

ERIE BOULEVARD HYDROPOWER, L.P.

BLACK RIVER PROJECTS:

Black River Project (FERC No. 2569)

Beebee Island Project (FERC No. 2538)

**APPLICATION BEFORE THE LOW IMPACT
HYDROPOWER INSTITUTE FOR CERTIFICATION
OF THE BLACK RIVER PROJECTS AS
A LOW IMPACT FACILITY**

NOVEMBER 2007

Brookfield Power



BLACK RIVER PROJECTS LIHI APPLICATION FOR CERTIFICATION

SUMMARY

Erie Boulevard Hydropower, L.P.'s (Erie's) Black River Projects consist of six hydroelectric developments along the Black River in Jefferson County, New York. The five upstream developments are licensed as the Black River Project (FERC No. 2569), and the Beebee Island development is licensed separately as the Beebee Island Project (FERC No. 2538). The six hydropower dams and powerhouses that comprise Erie's Black River Projects all lie between the City of Watertown and west of the Village of Carthage. Progressing downstream from Carthage, these are the Herrings (RM 27.5), Deferiet (26.0), Kamargo (RM 17.0), Black River (RM 15.0), Sewalls (RM 10.0), and Beebee Island (RM 9.0) developments. These developments are all operated automatically to maintain impoundment levels within 0.5 foot below dam crest or top of flashboards and provide a continuous baseflow of not less than 1,000 cfs (or inflow) through the entire project.

The prior licensee for the projects, Niagara Mohawk Power Corporation¹, filed applications for new licenses for the Black River and Beebee Island Projects with the Federal Energy Regulatory Commission (FERC) in 1991. As was eventually done for all of its "Class of '93" projects, Niagara Mohawk initiated settlement negotiations with relicensing intervenors in 1994 in an effort to reach agreement about recommended license conditions and obtain water quality certification from the New York State Department of Environmental Conservation (NYSDEC). On September 14, 1995, Niagara Mohawk amended the license applications for the Black River and Beebee Island Projects with the filing of a Settlement Offer for the Black River and Beebee Island Projects. The Settlement was signed by Niagara Mohawk, the National Park Service, U.S. Fish and Wildlife Service, NYSDEC, Adirondack Mountain Club, American Rivers, New York Rivers United, the Natural Heritage Institute, the New York Council of Trout Unlimited, and the New York State Conservation Council. The provisions of the Settlement Offer were incorporated by FERC into the new licenses for the Black River and Beebee Island Projects, which were issued on December 24, 1996.²

The 1995 Settlement Offer for the Black River and Beebee Island Projects was collaboratively designed to provide for the continued operation of these projects with appropriate long-term environmental protection measures to meet diverse objectives for maintaining a balance of non-power and power values in the Black River Basin. The implementation of the protection, mitigation, and enhancement measures associated with the settlement agreement are, in accordance with the timelines agreed upon in the settlement agreement, complete or scheduled for implementation by the end of 2008.

¹ The projects were transferred to Erie Boulevard Hydropower, L.P. (Erie) in 1999 (*Niagara Mohawk Power Corporation et al.*, Order Approving Transfers of Licenses, Partial Transfer of License, and Substitution of Applicants (88 FERC ¶62,082)).

² See *Niagara Mohawk Power Corporation*, Order Approving Settlement Offer and Issuing New License (77 FERC ¶61,306) and *Beebee Island Corporation*, Order Approving Settlement Offer and Issuing New License (77 FERC ¶61,306).

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LOW IMPACT HYDROPOWER QUESTIONNAIRE

E. LOW IMPACT HYDROPOWER QUESTIONNAIRE

Background Information	Applicant Answer
1) Name of the Facility.	Black River Projects: Black River Project (FERC No. 2569) & Beebee Island Project (FERC No. 2538)
2) Applicant's name, contact information and relationship to the Facility. If the Applicant is not the Facility owner/operator, also provide the name and contact information for the Facility owner and operator.	Mr. Steven P. Murphy Compliance Specialist Erie Boulevard Hydropower, L.P. c/o Brookfield Power 225 Greenfield Parkway, Suite 201 Liverpool, NY 13088
3) Location of Facility by river and state.	Black River, New York
4) Installed capacity.	Black River Project: <i>Herrings Development:</i> 5.4 MW <i>Deferiet Development:</i> 10.8 MW <i>Kamargo Development:</i> 5.4 MW <i>Black River Development:</i> 6.0 MW <i>Sewalls Development:</i> 2.0 MW Beebee Island Project: 8.0 MW Total installed capacity: 37.6 MW
5) Average annual generation.	Black River Project: 148.8 GWh Beebee Island Project: 38.7 GWh Total average annual generation: 187.5 GWh

6) Regulatory status.	FERC-licensed via a collaborative settlement agreement. The Orders Issuing the New Licenses and Approving the Settlement Offer were issued for the Black River Projects on December 24, 1996 (77 FERC ¶61,306).																		
7) Reservoir volume and surface area measured at the high water mark in an average water year.	<table border="0"> <tr> <td>Herrings Development</td> <td>669.4 acre-feet</td> <td>140 surface acres</td> </tr> <tr> <td>Deferiet Development</td> <td>405.0 acre-feet</td> <td>70 surface acres</td> </tr> <tr> <td>Kamargo Development:</td> <td>359.5 acre-feet</td> <td>40 surface acres</td> </tr> <tr> <td>Black River Development:</td> <td>124.0 acre-feet</td> <td>25 surface acres</td> </tr> <tr> <td>Kamargo Development:</td> <td>48.0 acre-feet</td> <td>4 surface acres</td> </tr> <tr> <td>Beebee Island Development:</td> <td>60.0 acre-feet</td> <td>20 surface acres</td> </tr> </table>	Herrings Development	669.4 acre-feet	140 surface acres	Deferiet Development	405.0 acre-feet	70 surface acres	Kamargo Development:	359.5 acre-feet	40 surface acres	Black River Development:	124.0 acre-feet	25 surface acres	Kamargo Development:	48.0 acre-feet	4 surface acres	Beebee Island Development:	60.0 acre-feet	20 surface acres
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8) Area occupied by non-reservoir facilities (e.g., dam, penstocks, powerhouse).	Not Required																		
9) Number of acres inundated by the Facility.	Not Required																		
10) Number of acres contained in a 200-foot zone extending around entire impoundment.	Not Required																		
11) Please attach a list of contacts in the relevant Resource Agencies and in non-governmental organizations that have been involved in recommending conditions for your Facility.	A list of key resource agencies and NGOs involved in the relicensing proceedings and the Settlement Offer is attached.																		
12) Please attach a description of the Facility, its mode of operation (i.e., peaking/run of river) and a map of the Facility.	The six hydropower dams and powerhouses that comprise Erie’s Black River Projects all lie between the City of Watertown and west of the Village of Carthage, in Jefferson County, New York. Progressing downstream from Carthage, these are the Herrings (RM 27.5), Deferiet (26.0), Kamargo (RM 17.0), Black River (RM 15.0), Sewalls (RM 10.0), and Beebee Island (RM 9.0) developments. These developments are all operated automatically to maintain impoundment levels within 0.5 foot below the dam crest or the top of flashboards and provide a continuous baseflow of not less than 1,000 cfs (or inflow) through																		

