): 1

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Longitude	Latitude	Approval Order	Notes
2539	School Street	Falls View Park	Trails	Constructed	W073.710614 (d)	N042.784829 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710617 (d)	N042.784875 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710726 (d)	N042.785039 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710797 (d)	N042.785073 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710806 (d)	N042.785142 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710776 (d)	N042.785177 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710797 (d)	N042.785274 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710868 (d)	N042.785309 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710935 (d)	N042.785302 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710839 (d)	N042.785338 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710789 (d)	N042.785371 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710817 (d)	N042.785461 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710880 (d)	N042.785595 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710790 (d)	N042.785644 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710800 (d)	N042.785654 (d)	122 FERC 62067 January 25, 2008	Park Hours
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710802 (d)	N042.785657 (d)	122 FERC 62067 January 25, 2008	Welcome To Brookfield's Falls View Park
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710823 (d)	N042.785696 (d)	122 FERC 62067 January 25, 2008	Seasonal Day Use Facility
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710832 (d)	N042.785700 (d)	122 FERC 62067 January 25, 2008	Seasonal Day Use Facility
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710850 (d)	N042.785699 (d)	122 FERC 62067 January 25, 2008	Falls View Park Rules
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710865 (d)	N042.785695 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710820 (d)	N042.785611 (d)	122 FERC 62067 January 25, 2008	Use Park Facilities At Your Own Risk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710832 (d)	N042.785598 (d)	122 FERC 62067 January 25, 2008	Riverbed Access Closed If
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710800 (d)	N042.785502 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710764 (d)	N042.785315 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710727 (d)	N042.785101 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710595 (d)	N042.784868 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710824 (d)	N042.785322 (d)	122 FERC 62067 January 25, 2008	Corner Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710820 (d)	N042.785312 (d)	122 FERC 62067 January 25, 2008	Corner Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710810 (d)	N042.785319 (d)	122 FERC 62067 January 25, 2008	Corner Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710750 (d)	N042.785391 (d)	122 FERC 62067 January 25, 2008	Begin Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710752 (d)	N042.785412 (d)	122 FERC 62067 January 25, 2008	End Kiosk
2539	School Street	Falls View Park	Trails	Constructed	W073.710099 (d)	N042.785843 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710027 (d)	N042.785874 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710092 (d)	N042.785949 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710203 (d)	N042.786051 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710293 (d)	N042.786186 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710391 (d)	N042.786365 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710407 (d)	N042.786410 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710428 (d)	N042.786431 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710414 (d)	N042.786436 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710379 (d)	N042.786425 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710377 (d)	N042.786393 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710373 (d)	N042.786399 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710378 (d)	N042.786427 (d)	122 FERC 62067 January 25, 2008	Navigating Around Cohoes Falls Information
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.710404 (d)	N042.786437 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710467 (d)	N042.786456 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710334 (d)	N042.786365 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710377 (d)	N042.786261 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710284 (d)	N042.786219 (d)	122 FERC 62067 January 25, 2008	Danger High Voltage within
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710270 (d)	N042.786243 (d)	122 FERC 62067 January 25, 2008	Danger High Voltage within
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710249 (d)	N042.786222 (d)	122 FERC 62067 January 25, 2008	Danger High Voltage within
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.710245 (d)	N042.786086 (d)	122 FERC 62067 January 25, 2008	Fishing Platform

