

**LOW IMPACT HYDROPOWER INSTITUTE  
CERTIFICATION QUESTIONNAIRE**

APRIL, 2014 REVISION

<b>Background Information</b>	
1) Name of the Facility as used in the FERC license/exemption.	School Street Project (FERC #2539)
2) Applicant's name, contact information and relationship to the Facility. Please use the Project Contact Form in Appendix D.	Erie Boulevard Hydro, L.P. wholly owned by Brookfield Renewable Energy Group 200 Donald Lynch Boulevard, Marlborough, Mass 01752
3) Location of Facility including (a) the state in which Facility is located; (b) the river on which Facility is located; (c) the river-mile location of the Facility dam; (d) the river's drainage area in square miles at the Facility intake; (e) the location of other dams on the same river upstream and downstream of the Facility; and (f) the exact latitude and longitude of the Facility dam.	A&B) Mohawk River, New York (Cohoes, NY) C) 2.5 river miles upstream of the confluence with the Hudson River. D) 3,450 Square Miles E) Brookfield does not own/operate any other facilities on the Mohawk River. F) 42° 47' 48" N 73° 42' 48" W
4) Installed capacity.	38,800 kW
5) Average annual generation.	188,500 MWh
6) Regulatory status.	FERC #2539, New License issued 2/15/07 (includes Settlement Agreement)
7) Reservoir volume and surface area measured at the normal maximum operating level.	~ 100 acres
8) Area occupied by non-reservoir facilities (e.g., dam, penstocks,	62 acres

powerhouse).	
9) Number of acres inundated by the Facility.	~ 100 acres
10) Number of acres contained in a 200-foot zone extending around entire reservoir.	31 acres
11) Contacts for Resource Agencies and non-governmental organizations	See Settlement Agreement Signatory List, attached as Appendix A.
12) Description of the Facility, its mode of operation (i.e., peaking/run of river) and photographs, maps and diagrams.	See Description of project and maps from FERC License Order, attached as Appendix B. Mode of operation is Run of River.
<b>Questions for "New" Facilities Only:</b> If the Facility you are applying for is "new" (i.e., an existing dam that added or increased power generation capacity after August of 1998) please answer the following questions to determine eligibility for the program.	N/A - Existing Project
13) When was the dam associated with the Facility completed?	N/A - Existing Project
14) When did the added or increased generation first generate electricity? If the added or increased generation is not yet operational, please answer question 18 as well.	N/A - Existing Project
15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?	N/A - Existing Project
16) Did the added or increased capacity include or require a change in water flow through the facility that worsened conditions for fish, wildlife, or water quality (for example, did operations change from run-of-river to peaking)?	N/A - Existing Project
17 (a) Was the existing dam recommended for removal or decommissioning by resource agencies, or recommended for removal or decommissioning by a	N/A - Existing Project

<p>broad representation of interested persons and organizations in the local and/or regional community prior to the added or increased capacity?</p> <p>(b) If you answered "yes" to question 17(a), the Facility is not eligible for certification, unless you can show that the added or increased capacity resulted in specific measures to improve fish, wildlife, or water quality protection at the existing dam. If such measures were a result, please explain.</p>	
<p>18 (a) If the added or increased generation is not yet operational, has the increased or added generation received regulatory authorization (e.g., approval by the Federal Energy Regulatory Commission)? If not, the facility is not eligible for consideration; and</p> <p>(b) Are there any pending appeals or litigation regarding that authorization? If so, the facility is not eligible for consideration.</p>	<p>N/A - Existing Project</p>
<p><b>A. Flows</b></p> <p>1) Is the Facility in Compliance with Resource Agency Recommendations issued after December 31, 1986 regarding flow conditions for fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations) for both the reach below the tailrace and all bypassed reaches?</p>	<p>PASS</p> <p>YES = Pass, Go to B N/A = Go to A2</p> <p>Yes - The School St Project is in compliance with resource agency conditions issued after December 31, 1986 regarding flow conditions.</p> <p>FERC License Article 15, and Settlement Agreement Section 3.1: Erie Boulevard is to operate the project in a run-of-river mode and limit impoundment fluctuation to 0.5-foot below the permanent dam crest elevation of 156.1 feet USGS</p> <p>FAIL NO = Fail</p>