	<p>the entire project.</p> <p>A map of the Black River developments, descriptions of the project facilities and operations, and Exhibit F and G project drawings are attached.</p>
<p>Questions for “New” Facilities Only: 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</p>	<p>N/A. No power generation capacity was added to the projects after August 1998. The Black River Projects are not considered a “new” facility for the purposes of this application.</p>
<p>13) When was the dam associated with the Facility completed?</p>	<p>N/A</p>
<p>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.</p>	<p>N/A</p>
<p>15) Did the added or increased power generation capacity require or include any new dam or other diversion structure?</p>	<p>N/A</p>
<p>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)?</p>	<p>N/A</p>

<p>17) (a) Was the existing dam recommended for removal or decommissioning by resource agencies, or recommended for removal or decommissioning by a 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>N/A</p>
<p>18) (a) If the increased or added 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</p>

A. Flows	PASS	FAIL	Applicant Answer
<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 bypass reaches?</p>	<p>YES = Pass, Go to B</p> <p>N/A = Go to A2</p>	<p>NO = Fail</p>	<p>Yes – The Black River Projects are in compliance with resource agency conditions issued after December 31, 1986 regarding flow conditions. The FERC licenses, 1995 Settlement Offer, and Section 401 Water Quality Certificate (WQC) include the requirements for flow releases and water level control recommended by the New York State Department of Environmental Conservation (NYSDEC) and U.S. Fish and Wildlife Service (USFWS).</p> <p>Each year Erie files documentation with FERC confirming compliance with flow and impoundment level conditions. A copy of this filing for 2006 is attached. For construction and maintenance activities that require lowering the level of an impoundment below the normal operating limits, Erie’s own operating procedure (HOP 202) requires notification of NYSDEC and compliance with drawdown rates specified in the 401 WQC (1 ft/hr).</p> <p>A summary of flow conditions recommended by resource agencies through the FERC licenses, 1995 Settlement Offer, and 401 WQC follows. Articles 404 and 405 of the licenses for the Beebee Island and Black River Projects, respectively, and the 1995 Settlement Offer require Erie to release minimum (bypass) flows from structures designed to minimize adverse impacts to fish moving downstream at each development.</p> <p>All of the license and settlement requirements pertaining to flow conditions and impoundment levels have been implemented at the Black River Projects.</p>

		<p>Black River Project</p> <ul style="list-style-type: none"> • <u>Impoundment fluctuation limitations:</u> <ul style="list-style-type: none"> ○ <i>Herrings:</i> 0.5 feet (year-round) from permanent crest of dam or top of flashboards when in place. As per license article 401 and section III.A of the Settlement Offer, when flows are between 1,400 cfs and 1,900 cfs between May 1 and Sept. 30, Erie makes a best effort to maintain the impoundment within 0.2 ft of permanent crest of dam or top of flashboards, when in place. ○ <i>Deferiet:</i> 0.5 feet (year-round) from permanent crest of dam or top of flashboards when in place. ○ <i>Kamargo:</i> 0.5 feet (year-round) from permanent crest of dam or top of flashboards when in place. ○ <i>Black River:</i> 0.5 feet (year-round) from permanent crest of dam or top of flashboards when in place. ○ <i>Sewalls:</i> 0.5 feet (year-round) from permanent crest of dam or top of flashboards if in place. As per license article 402 and Section VII.A of the Settlement Offer, the Sewalls Development is operated in run-of-river mode when flows are less than 2,000 cfs between May 1 and September 30. • <u>Flashboard installation:</u> To be installed by May 1 of each year (or as soon as possible thereafter) and removed in the fall as determined by Erie. • <u>Baseflow:</u> Provide continuous baseflow of 1,000 cfs or inflow, whichever is less, through the five developments. • <u>Minimum (bypass) flows:</u> <ul style="list-style-type: none"> ○ <i>Herrings:</i> (year-round) 20 cfs released through the stoplog
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			<p>section located between the dam and trashracks to provide a route for downstream fish movement.</p> <ul style="list-style-type: none"> ○ <i>Deferiet</i>: 800 cfs released during walleye spawning season¹ and 245 cfs released for the rest of the year through a combination of leakage, releases over the dam, and releases through the stoplog structure, with at least 45 cfs through the modified stoplog structure. Reduction of flows at the end of walleye season are in no more than 200 cfs increments at no less than 4-hour intervals. ○ <i>Kamargo</i>: (year-round) 120 cfs released through a notched section of the dam. ○ <i>Black River</i>: 300 cfs released during walleye spawning season through a combination of a notched section of the dam and low-level sluice gates and 80 cfs released through a notched section of the dam for the rest of the year. Reduction of flows at the end of walleye season are in no more than 75 cfs increments at no less than 4-hour intervals. ○ <i>Sewalls</i>: (year-round) 32 cfs released into the north channel and 137 cfs released into the south channel. A minimum of 20 cfs is released at all times to the north channel through a notched section of the dam, and the remaining north channel flow and the entire south channel flow is from leakage or other mechanisms. <p>Beebee Island Project</p> <ul style="list-style-type: none"> ● <u>Impoundment fluctuation limitations</u>: 0.5 feet (year-round) from permanent crest of dam or top of flashboards when in place. As per license article 401 and section VIII.A of the Settlement Offer, Erie makes a best effort to maintain the impoundment within 0.2 ft of permanent crest of dam or top of flashboards when in place. Also, as required by license article 401 and section VIII.A of the Settlement Offer, the Beebee Island Project is operated in a run-of-river mode
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¹ Walleye spawning season is defined in the Black River Project license as March 15 through the 30th day after the last of 4 consecutive days after April 15 when average daily water temperature is at least 50° F.

