

D. WATERSHED PROTECTION

The Watershed Protection criterion is designed to ensure that sufficient action has been taken to protect, mitigate and enhance environmental conditions in the watershed. A certified facility must be in compliance with resource agency and Federal Energy Regulatory Commission ("FERC") recommendations regarding watershed protection, mitigation or enhancement. In addition, the criterion rewards projects with an extra three years of certification that have a buffer zone extending 200 feet from the high water mark or an approved watershed enhancement fund that could achieve within the project's watershed the ecological and recreational equivalent to the buffer zone and has the agreement of appropriate stakeholders and state and federal resource agencies. A Facility can pass this criterion, but not receive extra years of certification, if it is in compliance with both state and federal resource agencies recommendations in a license-approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project.

The Mahoning Creek Hydroelectric Project facility does not have an official designated buffer zone, an approved watershed enhancement fund, or a shoreland buffer plan / watershed land protection plan. There are no relevant resource agency recommendations regarding shoreline management plan.