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Longitude	Latitude	Approval Order	Notes
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.710284 (d)	N042.786072 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.710260 (d)	N042.786035 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.710224 (d)	N042.786048 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710263 (d)	N042.786039 (d)	122 FERC 62067 January 25, 2008	Turbulent Water Kills
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710272 (d)	N042.786053 (d)	122 FERC 62067 January 25, 2008	Handicapped Fishing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710282 (d)	N042.786068 (d)	122 FERC 62067 January 25, 2008	No Swimming
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710108 (d)	N042.785939 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710083 (d)	N042.785835 (d)	122 FERC 62067 January 25, 2008	Use Park Facilities At Your Own Risk
2539	School Street	Falls View Park	Trails	Constructed	W073.710005 (d)	N042.785838 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709995 (d)	N042.785779 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709955 (d)	N042.785667 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709865 (d)	N042.785550 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709769 (d)	N042.785490 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709673 (d)	N042.785485 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709613 (d)	N042.785539 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709592 (d)	N042.785633 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709597 (d)	N042.785682 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709686 (d)	N042.785662 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709798 (d)	N042.785663 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709929 (d)	N042.785747 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709950 (d)	N042.785821 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709929 (d)	N042.785861 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709899 (d)	N042.785904 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.710014 (d)	N042.785926 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710013 (d)	N042.785759 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.709966 (d)	N042.785659 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.710005 (d)	N042.785645 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.709980 (d)	N042.785608 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.709942 (d)	N042.785623 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709980 (d)	N042.785608 (d)	122 FERC 62067 January 25, 2008	Turbulent Water Kills
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709993 (d)	N042.785626 (d)	122 FERC 62067 January 25, 2008	Handicapped Fishing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.710003 (d)	N042.785641 (d)	122 FERC 62067 January 25, 2008	No Swimming
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709873 (d)	N042.785519 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709752 (d)	N042.785427 (d)	122 FERC 62067 January 25, 2008	No Tresspassing
2539	School Street	Falls View Park	Trails	Constructed	W073.709817 (d)	N042.785446 (d)	122 FERC 62067 January 25, 2008	Park Steward Station
2539	School Street	Falls View Park	Trails	Constructed	W073.709791 (d)	N042.785455 (d)	122 FERC 62067 January 25, 2008	Park Steward Station
2539	School Street	Falls View Park	Trails	Constructed	W073.709772 (d)	N042.785426 (d)	122 FERC 62067 January 25, 2008	Park Steward Station
2539	School Street	Falls View Park	Trails	Constructed	W073.709798 (d)	N042.785417 (d)	122 FERC 62067 January 25, 2008	Park Steward Station
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709613 (d)	N042.785509 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709572 (d)	N042.785638 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709576 (d)	N042.785738 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Trails	Constructed	W073.709599 (d)	N042.785734 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709626 (d)	N042.785793 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709707 (d)	N042.785747 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709817 (d)	N042.785768 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709796 (d)	N042.785859 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709705 (d)	N042.785871 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709655 (d)	N042.785837 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709616 (d)	N042.785827 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709643 (d)	N042.785854 (d)	122 FERC 62067 January 25, 2008	Deep Gorge - Big Waterfall Information
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709689 (d)	N042.785883 (d)	122 FERC 62067 January 25, 2008	Sightseeing Information
2539	School Street	Falls View Park	Trails	Constructed	W073.709827 (d)	N042.785904 (d)	122 FERC 62067 January 25, 2008	Trail System

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Longitude	Latitude	Approval Order	Notes
2539	School Street	Falls View Park	Trails	Constructed	W073.709842 (d)	N042.785903 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709871 (d)	N042.785902 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709891 (d)	N042.785902 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709846 (d)	N042.785917 (d)	122 FERC 62067 January 25, 2008	Keep Off Wall
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709571 (d)	N042.785694 (d)	122 FERC 62067 January 25, 2008	Riverbed Access Is Closed
2539	School Street	Falls View Park	Trails	Constructed	W073.709566 (d)	N042.785678 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709554 (d)	N042.785667 (d)	122 FERC 62067 January 25, 2008	What's Down There? Information
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709540 (d)	N042.785670 (d)	122 FERC 62067 January 25, 2008	Notice regarding climbing
2539	School Street	Falls View Park	Trails	Constructed	W073.709530 (d)	N042.785680 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709274 (d)	N042.785794 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709272 (d)	N042.785795 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709215 (d)	N042.785809 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709190 (d)	N042.785772 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709206 (d)	N042.785685 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709258 (d)	N042.785603 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709264 (d)	N042.785576 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709224 (d)	N042.785563 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.709103 (d)	N042.785616 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708974 (d)	N042.785640 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708818 (d)	N042.785615 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708782 (d)	N042.785613 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708733 (d)	N042.785651 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708756 (d)	N042.785699 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708984 (d)	N042.785881 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708920 (d)	N042.785880 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708663 (d)	N042.785766 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708387 (d)	N042.785648 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708187 (d)	N042.785542 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708074 (d)	N042.785488 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708057 (d)	N042.785475 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls View Park	Trails	Constructed	W073.708038 (d)	N042.785459 (d)	122 FERC 62067 January 25, 2008	Trail System
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708033 (d)	N042.785466 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.707895 (d)	N042.785348 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.707978 (d)	N042.785295 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708009 (d)	N042.785321 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.707951 (d)	N042.785359 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.707949 (d)	N042.785370 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708047 (d)	N042.785455 (d)	122 FERC 62067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.707918 (d)	N042.785368 (d)	122 FERC 62067 January 25, 2008	Turbulent Water Kills
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.707936 (d)	N042.785321 (d)	122 FERC 62067 January 25, 2008	Turbulent Water Kills
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.708002 (d)	N042.785315 (d)	122 FERC 62067 January 25, 2008	Turbulent Water Kills
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.707965 (d)	N042.785345 (d)	122 FERC 62067 January 25, 2008	Fish At The Falls Information
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.708061 (d)	N042.785490 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.708049 (d)	N042.785504 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.708066 (d)	N042.785512 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	W073.708079 (d)	N042.785500 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.708928 (d)	N042.785893 (d)	122 FERC 62067 January 25, 2008	Tailrace Fishing Access
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.708998 (d)	N042.785891 (d)	122 FERC 62067 January 25, 2008	Riverbed Access Closed If
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.708962 (d)	N042.785913 (d)	122 FERC 62067 January 25, 2008	Floodplain Safety Information
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708942 (d)	N042.785901 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708963 (d)	N042.785910 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708990 (d)	N042.785909 (d)	122 FERC 62067 January 25, 2008	Observation Platform