			<p>such that the sum of inflows to the project equals the sum of outflows.</p> <ul style="list-style-type: none"> • <u>Flashboard installation</u>: To be installed by May 1 of each year (or as soon as possible thereafter) and removed in the fall as determined by Erie. • <u>Baseflow</u>: Provide continuous baseflow of 1,000 cfs or inflow, whichever is less. • <u>Minimum (bypass) flows</u>: (year-round) 14 cfs released into the south channel.
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 bypass reaches, that at a minimum meets Aquatic Base Flow standards or “good” habitat flow standards calculated using the Montana-Tennant method?	<p>YES = Pass, go to B</p> <p>NO = Go to A3</p>		N/A
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>YES = Pass, go to B</p>	<p>NO = Fail</p>	N/A

B. Water Quality	PASS	FAIL	
<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>NO = Fail</p>	<p>Yes – (a) The Black River Projects are in compliance with all conditions of the Section 401 water quality certificate (WQC) issued to the projects after December 31, 1986. The WQC (issued November 3, 1995) is attached.</p> <p>The WQC for the Black River and Beebee Island Projects include and incorporate the 1995 Settlement Offer and are conditioned on compliance with the terms of the settlement.</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 NO = Pass</p>		<p>No –No portion of the mainstem Black River is listed on New York State’s 2006 303(d) list of impaired waters. According to the 2004 New York State Water Quality Section 305(b) report, most waters in the Black River basin are of good quality, with only upland lakes and ponds significantly affected by atmospheric deposition and acidic precipitation.</p> <p>The Black River in the vicinity of the Herrings, Deferiet, Kamargo, and Black River developments is classified by NYSDEC as non-trout Class C. The best usage of Class C waters is fishing, and they are also suitable for fish propagation and survival, as well as primary and secondary contact recreation, where such use is not limited by other factors. The section of the river in the vicinity of the Sewalls and Beebee Island developments is classified as Class A. Class A waters are suitable for all uses, including drinking water.</p>
<p>3) If the answer to question B.2 is yes, has there been a determination that the Facility is not a cause of that violation?</p>	<p>YES = Pass</p>	<p>NO = Fail</p>	<p>N/A</p>

C. Fish Passage and Protection	PASS	FAIL	
<p>1) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and downstream passage of anadromous and catadromous fish issued by Resource Agencies after December 31, 1986?</p>	<p>YES = Go to C5 N/A = Go to C2</p>	<p>NO = Fail</p>	<p>N/A. During the relicensing proceeding for the Black River and Beebee Island Projects neither the Department of Commerce nor the Department of Interior (Interior) prescribed anadromous or catadromous fish passage facilities for these projects. Interior did, however, request reservation of its authority to prescribe upstream and downstream fish passage devices in the future. Article 411 and Article 412 of the Black River and Beebee Island Project licenses reserve Interior's Section 18 authority.</p>
<p>2) 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 run is extinct)?</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</p>	<p>YES = Go to C2a NO = Go to C3</p> <p>YES = Go to C2b N/A = Go to C2b</p> <p>YES = Go to C5 N/A = Go to C3</p>	<p>NO = Fail</p> <p>NO = Fail</p>	<p>No. Atlantic salmon are only known to have historically (i.e., before 1900) existed in the lower Black River as far upstream as Mill Street Falls/ Beebee Island. The waterfall in the main north channel around Beebee Island may have prevented further upstream migration of Atlantic salmon.</p>

<p>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>3) 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 downstream passage of anadromous or catadromous fish (including delayed installation as described in C2a 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</p>	<p>NO = Go to C5 N/A = Go to C4</p>	<p>YES = Fail</p>	<p>No. Interior had the opportunity to issue a mandatory fish passage prescription for upstream passage of salmonids pursuant to Section 18 of the Federal Power Act during the relicensing of the Black River and Beebee Island Projects but declined to do so.</p> <p>A primary fishery management goal of NYSDEC and USFWS during the relicensings of the Black River Projects was restoration of Atlantic salmon between Watertown and Black River Bay (Lake Ontario). Restoration of Atlantic salmon as far as the tailrace of the Beebee Island Project was achieved with the installation of upstream fish passage facilities at two downstream hydroelectric projects. Restoration of migratory salmonids above Beebee Island has not been a goal of NYSDEC or USFWS. As stated in the 1995 Settlement Offer, should the understanding of fish movements, fish-passage technology, fishery management goals, or other needs change during the term of the licenses, Interior has reserved authority to prescribe downstream or upstream fishways as may be deemed necessary.</p>

<p>area and/or downstream reach due in whole or part to the presence of the Facility?</p>			
<p>4) If C3 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 4.a., has the Applicant demonstrated, and obtained a letter from the US 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?</p>	<p>YES = Go to C5</p>	<p>NO = Fail</p>	<p>N/A</p>