	<p>datum; however, only drawdowns below 1.0 foot for 30 minutes or longer are to be reported to the Commission. The New York DEC and the US Fish and Wildlife Service are to be notified whenever the 0.5-foot limit is exceeded for a duration of 30 minutes or longer. Infrequent deviations have been reported to DEC/FERC appropriately as per these requirements.</p> <p>FERC License Article 16, and Settlement Agreement Section 3.2.1 and 3.2.2 Erie Boulevard is required to release seasonal aquatic habitat flows as per the Table 3.2.A of the Settlement Agreement.</p>	
<p>2) If there is no flow condition recommended by any Resource Agency for the Facility, or if the recommendation was issued prior to January 1, 1987, is the Facility in Compliance with a flow release schedule, both below the tailrace and in all bypassed reaches, that at a minimum meets Aquatic Base Flow standards or "good" habitat flow standards calculated using the Montana-Tennant method?</p>	<p>YES = Pass, go to B NO = Go to A3  Yes.</p>	
<p>3) If the Facility is unable to meet the flow standards in A.2., has the Applicant demonstrated, and obtained a letter from the relevant Resource Agency confirming that demonstration, that the flow conditions at the Facility are appropriately protective of fish, wildlife, and water quality?</p>	<p>YES = Pass, go to B  Yes.</p>	<p>NO = Fail</p>
<b>B. Water Quality</b>		<p>PASS</p>
		<p>FAIL</p>

<p>1) Is the Facility either:</p> <p>a) In Compliance with all conditions issued pursuant to a Clean Water Act Section 401 water quality certification issued for the Facility after December 31, 1986? Or</p> <p>b) In Compliance with the quantitative water quality standards established by the state that support designated uses pursuant to the federal Clean Water Act in the Facility area and in the downstream reach?</p>	<p>YES = Go to B2</p> <p>Yes - (a) The School St Project is in compliance with all conditions of the Section 401 Water Quality Certification (WQC) issued to the project after December 31, 1986. A copy of the WQC is included as Appendix C. There has been no change in the WQC since the 2009 application.</p>	<p>NO = Fail</p>
<p>2) Is the Facility area or the downstream reach currently identified by the state as not meeting water quality standards (including narrative and numeric criteria and designated uses) pursuant to Section 303(d) of the Clean Water Act?</p>	<p>YES = Go to B3</p> <p>NO = Pass</p> <p>No - Reaches of the Mohawk River in the vicinity of the School St Project are not currently identified as not meeting State water quality standards pursuant to CWA Section 303(d).</p>	<p>NO = Fail</p>
<p>3) If the answer to question B.2 is yes, has there been a determination that the Facility does not cause, or contribute to, the violation?</p>	<p>YES = Pass</p> <p>N/A.</p>	<p>NO = Fail</p>
<p><b>C. Fish Passage and Protection</b></p>		
<p>1) Are anadromous and/or catadromous fish present in the Facility area or are they known to have been present historically?</p>	<p>PASS</p> <p>YES = Go to C2</p> <p>NO = Go to C6</p>	<p>FAIL</p>

	<p>Yes. American eel (catadromous) were historically present in the Mohawk River and did pass through the project area and over Cohoes Falls, and the species is still present today. The American eel was a primary consideration within the design of the current fish protection measures at the Project. In addition, while Cohoes Falls was a historic barrier to the upstream movement of anadromous fish in the Mohawk River and specifically through the Project area, blueback herring have now become established upstream of the Project as a result of migrating upstream through the nearby lock and canal system. While this species does not utilize the Project area for upstream passage (and is in fact blocked by a downstream dam from even reaching the base of Cohoes Falls and Project area), appropriate measures for downstream passage of this species past the Project were also a primary consideration within the design of the current fish protection measures and downstream bypass facilities.</p>	
<p>2) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and downstream passage of anadromous and catadromous fish</p>	<p>YES = Go to C6 N/A = Go to C2</p>	<p>NO = Fail</p>

issued by Resource Agencies after December 31, 1986?

Yes - The School St Project Settlement Agreement (Section 3.5) and FERC License (Section 20) describe the necessary components of the fish passage plan prescribed by the USFWS and NOAA Fisheries. The plan requires Erie Boulevard to (1) screen the bypass 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 downstream fish passage pipe(s) and/or flumes near the angled bar rack. These fish passage measures were further developed subject to review and comment by the resource agencies and FERC approval, and are now complete and operational.