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Longitude	Latitude	Approval Order	Notes
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708993 (d)	N042.785929 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708957 (d)	N042.785933 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.708927 (d)	N042.785921 (d)	122 FERC 62067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	W073.709184 (d)	N042.785825 (d)	122 FERC 62067 January 25, 2008	Notice No Swimming
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709998 (d)	N042.785935 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709908 (d)	N042.785919 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709857 (d)	N042.785916 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709738 (d)	N042.785902 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709663 (d)	N042.785869 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709609 (d)	N042.785817 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709580 (d)	N042.785756 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls Overlook Viewing Area	Overlooks/Vistas	Constructed	W073.709575 (d)	N042.785685 (d)	122 FERC 62067 January 25, 2008	Overlook - Retaining Wall
2539	School Street	Falls View Park	Trails	Constructed	W073.709743 (d)	N042.785805 (d)	122 FERC 62067 January 25, 2008	Trail System - Center Trail Area

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2539-003- New York
School Street Hydroelectric Project
Idaho Power Company

March 6, 2014

Mr. Matthew Johnson
Compliance Manager
Erie Boulevard Hydropower, L.P.
399 Big Bay Road
Queensbury, New York 12804

Subject: Acknowledgement of Revisions to the FERC Approved Recreation Facilities and Approved Recreation Amenities Tables.

Dear Mr. Johnson,

This letter is to inform you that we have received your Commission approved recreation amenity information table filed on October 29, 2013, pursuant to ordering paragraph (C) of an Order Approving Exhibit R Drawings.[1]

We reviewed your submittal and determined that you have fulfilled all of the requirements of ordering paragraph (C). Our review identified that we need to revise the Commission Approved Recreation Facilities Table to reflect your clarification on the number of interpretive signs located at the project's recreation sites; additionally, we have removed points which were not requirements of the table as well as the trails which were determined to be access paths. The minor changes have been included in the revised Commission Approved Recreation Facilities Table in Appendix A of this letter. Appendix B of this letter includes a revised recreation amenities table.

If you have any questions concerning this letter, please contact Krista Sakallaris via telephone at (202)502-6302.

Charles K. Cover, P.E.
Chief, Project Review Branch Division
of Hydropower Administration and
Compliance

[1] 143 FERC ¶ 62,150 issued May 28, 2013.

Appendix A. Commission Approved Recreation Facilities at the School Street Hydroelectric Project (FERC No. 2539).

Table 1 – Approved Recreation Features	
Recreation Site Name	**Recreation Facilities**
Falls Overlook Viewing Area	• Observation Platform • 1 Interpretive Sign
Falls View Park	• Tailrace Fishing Access • 2 Observation Platforms • Access Paths • ADA Overlook • Fishing Platforms (2) • Pedestrian Bridge • Parking • ADA Drop Off Area • 7 Interpretive Signs

Appendix B. Commission Approved Recreation Amenities at the School Street Hydroelectric Project (FERC No. 2539).