<p>5) Is the Facility in Compliance with Mandatory Fish Passage Prescriptions for upstream and/or downstream passage of Riverine fish?</p>	<p>YES = Go to C6 N/A = Go to C6</p>	<p>NO = Fail</p>	<p>N/A– During the relicensing proceeding for the Black River and Beebee Island Projects neither the Department of Commerce nor Interior prescribed riverine fish passage facilities for these projects. Interior did, however, request reservation of its authority to prescribe upstream and downstream fish passage devices in the future.</p> <p>The recommendations of NYSDEC and USFWS for downstream passage are incorporated into the 1995 Settlement Offer and 1996 licenses in the form of minimum flow releases at each development’s dam from structures designed to minimize adverse impacts to fish moving downstream. These measures are described above in #A1.</p> <p>License articles 404, 406, and 411 detail the minimum flow, seasonal downstream fish flow, and structural modifications for downstream fish passage at the Beebee Island Project. In addition to the 14 cfs minimum flow released into the south channel bypassed reach, downstream fish movement is provided from April 1 to November 30 via a modified ice chute, to which a flow of 37 cfs is provided to attract and convey fish. This downstream fish passage facility was installed in 1998 and was slightly modified in 2000 in consultation with NYSDEC and USFWS, as described in a final Order Amending Fish Conveyance Structure issued by FERC in 2001.</p> <p>License articles 405 and 406 detail the minimum flows and structural modifications to enhance downstream fish passage at all the developments of the Black River Project. The designs of the minimum flow release structures were approved by FERC in 1998, and the structural modifications and minimum flows required by the license and Settlement Offer have been implemented at each development.</p>
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<p>6) Is the Facility in Compliance with Resource Agency Recommendations for Riverine, anadromous and catadromous fish entrainment protection, such as tailrace barriers?</p>	<p>YES = Pass, go to D N/A = Pass, go to D</p>	<p>NO = Fail</p>	<p>Yes –Agency recommendations for fish entrainment protection at the Black River Projects are included in Section II.G of the 1995 Settlement Offer and Article 410 of the 1996 license orders. To exclude adult fish from being entrained through the turbines, by the end of 2008, Erie was to replace the existing trashracks at each of its Black River developments with trashracks with 2-inch clear bar spacing. At all developments except for the Sewalls Development, trashracks with 1-inch clear bar spacing are installed in the top half of the water column from May 1 to October 1.</p> <p>The new trashracks were installed at the Black River Development in 1998, at Kamargo in 2000, at Sewalls in 2002, at Beebee Island in 2004, and at Herrings in 2006. Consistent with Section II.G of the 1995 Settlement Offer, the new trashracks and seasonal overlays will be installed at the Deferiet Development by the end of 2008.</p>
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D. Watershed Protection	PASS	FAIL	
<p>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 high water mark in an average water year around 50 - 100% of the impoundment, and for all of the undeveloped shoreline?</p>	<p>YES = Pass, go to E and receive 3 extra years of certification</p>	<p>NO = go to D2</p>	<p>No – All the project boundaries do not extend 200 feet above the high water mark around more than 50% of each impoundment shoreline.</p>
<p>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?</p>	<p>YES = Pass, go to E and receive 3 extra years of certification</p>	<p>NO = go to D3</p>	<p>Yes – Attachment 1 to the 1995 Settlement Offer and Article 412 of the Black River Project license require Erie to contribute \$3,000 a year to the Black River Fund from 1997 to 2011 and \$4,000 a year for the remainder of the license term (2012 to 2026). The Black River Fund is distributed according to the recommendations of the Black River Advisory Council, composed of signatories to the Settlement Offer. The Black River Fund is to be used within the Black River basin for the purposes of ecosystem restoration and protection, natural resource stewardship, public education, facility maintenance, applied research, and additional public access to outdoor recreational resources.</p> <p>Article 412 of the Black River Project license requires Erie to file an annual report with FERC of contributions to the Black River Fund; the most recent report is attached. To date, the Black River Fund has contributed to development of the Blueway Trail, tree plantings, public fishing events, and public access projects.</p>

<p>3) Has the facility owner/operator established through a settlement agreement with appropriate stakeholders and that has 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).</p>	<p>YES = Pass, go to E</p>	<p>NO = go to D4</p>	<p>Yes – Article 415 of the Black River Project license requires Erie to maintain the existing woodland buffer areas along the shorelines of the Herrings, Deferiet, Kamargo, Black River, and Sewalls developments. Erie’s vegetative buffer plan for the Black River Project was approved by FERC in an order dated April 7, 2007 (attached).</p>
<p>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.</p>	<p>YES = Pass, go to E</p>	<p>No = Fail</p>	<p>N/A</p>

<p>E. Threatened and Endangered Species Protection</p>	<p>PASS</p>	<p>FAIL</p>	
<p>1) Are threatened or endangered species listed under state or federal Endangered Species Acts present in the Facility area and/or downstream reach?</p>	<p>YES = Go to E2 NO = Pass, go to F</p>		<p>Yes – The 1996 Environmental Assessments (EA) prepared by FERC for the Black River and Beebee Island Projects, states that no federally listed endangered or threatened species are known to exist in the vicinity of the Black River developments, except for transient individual bald eagles and peregrine falcons. As further discussed in the EA, the Blanding’s turtle, listed as threatened by NYSDEC, may occur within the Black River Project area.</p>

			<p>According to USFWS’s New York Field Office website, bald eagle (now delisted, but protected under the Bald and Golden Eagle Protection Act), Indiana bat, and piping plover occur in Jefferson County. In the summer of 2007, during preparation of this application, Erie consulted with NYSDEC’s Natural Heritage Program for an updated list of threatened and endangered species that may occur in the vicinity of the Black River Projects. NYSDEC requested that the reports of known occurrences of listed species provided in response to such inquiries not be made public. As such, this letter is not attached as part of this application but is available upon request. The recent information provided by NYSDEC is consistent with that included in the 1996 EA.</p> <p>There are no specific requirements for endangered species protection in the FERC licenses or WQC for the Black River or Beebee Island Projects.</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</p> <p>N/A = Go to E3</p>	<p>NO = Fail</p>	<p>Yes – The USFWS has adopted the following recovery plans for listed species that may be present in the vicinity of the Black River Projects:</p> <p>U.S. Fish and Wildlife Service. 2003. Recovery Plan for the Great Lakes Piping Plover (<i>Charadrius melodus</i>). Ft. Snelling, Minnesota. viii + 141 pp.</p> <p>U.S. Fish and Wildlife Service. 2007. Indiana Bat (<i>Myotis sodalis</i>) Draft Recovery Plan: First Revision. U.S. Fish and Wildlife Service, Fort Snelling, MN. 258 pp.</p> <p>The designated piping plover critical habitat in Jefferson County is located along the Lake Ontario shoreline and extends less than half a mile inland. As this species prefers beach-areas and avoids developed areas, Erie does not believe piping plover are present in the vicinity of the Black River Projects. The piping plover recovery</p>