Further, the Settlement Agreement (Section 3.6) and the FERC License (Section 21) provide Erie Boulevard with the option to install and operate a new "fish-friendly" turbine generator unit and, provided the new unit proves to have equal or improved fish

<p>3) Are there historic records of anadromous and/or catadromous fish movement through the Facility area, but anadromous and/or catadromous fish do not presently move through the Facility area (e.g., because passage is blocked at a downstream dam or the fish no longer have a migratory run)?</p> <p>a) If the fish are extinct or extirpated from the Facility area or downstream reach, has the Applicant demonstrated that the extinction or extirpation was not due in whole or part to the Facility?</p> <p>b) If a Resource Agency Recommended adoption of upstream and/or downstream fish passage measures at a specific future date, or when a triggering event occurs (such as completion of passage through a downstream obstruction or the completion of a specified process), has the Facility owner/operator made a legally enforceable commitment to provide such passage?</p>	<p>passage protection, would be used as the primary means of fish passage.          Communications between Erie Boulevard, Settlement Agreement signatories, and FERC concerning the timing for construction of the new Fish Friendly Turbine are attached as Appendix D to this questionnaire.</p>	
<p>4) If, since December 31, 1986:</p> <p>a) Resource Agencies have had the opportunity to issue, and considered issuing, a Mandatory Fish Passage Prescription for upstream and/or</p>	<p>YES = Go to C2a          NO = Go to C3          N/A. See above response.          YES = Go to C2b          N/A = Go to C2b          YES = Go to C5          N/A = Go to C3</p>	<p>NO = Fail          NO = Fail</p>
	<p>NO = Go to C6          N/A = Go to C5</p>	<p>YES = Fail</p>



<p>downstream passage of anadromous or catadromous fish (including delayed installation as described in C.3.a above), and</p> <p>b) The Resource Agencies declined to issue a Mandatory Fish Passage Prescription,</p> <p>c) Was a reason for the Resource Agencies' declining to issue a Mandatory Fish Passage Prescription one of the following: (1) the technological infeasibility of passage, (2) the absence of habitat upstream of the Facility due at least in part to inundation by the Facility impoundment, or (3) the anadromous or catadromous fish are no longer present in the Facility area and/or downstream reach due in whole or part to the presence of the Facility?</p>	<p>N/A. See above response.</p>	
<p>5) If C4 was not applicable:</p> <p>a) Are upstream and downstream fish passage survival rates for anadromous and catadromous fish at the dam each documented at greater than 95% over 80% of the run using a generally accepted monitoring methodology?</p> <p>Or</p> <p>b) If the Facility is unable to meet the fish passage standards in 5.a, has the Applicant either i) demonstrated, and obtained a letter from the U.S. Fish and Wildlife Service or National Marine Fisheries Service confirming that demonstration, that the upstream and downstream fish passage measures (if any) at the Facility are appropriately protective of the fishery resource, or ii) committed to the provision of fish passage measures in the future and obtained a letter from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service indicating that passage measures are not currently warranted?</p>	<p>YES = Go to C6</p> <p>Yes - Required fish passage and protection measures are in place and operating, as per the protection measures prescribed in the Settlement Agreement (Section 3.5) and the FERC License (Section 20), as described in the response to C.1 above.</p>	<p>NO = Fail</p>
<p>6) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions</p>	<p>YES = Go to C7</p>	<p>NO = Fail</p>

for upstream and/or downstream passage of Riverine fish?	N/A = Go to C7	
7) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?	Yes. See above.  YES = Pass, go to D N/A = Pass, go to D  Yes. See above.	NO = Fail
<b>D. Watershed Protection</b>	PASS	FAIL
1) Is there a buffer zone dedicated for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low-impact recreation) extending 200 feet from the average annual high water line for at least 50% of the shoreline, including all of the undeveloped shoreline?	YES = Eligible for 3 extra years of certification; Go to D4	NO = Go to D2  No.
2) Has the Facility owner/operator established an approved watershed enhancement fund that: 1) could achieve within the project's watershed the ecological and recreational equivalent of land protection in D.1, and 2) has the agreement of appropriate stakeholders and state and federal resource agencies?	YES = Eligible for 3 extra years of certification; Go to D4	NO = Go to D3  No.
3) Has the Facility owner/operator established through a settlement agreement with appropriate stakeholders, with state and federal resource agencies agreement, an appropriate shoreland buffer or equivalent watershed land protection plan for conservation purposes (to protect fish and wildlife habitat, water quality, aesthetics and/or low impact recreation)?	YES = Go to D4	NO = Go to D4  No. Resource agencies did not consider a shoreland buffer, or watershed protection plan, as necessary for the School St Project, given the nature and location of the facility. This is reflected in the Settlement Agreement, where Resource Agencies did not advocate for or recommend that a shoreland