Project #	Development Name	Amenity Name	Amenity	Amenity Status	Latitude	Longitude	FERC Citation & Date	Notes
2539	School Street	Falls Overlook Viewing Area	Interpretive Sign	Constructed	42.786427	-73.710378	122 FERC ¶ 62,067 January 25, 2008	Navigating Around Cohoes Falls Information
2539	School Street	Falls View Park	Tailwater Fishing	Constructed	42.785359	-73.707951	122 FERC ¶ 62,067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Overlooks/ Vistas	Constructed	42.78549	-73.708061	122 FERC ¶ 62,067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Overlooks/ Vistas	Constructed	42.786427	-73.710378	122 FERC ¶ 62,067 January 25, 2008	ADA Overlook
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	42.786072	-73.710284	122 FERC ¶ 62,067 January 25, 2008	Fishing Platform
2539	School Street	Falls View Park	Reservoir Fishing	Constructed	42.785659	-73.709966	122 FERC ¶ 62,067 January 25, 2008	Fishing Platform
2539	School Street	Falls Overlook Viewing Area	Overlooks/ Vistas	Constructed	42.785901	-73.708942	122 FERC ¶ 62,067 January 25, 2008	Observation Platform
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785657	-73.710802	122 FERC ¶ 62,067 January 25, 2008	Welcome To Brookfield's Falls View Park
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785322	-73.710824	122 FERC ¶ 62,067 January 25, 2008	Corner Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785391	-73.71075	122 FERC ¶ 62,067 January 25, 2008	Begin Kiosk
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785854	-73.709643	122 FERC ¶ 62,067 January 25, 2008	Deep Gorge - Big Waterfall Information

2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785883	-73.709689	122 FERC ¶ 62,067 January 25, 2008	Sightseeing Information
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785667	-73.709554	122 FERC ¶ 62,067 January 25, 2008	What's Down There? Information
2539	School Street	Falls View Park	Interpretive Sign	Constructed	42.785345	-73.707965	122 FERC ¶ 62,067 January 25, 2008	Fish At The Falls Information

Federal Energy Regulatory Commission (FERC) FERC Form 80

Licensed Hydropower Development Recreation Report

Form Approved
OMB No. 1902-0106
Expires: 09/30/2016
Burden 3.0 hours

General Information:

This form collects data on recreation amenities at projects licensed by FERC under the Federal Power Act (16 USC 791a-825r). This form must be submitted by licensees of all projects except those specifically exempted under 18 CFR 8.11 (c). For regular, periodic filings, submit this form on or before April 1, 2015. Submit subsequent filings of this form on or before April 1, every 6th year thereafter (for example, 2021, 2027, etc.). For initial Form No. 80 filings (18CFR 8.11(b)), each licensee of an unconstructed project shall file an initial Form No. 80 after such project has been in operation for a full calendar year prior to the filing deadline. Each licensee of an existing (constructed) project shall file an initial Form No. 80 after such project has been licensed for a full calendar year prior to the filing deadline. Filing electronically is preferred. (See http://www.ferc.gov for more information.) If you cannot file electronically, submit an original and two copies of the form to the: Federal Energy Regulatory Commission, Office of the Secretary, 888 First St., NE, Washington, DC 20426.

The public burden estimated for this form is three hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. Send comments regarding the burden estimate or any aspect of this collection of information, including suggestions for reducing burden, to: FERC via e-mail DataClearance@ferc.gov; or mail to 888 First Street NE, Washington, DC 20426 (Attention: Information Clearance Officer) and Office of Management and Budget (OMB), via e-mail to oira_submission@omb.eop.gov; or mail to OMB, Office of Information and Regulatory Affairs, Attention: Desk Officer for FERC, Washington, DC 20503. Include OMB Control Number 1902-0106 as a point of reference. No person shall be subject to any penalty for failing to comply with a collection of information if the collection of information does not display a valid control number (44 U.S.C. § 3512 (a)).

Instructions:

a. All data reported on this form must represent publicly available recreation amenities and services located within the project boundary.
b. To ensure a common understanding of terms, please refer to the Glossary on page 3.
c. Report actual data for each item. If actual data are unavailable, then please estimate.
d. Submit a completed form for each development at your project.

Schedule 1. General Data

1. Licensee Name: _____ 2. Project Name: _____ 3. Project Number: _____ 4. Development Name: _____	**Complete the following for each development if more than one.** 8. Reservoir Surface Area at Normal Pool (acres): _____ 9. Shoreline Miles at Normal Pool: _____ 10. Percent of Shoreline Available for Public Use: _____
States Development/Project Traverses (List state with largest area within the development/project boundary first): 5. State #1: _____ 6. State #2: _____ 7. Type of Project License: Major _____ (check one) Minor _____	11. Data Collection Methods (enter percent for each method used; total must equal 100%): _____ traffic count/trail count _____ attendance records _____ staff observation _____ visitor counts or surveys _____ estimate (explain)

For 2014, enter only the licensee's annual recreational construction, operation, and maintenance costs for the development (project). Also, enter the annual recreational revenues for that year.