			<p>plan is not applicable to project operations.</p> <p>Recovery actions identified in USFWS’s Indiana Bat Draft Recovery Plan include hibernacula-related recovery actions and summer habitat management. No Indiana bat hibernacula, which typically include caves and mines, are known to exist in the immediate vicinity of the Black River Projects. Transient individuals, presumably in association with summer habitat, may, however exist in the project area. Habitat guidance has not yet been drafted for the Northeast Recovery Unit identified in the draft Recovery Plan but will most likely involve protection of habitat areas, comprised of mature or dead trees, and limiting tree-clearing during the summer months. Operations of the Black River Projects, especially with regard to preservation of woodland buffer areas, are consistent with this draft recovery plan.</p> <p>NYSDEC has not adopted a formal recovery plan for the threatened Blanding’s turtle. This species typically occurs in shallow, marshy waters and ponds and does not commonly occur in the main channel of rivers. According to NYSDEC’s website, the greatest threat to this species in New York State is destruction of habitat resulting from housing, shoreline property, and road construction. Operations of the Black River Projects according to the conditions of the 1995 Offer of Settlement are consistent with this recovery plan, as operations to minimize impoundment fluctuation improves habitat—including wetland—conditions within the project areas.</p>
<p>3) If the Facility has received authority 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</p>	<p>YES = Go to E4 N/A = Go to E5</p>	<p>NO = Fail</p>	<p>N/A</p>

<p>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 authority pursuant to similar state procedures; is the Facility in Compliance with conditions pursuant to that authority?</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>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>YES = Pass, go to F</p>	<p>NO = Fail</p>	<p>N/A</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>NO = Fail</p>	<p>N/A</p>

F. Cultural Resource Protection	PASS	FAIL	
<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 N/A = Go to F2</p>	<p>NO = Fail</p>	<p>Yes - In 1996, Niagara Mohawk executed a programmatic agreement (PA) with FERC, the Advisory Council on Historic Preservation, and the New York State Historic Preservation Officer (SHPO) for managing historic properties that may be affected by licenses issued for the continued operation of fourteen hydroelectric projects. Appendix A of the Programmatic Agreement discusses historic properties that could potentially be affected by operation of the Black River and Beebee Island Projects. Niagara Mohawk commissioned surveys of these developments for Duncan Hay's 1991 report, <i>A History of Hydroelectric Power in New York State</i>. Of the six developments that comprise Erie's Black River Projects, only Beebee Island is currently considered potentially eligible for listing on the National Register of Historic Places, and no archaeological properties have been identified within the project boundaries.</p> <p>Article 416 of the licenses requires Erie to implement the PA, including the filing of a Cultural Resource Management Plan (CRMP) for each project. Erie developed CRMPs in consultation with the SHPO and filed the CRMPs with FERC in October 1998. FERC's November 17, 1998 order approving the CRMPs is attached. Erie files a report of activities associated with the CRMPs each year with FERC; the most recent report is also attached.</p>
<p>2) If not FERC-regulated, does the Facility owner/operator have in place 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</p>	<p>NO = Fail</p>	<p>N/A</p>

G. Recreation	PASS	FAIL	
<p>1) If FERC-regulated, is the Facility in Compliance with the recreational access, accommodation (including recreational flow releases) and facilities conditions in its FERC license or exemption?</p>	<p>YES = Go to G3 N/A = Go to G2</p>	<p>NO = Fail</p>	<p>Yes - The facilities of the Black River Projects are in compliance with recreational access, accommodation, and facilities conditions in the FERC licenses.</p> <p>Article 413 of each license required the licensee to file for FERC approval a recreation plan to construct, operate, and maintain existing and then-proposed recreational facilities at each development. Niagara Mohawk filed the final recreation plan for the Black River and Beebee Island Projects in December 1998, and FERC issued an order approving the plan (attached) in February 1999.</p> <p>Article 413 of each project license generally states that the recreation plan is to include provisions for implementing new facilities such as car-top boat launches, canoe portages, interpretive and informational signs, shorefishing areas, and scenic overlooks, but defers to the Settlement Offer for specific enhancements at each development. Recreational enhancements associated with the current FERC licenses, all of which have been implemented, are further described in the attached final recreation plan for the Black River and Beebee Island Projects.</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</p>	<p>NO = Fail</p>	<p>N/A</p>

3) Does the Facility allow access to the reservoir and downstream reaches without fees or charges?	YES = Pass, go to H	NO = Fail	Yes - Erie permits free public access to the shorelines of the Herrings, Deferiet, Kamargo, Black River, Sewalls, and Beebee Island developments across Erie's lands where project facilities, hazardous areas and existing leases, easements, and private ownership do not preclude access.
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H. Facilities Recommended for Removal	PASS	FAIL	
1) Is there a Resource Agency Recommendation for removal of the dam associated with the Facility?	NO = Pass, Facility is Low Impact	YES = Fail	No – No resource agency has recommended removal of any of the dams associated with the Black River Projects.