		buffer or equivalent watershed protection plan be required.
4) Is the facility in compliance with both state and federal resource agencies recommendations in a license approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project?	YES = Pass, go to E N/A = Pass, go to E N/A.	No = Fail
<b>E. Threatened and Endangered Species Protection</b>	PASS	FAIL
1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?	YES = Go to E2 NO = Pass, go to F  No state or federally-listed species are currently known to reside in the Project area or downstream reach (i.e., the reach lying below the School Street Dam and/or powerhouse, and upstream of the next dam (State Dam, which is located upstream of the confluence of the Mohawk River with the Hudson River)). Extensive survey efforts and consultations with resource agencies as part of the relicensing process did not identify the occurrence of listed species "except for occasional transient individuals" (School Street Project Application for New License, E.3(i)A.4, December 1991). Findings and conclusions within the Final Environmental Assessment (FEA) for the Project relicensing (FERC.	

September 2001) are consistent with this characterization, with the FEA noting that "Interior (1996) notes that the bald eagle, a federally listed threatened species, has been sighted on the Mohawk River during the winter, and may forage below the existing hydropower projects. During the scoping process, the resource agencies indicated that the project is within the habitat range of the Karner blue butterfly (*Lycæides melissa samuelis*), a federal- and state-listed endangered species. The resource agencies indicate that there are no other State or federally listed or proposed threatened or endangered plant or animal species known to occur in the School Street Project area (FWS, 1985; NYSDEC, 1985). In addition, there are no NYSDEC-designated significant habitats within the project area (NYSDEC, 1985)." and "The FWS (Interior, 1996) indicates that the proposed project is not likely to adversely affect wintering bald eagles." Surveys related to the Karner blue butterfly did not identify any occurrence of suitable habitat (i.e., blue lupine) within the Project area. At present, wintering and transient bald eagle are common in the Project area. As a indicated above, the bald eagle was

	<p>federally-listed at the time of the relicensing effort and was therefore addressed accordingly and in full compliance with ESA requirements. However, it is also worth noting that the bald eagle was recently delisted by the U.S. Department of the Interior in August 2007.</p>	
<p>2) If a recovery plan has been adopted for the threatened or endangered species pursuant to Section 4(f) of the Endangered Species Act or similar state provision, is the Facility in Compliance with all recommendations in the plan relevant to the Facility?</p>	<p>YES = Go to E3 N/A = Go to E3 N/A.</p>	<p>NO = Fail</p>
<p>3) If the Facility has received authorization to incidentally Take a listed species through: (i) Having a relevant agency complete consultation pursuant to ESA Section 7 resulting in a biological opinion, a habitat recovery plan, and/or (if needed) an incidental Take statement; (ii) Obtaining an incidental Take permit pursuant to ESA Section 10; or (iii) For species listed by a state and not by the federal government, obtaining authorization pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authorization?</p> <p>4) If a biological opinion applicable to the Facility for the threatened or endangered species has been issued, can the Applicant demonstrate that:</p> <p>a) The biological opinion was accompanied by a FERC license or exemption or a habitat conservation plan? Or</p> <p>b) The biological opinion was issued pursuant to or consistent with a recovery plan for the endangered or threatened species? Or</p>	<p>YES = Go to E4 N/A = Go to E5 N/A.</p> <p>YES = Pass, go to F N/A.</p>	<p>NO = Fail</p> <p>NO = Fail</p>