Item	Licensee's Annual Recreation Costs and Revenues (In Whole Dollars)	
	Construction, Operation and Maintenance Costs	Recreation Revenues for Calendar Year
12. Dollar Values		

13. Length of Recreation Season: Summer: From (MM/DD) _____ To _____ Winter: From (MM/DD) _____ To _____

Period	Number of visits to all recreational areas at development/project (in Recreation Days)	
	Annual Total	Peak Weekend Average (see Glossary)
14. Daytime		
15. Nighttime		

Respondent Certification: The undersigned certifies that he/she examined this report; and to the best of his/her knowledge, all data provided herein are

true, complete, and accurate.

Legal Name	Title	Area Code/Phone No.
Signature	Date Signed	Reporting Year Ending

Title 18 U.S.C.1001 makes it a crime for any person knowingly and willingly to make to any Agency or department of the United States any false, fictitious or fraudulent statement or misrepresentation as to any matter within its jurisdiction.

Schedule 2. Inventory of Publicly Available Recreation Amenities Within the Project Boundary

16. Enter data for each Recreation Amenity Type (a). For User Free (b) and User Fee (c) enter the number of publicly available recreation amenities, located within the project boundary, regardless of provider. For FERC Approved (d) enter the number of amenities identified under User Free (b) and User Fee (c) for which the licensee has an ongoing responsibility for funding or maintenance (see Glossary for further detail). For Capacity Utilization(f), of the total publicly available amenities (b) + (c), compare the average non-peak weekend use (see Glossary) for each recreation amenity type (during the recreation season, with the highest use, reported on Schedule 1, Item 13) with the total combined capacity of each amenity type and enter a percentage that indicates their overall level of use. For example, if all public boat launches are used to half capacity during the nonpeak weekend days, enter 50% (should use exceed capacity for an amenity type, enter the appropriate percentage above 100).

Recreation Amenity Type (a)	Number of Recreation Amenities			Total Units (e)	Capacity Utilization (%) (f)
	User Free (b)	User Fee (c)	FERC Approved (d)		
Boat Launch Areas. Improved areas having one or more boat launch lanes (enter number in column e) and are usually marked with signs, have hardened surfaces, and typically have adjacent parking.				Lanes	
Marinas. Facilities with more than 10 slips on project waters, which include one or more of the following: docking, fueling, repair and storage of boats; boat/equipment rental; or sell bait/food (see Glossary FERC approved).				N/A	
Whitewater Boating. Put-ins/Take-outs specifically designated for whitewater access.				N/A	
Portages. Sites designed for launching and taking out canoes/kayaks and the improved, designated, and maintained trails connecting such sites (enter length of trail in column e).				Feet	
Tailwater Fishing. Platforms, walkways, or similar structures to facilitate below dam fishing.				N/A	
Reservoir Fishing. Platforms, walkways, or similar structures to facilitate fishing in the reservoir pool or feeder streams.				N/A	
Swim Areas. Sites providing swimming facilities (bath houses, designated swim areas, parking and sanitation facilities).				Acres	
Trails. Narrow tracks used for non-automobile recreation travel which are mapped and designated for specific use(s) such as hiking, biking, horseback riding, snowmobiling, or XC skiing (excludes portages, paths or accessible routes; See Glossary).				Miles	
Active Recreation Areas. Playground equipment, game courts/fields, golf/disc golf courses, jogging tracks, etc.				Acres	
Picnic Areas. Locations containing one or more picnic sites (each of which may include tables, grills, trash cans, and parking).				Sites	
Overlooks/Vistas. Sites established to view scenery, wildlife, cultural resources, project features, or landscapes.				Acres	
Visitor Centers. Buildings where the public can gather information about the development/project, its operation, nearby historic, natural, cultural, recreational resources, and other items of interest.				N/A	
Interpretive Displays. Signage/Kiosks/Billboards which provide information about the development/project, its operation, nearby historic, natural, cultural, recreational resources, and other items of interest.				N/A	N/A