Background Information Supporting Documentation:

Contacts/Key Settlement Parties (#11)

Project Contacts and Key Settlement Parties: Black River Projects

Stephen Patch
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, NY 13045
(607) 753-9334
Stephen_Patch@fws.gov

Alice Richardson
New York State Department of Environmental Conservation
Dulles State Office Building
317 Washington Street
Watertown, NY 13601
(315) 785-2267
aprichar@gw.dec.state.ny.us

Bruce Carpenter
New York Rivers United
P.O. Box 1460
370 Market Street in Griffis Technology Park
Rome, NY 13442-1460
(315) 339-2097
bruce_carpenter@newyorkriversunited.org

Background Information Supporting Documentation:

Project Descriptions (#12)

BLACK RIVER PROJECTS PROJECT DESCRIPTIONS

Erie Boulevard Hydropower, L.P.'s (Erie's) Black River Projects consist of six hydroelectric developments along the Black River in Jefferson County, New York. The five upstream developments are licensed as the Black River Project (FERC No. 2569), and the Beebee Island development is licensed separately as the Beebee Island Project (FERC No. 2538).

The Black River drainage basin is located in the north-central region of the state and has a total area of 1,876 square miles (at USGS gage located at Vanduzee Street). The Black River drains a portion of the western slope of the Adirondack Mountains and eastern and northern portions of the Tug Hill Plateau, and the river flows for 112 miles from its origin in the Adirondacks to its mouth at Lake Ontario. The river is divided into three general topographic reaches. The upper reach is mountainous and characterized by rapids and waterfalls. Below Lyons Falls (RM 73), the river enters a middle reach—the Black River Flats—that stretches 42 miles to the village of Carthage. Below Carthage, the river enters a lower reach, also characterized by rapids and falls as this reach drops 480 ft over 30 miles before entering Lake Ontario.

Three major storage reservoirs in the upstream drainage area are operated by the Board of the Hudson River/Black River Regulating District to provide storage of spring runoff, flood mitigation, and low-flow augmentation for the lower Black River. The Black River began providing hydroelectric power for pulp and paper mills and other industries during the mid-1800s. And while most of the mills and industries are no longer operating, 21 operating hydropower developments still line the Black River from river mile 92.0 to 1.5.

The six hydropower dams and powerhouses that comprise Erie's Black River Projects all lie between the City of Watertown and west of the Village of Carthage. Progressing downstream from Carthage, these are the Herrings (RM 27.5), Deferiet (26.0), Kamargo (RM 17.0), Black River (RM 15.0), Sewalls (RM 10.0), and Beebee Island (RM 9.0) developments. These developments are all operated automatically to maintain impoundment levels within 0.5 foot below the dam crest or the top of flashboards and provide a continuous baseflow of not less than 1,000 cfs (or inflow) through the entire project.

A. Black River Project

Herrings Development

The 140-acre Herrings reservoir is impounded by a 512-foot-wide by 25-foot-high, L-shaped concrete gravity dam. The dam has a crest elevation of 679.1 ft and is topped with seasonally-installed 1-foot-high wooden flashboards. The intake structure is integral with the powerhouse and consists of a 9-foot-wide stoplog waste sluice, an 11-foot-wide stoplog waste sluice downstream of the trashracks, and nine motor-operated slide gates. The intake structure is equipped with 2-inch clear-spaced trashracks with 1-inch clear-spaced seasonal trashracks in the top half of the water column.

The brick and masonry powerhouse contains three vertical Allis-Chalmers generating units, each rated at 1.8 MW. The units have a combined hydraulic capacity of 3,609 cfs. The units discharge

to the Black River via a short excavated rock tailrace. Additional licensed works at the Herrings Development include transmission lines, a step-up transformer, and appurtenant facilities.

The Herrings Development does not have a true bypassed reach, but there is a 100-foot-long area between the foot of the angled dam and the powerhouse tailrace. A constant minimum flow of 20 cfs is released through the stoplog section located between the dam and trashracks.



Figure 1. Powerhouse and L-shaped dam at the Herrings Development.

Deferiet Development

The dam at the Deferiet Developments consists of a 503-foot-long by 18-foot-high Ambursen dam section with a crest elevation of 656 feet and topped with a 3-foot-high pneumatic flashboard system. There is also a 192-foot-long sluice gate section with eleven stoplog bays and a 180-foot-wide concrete power canal headworks section with ten steel gates. The dam forms a reservoir with a surface area of 70 acres. A 4,200-foot-long canal connects the intake headworks with the powerhouse. The intake structure consists of three steel slide gates and an 11-foot-wide ice sluice controlled by stoplogs. The existing 3.5-inch clear-spaced trashracks are scheduled to be replaced in 2008 with 2-inch clear-spaced trashracks with 1-inch clear-spaced seasonal trashracks in the top half of the water column.

The powerhouse is adjacent to a now-idle paper mill, which was originally owned by St. Regis Paper Company and is currently being decommissioned. The industrial character of this portion of the development contrasts with the wooded surroundings of the dam and reservoir. The brick and masonry Deferiet powerhouse contains three vertical Francis generating units, each rated at 3.6 MW. The units have a combined hydraulic capacity of 3,441 cfs and discharge to a 1,400-foot-long excavated tailrace. Additional licensed works at the Deferiet Development include transmission lines, a step-up transformer, and appurtenant facilities.

The bypassed reach formed by the Deferiet Development is 1.6 miles long, with the lower 0.5 miles backwatered from riffles and a split channel complex around an island immediately downstream of the tailrace. A total minimum flow of 245 cfs is released at the dam at all times, and an additional 555 cfs is released during walleye spawning season.



Figure 2. The Deferiet dam, with 3-foot pneumatic flashboards

Kamargo Development

The main spillway sections of the dam at the Kamargo Developments is a 647-foot-long by 12-foot-high concrete gravity section with a crest elevation of 561.8 feet and topped with seasonally-installed 2-foot-high wooden flashboards. The dam, which forms a reservoir with a surface area of 40 acres, also includes a 150-foot-long non-overflow section and a 131-foot-long power canal gated headworks structure. A 3,850-foot-long unlined canal leads to the 580-foot-long concrete forebay channel, which consists of a 190-foot-long concrete gravity overflow section, a 230-foot-long concrete gravity section topped with 1-foot-high wooden flashboards, and a 160-foot-long side channel spillway section equipped with twelve stoplog bays. The intake structure includes a waste sluice and nine timber gates with stoplog slots and is equipped with 2-inch clear-spaced trashracks with 1-inch clear-spaced seasonal trashracks in the top half of the water column.