<p>c) There is no recovery plan for the threatened or endangered species under active development by the relevant Resource Agency? Or</p> <p>d) The recovery plan under active development will have no material effect on the Facility's operations?</p>		
<p>5) If E.2 and E.3 are not applicable, has the Applicant demonstrated that the Facility and Facility operations do not negatively affect listed species?</p>	<p>YES = Pass, go to F</p> <p>Yes.</p>	<p>NO = Fail</p>
<p><b>F. Cultural Resource Protection</b></p>	<p>PASS</p>	<p>FAIL</p>
<p>1) If FERC-regulated, is the Facility in Compliance with all requirements regarding Cultural Resource protection, mitigation or enhancement included in the FERC license or exemption?</p>	<p>YES = Pass, go to G</p> <p>N/A = Go to F2</p> <p>Yes - Section 3.8 of the Settlement Agreement, and Section 23 of the FERC license stipulate the development by Erie Boulevard of an historic properties management plan (HPMP) in consultation with the National Park Service, the New York Office of Parks, Recreations and Historic Preservation, and American Indian Nations. The plan is to include consideration of (1) continued tribal access to project land; (2) the placement of low-level diversion structures and minor channel modifications near the dam for</p>	<p>NO = Fail</p>

	<p>the purpose of enhancing fish habitat; (3) preservation and rehabilitation of the contributing elements to the Harmony Mills National Historic Landmark District and preservation of the National Register listed and eligible sites in the project area; and (4) protocols for consultation, monitoring, and treatment of any unidentified historic properties discovered during project construction and operation. The plan was developed, and approved on January 23, 2008. Erie Boulevard continues to consult with the relevant resource agencies, and files an annual monitoring report. Correspondence between Erie Boulevard, resource agencies, and FERC concerning the HPMP is attached as Appendix E to this questionnaire.</p>	
<p>2) If not FERC-regulated, does the Facility owner/operator have in place (and is in Compliance with) a plan for the protection, mitigation or enhancement of impacts to Cultural Resources approved by the relevant state or federal agency or Native American Tribe, or a letter from a senior officer of the relevant agency or Tribe that no plan is needed because Cultural Resources are not negatively affected by the Facility?</p>	<p>YES = Pass, go to G  N/A. See above response.</p>	<p>NO = Fail</p>
<p><b>G. Recreation</b></p>		
<p>1) If FERC-regulated, is the Facility in Compliance with the recreational access, accommodation (including recreational flow releases) and facilities</p>	<p>PASS  YES = Go to G3 N/A = Go to G2</p>	<p>FAIL  NO = Fail</p>

<p>conditions in its FERC license or exemption?</p>	<p>Yes - as per Settlement Agreement Section 3.9 and FERC license Section 24, Erie Boulevard is to develop a recreation plan including the following enhancements: (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; (5) access for the disabled, and (6) interpretive signage. The Recreation Plan was filed in November, 2007 and is attached as Appendix F. Substantial Recreational Facility enhancements are largely complete, and have been opened to the public.</p>	<p>NO = Fail</p>
<p>2) If not FERC-regulated, does the Facility provide recreational access, accommodation (including recreational flow releases) and facilities, as Recommended by Resource Agencies or other agencies responsible for recreation?</p>	<p>YES = Go to G3 N/A. See above response.</p>	<p>NO = Fail</p>
<p>3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?</p>	<p>YES = Pass, go to H Yes.</p>	<p>NO = Fail</p>
<p><b>H. Facilities Recommended for Removal</b></p>		<p>PASS</p>
		<p>FAIL</p>



<p>1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?</p>	<p>NO = Pass, Facility is Low Impact</p>	<p>YES = Fail</p>
<p>No.</p>		

**APPENDIX D – PROJECT CONTACT FORM**

Project Name: **School Street**

FERC No. **2539**

**Project Owner/Operator:**

Name and Title: Thomas Uncher, Vice President

Company: Erie Boulevard Hydro, L.P.

Phone: (518) 743-2018

Email address: Thomas.Uncher@brookfieldrenewable.com

Mailing Address: 399 Big Bay Road, Queensbury NY 12804

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

Name: N/A

Company: N/A

Phone: N/A

Email address: N/A

Mailing Address: N/A

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

Name and Title: Ian Borlang, Compliance Manager

Phone: (518) 743-2093

Email address: Ian.Borlang@brookfieldrenewable.com

Mailing Address: 399 Big Bay Road, Queensbury NY 12804

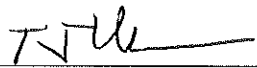
**Party responsible for accounts payable:**

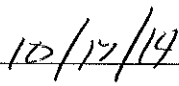
Name and Title: James Boucher, Accountant

Phone: (518) 743-2013

Email address: James.Boucher@brookfieldrenewable.com

Mailing Address: 399 Big Bay Road, Queensbury NY 12804

  
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Project Owner/Operator Signature

  
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Date