Hunting Areas. Lands open to the general public for hunting.				Acres	
Winter Areas. Locations providing opportunities for skiing, sledding, curling, ice skating, or other winter activities.				Acres	
Campgrounds. Hardened areas developed to cluster campers (may include sites for tents, trailers, recreational vehicles [RV], yurts, cabins, or a combination, but excludes group camps).				Acres	N/A
Campsites. Sites for tents, trailers, recreational vehicles [RV], yurts, cabins, or a combination of temporary uses.				N/A	
Cottage Sites. Permanent, all-weather, buildings rented for short-term use, by the public, for recreational purposes.				N/A	
Group Camps. Areas equipped to accommodate large groups of campers that are open to the general public (may be operated by public, private, or non-profit organizations).				Sites	
Dispersed Camping Areas. Places visitors are allowed to camp outside of a developed campground (enter number of sites in clmn. e).				Sites	
Informal Use Areas. Well used locations which typically do not include amenities, but require operation and maintenance and/or public safety responsibilities					
Access Points. Well-used sites (not accounted for elsewhere on this form) for visitors entering project lands or waters, without trespassing, for recreational purposes (may have limited development such as parking, restrooms, signage).				N/A	
Other. Amenities that do not fit in the categories identified above. Please specify (if more than one, separate by commas):					

Federal Energy RegulatoryCommission (FERC)

Licensed Hydropower Development

FERC Form 80

Recreation Report

Glossary of FERC Form 80 Terms

Data Collection Methods. (Schedule 1, Item 11) – If a percentage is entered for the estimate alternative, please provide an explanation of the methods used (if submitted on a separate piece of paper, please include licensee name, project number, and development name)

Development. The portion of a project which includes:
(a) a reservoir; or
(b) a generating station and its specifically-related waterways.

Exemption from Filing. Exemption from the filing of this form granted upon Commission approval of an application by a licensee pursuant to the provisions of 18 CFR 8.11(c).

General Public. Those persons who do not have special privileges to use the shoreline for recreational purposes, such as waterfront property ownership, water-privileged community rights, or renters with such privileges.

Licensee. Any person, state, or municipality licensed under the provisions of Section 4 of the Federal Power Act, and any assignee or successor in interest. For the purposes of this form, the terms licensee, owner, and respondent are interchangeable *except where:*
(a) the *owner* or licensee is a subsidiary of a parent company which has been or is required to file this form; or
(b) there is more than one owner or licensee, of whom only one is responsible for filing this form. Enter the name of the entity that is responsible for filing this report in Schedule 1, Item 2.1.

Major License. A license for a project of more than 1,500 kilowatts installed capacity.

Minor License. A license for a project of 1,500 kilowatts or less installed capacity.

Non-Peak Weekend. Any weekend that is not a holiday and thus reflects more typical use during the recreation season.

Number of Recreation Amenities. Quantifies the availability of natural or man-made property or facilities for a given recreation amenity type. This includes all recreation resources available to the public within the development/project boundary. The resources are broken into the following categories:

User Free (Schedule 2, column b) - Those amenities within the development/project that are free to the public;

User Fee (Schedule 2, column c) - Those amenities within the development/project where the licensee/facility operator charges a fee;

FERC Approved (Schedule 2, column d) – Those amenities within the development/project required by the Commission in a license or license amendment document, including an approved recreation plan or report. Recreation amenities that are within the project boundary, but were approved by the licensee through the standard land use article or by the Commission through an application for non-project use of project lands and waters, are typically not counted as FERC approved, unless they are available to the public, but may be counted as either user free or user fee resources. The total FERC approved amenities column does not necessarily have to equal the sum of user free and user fee amenities.

Peak Use Weekend. Weekends when recreational use is at its peak for the season (typically Memorial Day, July 4th & Labor Day). On these weekends, recreational use may exceed the capacity of the area to handle such use. Include use for all three days in the holiday weekends when calculating Peak Weekend Average for items 14 & 15 on Schedule 1.

Recreation Day. Each visit by a person to a development (as defined above) for recreational purposes during any portion of a 24-hour period.

Revenues. Income generated from recreation amenities at a given project/development during the previous calendar year. Includes fees for access or use of area.

Total Units (Schedule 2, column e) – Provide the total length, or area, or number that is appropriate for each amenity type using the metric provided.

Trails. Narrow tracks used for non-automobile recreation travel which are mapped and designated for specific use(s) such as hiking, biking, horseback riding, snowmobiling, or XC skiing. Trails are recreation amenities which provide the opportunity to engage in recreational pursuits, unlike paths (means of egress whose primary purpose is linking recreation amenities at a facility) or accessible routes (means of egress which meets the needs of persons with disability and links accessible recreation amenities and infrastructure at a facility).