The brick and masonry Kamargo powerhouse contains three vertical Francis generating units, each rated at 1.8 MW. The units have a combined hydraulic capacity of 3,300 cfs and discharge directly to the river via a short excavated tailrace. Additional licensed works at the Kamargo Development include transmission lines, a step-up transformer, and appurtenant facilities.

The bypassed reach formed by the Kamargo Development is 3,000 feet long. A minimum flow of 120 cfs (or inflow) is released through a notched section of the dam at all times.



Figure 3. Downstream view of power canal and bypassed reach at the Kamargo Development.

Black River Development

The 25-acre Black River Development reservoir is formed by a 327-foot-long by 16-foot-high horseshoe-shaped dam. The dam includes a concrete wall abutment, a 36.5-foot-long gated section housing two sluice gates with an abandoned substructure powerhouse and a 291-foot-long by 25-foot-high concrete gravity spillway with a crest elevation of 534 feet and topped with 2-foot-high wooden flashboards. An 80-foot-long concrete power canal headworks structure with thirteen timber slide gates leads to the 2,250-foot-long concrete-lined power canal with a side concrete waste weir. The intake structure consists of nine timber slide gates and is equipped with 2-inch clear-spaced trashracks with 1-inch clear-spaced seasonal trashracks in the top half of the water column.

The brick and masonry Black River powerhouse contains three vertical Francis generating units, each rated at 2 MW. The units have a combined hydraulic capacity of 3,201 cfs and discharge directly to the river via a short excavated tailrace. Additional licensed works at the Black River Development include transmission lines, a step-up transformer, and appurtenant facilities.

The bypassed reach formed by the Black River Development is 2,800 feet long. A minimum flow of 80 cfs (or inflow) is released through a notched section of the dam at all times, and an additional 220 cfs released at the dam during walleye spawning season.



Figure 4. Upstream view of tailrace, powerhouse, canal, and bypassed reach at the Black River Development.

Sewalls Development

The last two developments of the Black River Projects, the Sewalls and Beebee Island Developments, are located within the City of Watertown. The Sewalls Development formerly consisted of powerhouses and dams on each the south and north channel of Sewalls Island. The north channel facility is no longer used for power generation.

The south channel dam at the Sewalls Developments is a 243-foot-long by 15.5-foot-high concrete gravity dam with a crest elevation of 463.9 feet and no flashboards. The Sewalls reservoir has a surface area of only 4 acres. A 65.5-foot-long gated power canal headworks structure with two stoplog bays and two steel slide gates leads to the 400-foot-long by approximately 34-foot-wide concrete-lined power canal. The wall of the canal is adjacent to the Black River, has a crest elevation of 463 feet and is topped with 2-foot-high flashboards. The intake structure includes a waste sluice, low-level drain, and four steel slide gates and is equipped with 2-inch clear-spaced trashracks.

The brick and masonry Sewalls powerhouse contains three vertical Allis-Chalmers propeller-type generating units, each rated at 1 MW. The units have a combined hydraulic capacity of 2,700 cfs and discharge directly to the river via a short excavated tailrace. Additional licensed works at the Sewalls Development include transmission lines, a step-up transformer, and appurtenant facilities.

Bypassed reaches exist in both the south and north channels around Sewalls Island. The Sewalls Island south channel bypass is only 400 feet long, and a minimum flow of 137 cfs is maintained in the south channel at all times. The north channel bypass consists of two large connected pools, one immediately downstream of the dam and one immediately upstream of Black Clawson dam. A minimum flow of 32 cfs is released into the north channel at all times.



Figure 5. Downstream view of the Sewalls Development, which is located within the City of Watertown.

B. Beebee Island Project

The dam at the Beebee Island Developments is a 266-foot-long by 18-foot-high, U-shaped concrete gravity dam with a crest elevation of 428 feet and topped with seasonally-installed 3-foot-high wooden flashbards, and a 50-foot-long by 15-foot-high, concrete-capped stone auxiliary non-overflow dam. The Beebee Island reservoir has a surface area of 20 acres. The intake structure, which is integral with the powerhouse, is 82 feet long by 27 feet wide and includes four steel gates, a skimmer section, and stoplog slots. The intake structure is equipped with 2-inch clear-spaced trashracks with 1-inch clear-spaced seasonal trashracks in the top half of the water column. Ice and debris circumvent the powerhouse by way of an 8-foot-wide by 15-foot-high ice sluice between the steel gates and a retaining wall.

The brick and masonry Beebee Island powerhouse contains two vertical generating units, each rated at 4 MW. The units have a combined hydraulic capacity of 3,600 cfs and discharge directly at the base of the dam. Additional licensed works at the Beebee Island Development include a primary transmission lines and appurtenant facilities.

