

# LOW IMPACT HYDROPOWER INSTITUTE

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October 6, 2004

**TO:** LIHI Governing Board

**cc:** LIHI Advisory Panels  
Land & Water Associates

**FROM:** Fred Ayer, Executive Director

**SUBJECT:** Recommendation regarding the application for certification of the Raquette Hydroelectric Project, Raquette River, New York

## ISSUE

Should the Governing Board certify the Raquette Hydroelectric Project as a Low Impact Hydropower Facility?

## RECOMMENDATION

The Governing Board should certify the Raquette Hydroelectric Project because it meets the Low Impact Hydropower Certification Criteria.

## DISCUSSION

I have reviewed the application, and the Application Reviewer's report. I concur with the Application Reviewer's determination that the Hoosic Hydroelectric Project, located on the Hoosic River in New York, meets the Low Impact certification criteria.

I found no unusual technical or policy issues raised by the application or the Application Reviewer's report.

The original FERC license expired in 1993 and the project operated under annual licenses until new FERC licenses were issued for the four Raquette River Projects in early 2002. FERC issued a draft environmental assessment (EA) in 1996, and following comments by several parties, a final EA was issued on June 30, 2000. During the period 1993-2002 the Applicant and the parties were actively engaged in settlement negotiations that resulted in an Offer of Settlement signed in April 1998 by the Applicant and sixteen other parties.

Reading the notes on interviews conducted by the Application Reviewer, the resource agencies and interested parties appear to have a positive attitude toward the Settlement Agreement and the terms and conditions of the new FERC License. These parties are also satisfied with the Applicant's implementation of the terms and conditions. To date, the Applicant has reportedly met the timetables established for completing plans, conducting agency coordination, and construction of facility improvements.

This Application, like some that have come before and more that will surely follow, is for a project where the applicant and other interested parties have signed an Offer of Settlement. In applications like this that come to LIHI staff for review, comment and recommendations, my review and recommendations have been guided by LIHI's Criteria that speaks to the issue of Resource Agency Recommendations and particularly the discussion on Settlements:

*Settlements in FERC or other proceedings, where a Resource Agency is party to, or concurs in, the settlement, have the effect of becoming the latest Resource Agency Recommendation for that Resource Agency on the topics covered by the settlement.*

There appear to be no significant issues that conflict with the Settlement Agreement, the FERC License and the Low Impact Criteria.

### **Public Comments and Appeal Period**

There were no public comments.