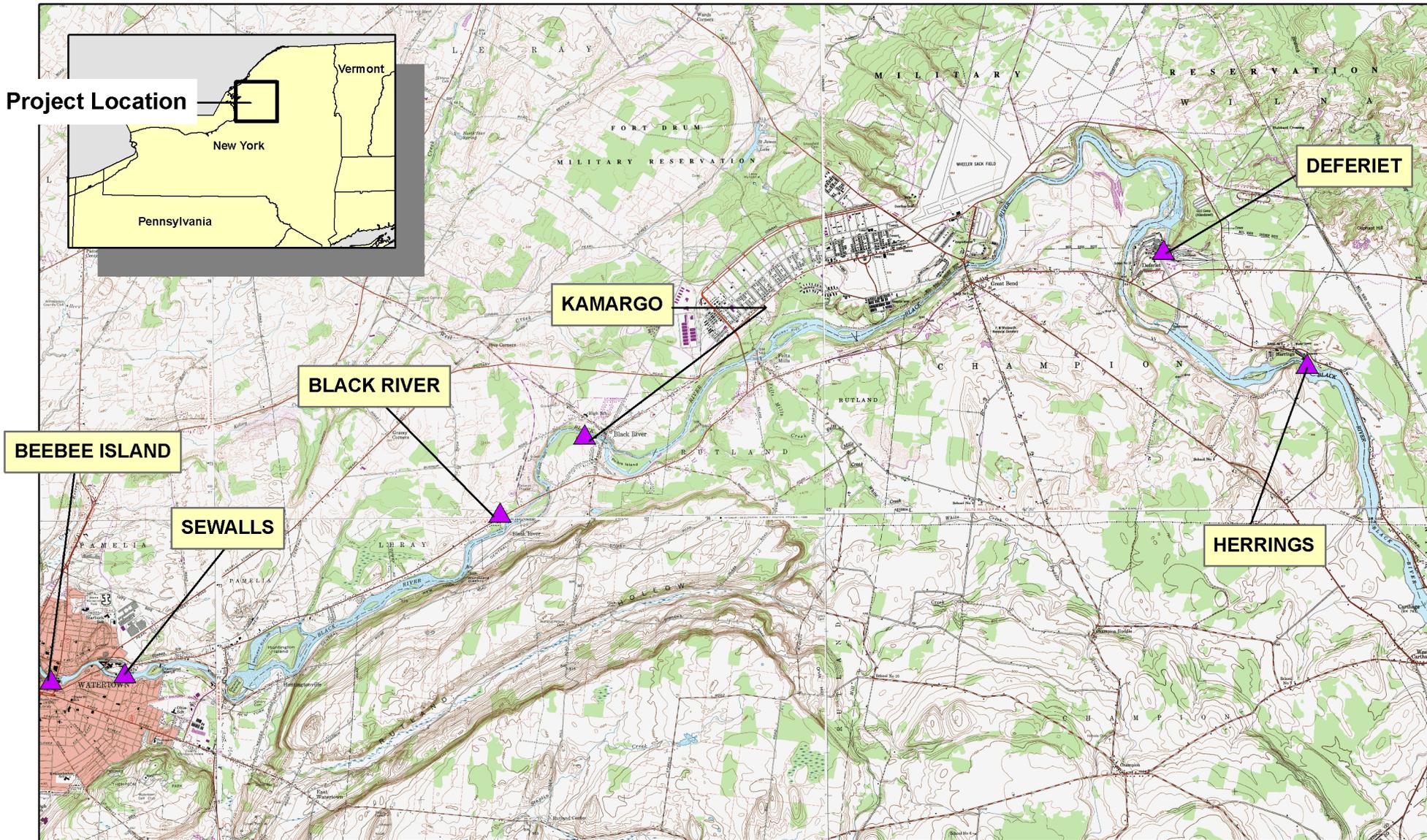
The powerhouse and dam are on the north side of the island, so there is no bypassed reach in the north channel. A minimum flow of 14 cfs is released at all times to the 750-foot-long south channel bypass.



Figure 6. Downstream view of the Beebee Island Development, also located within the City of Watertown.

Background Information Supporting Documentation:

Project Location Map (#12)



SCALE: 1:90,000

Project Location Map

Black River Project (FERC No. 2569)
Beebee Island Project (FERC No. 2538)

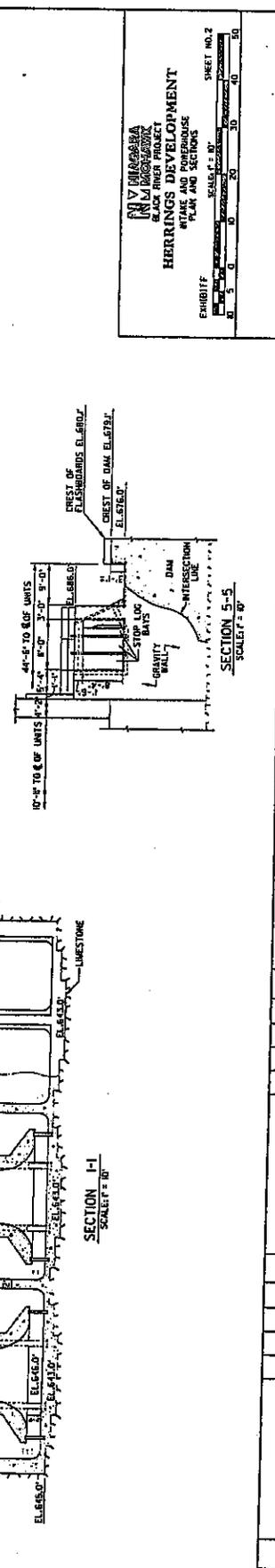
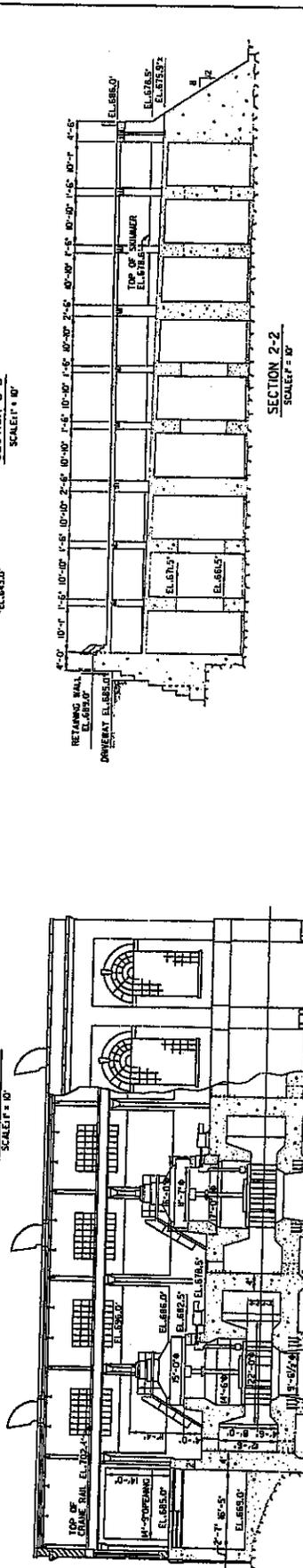
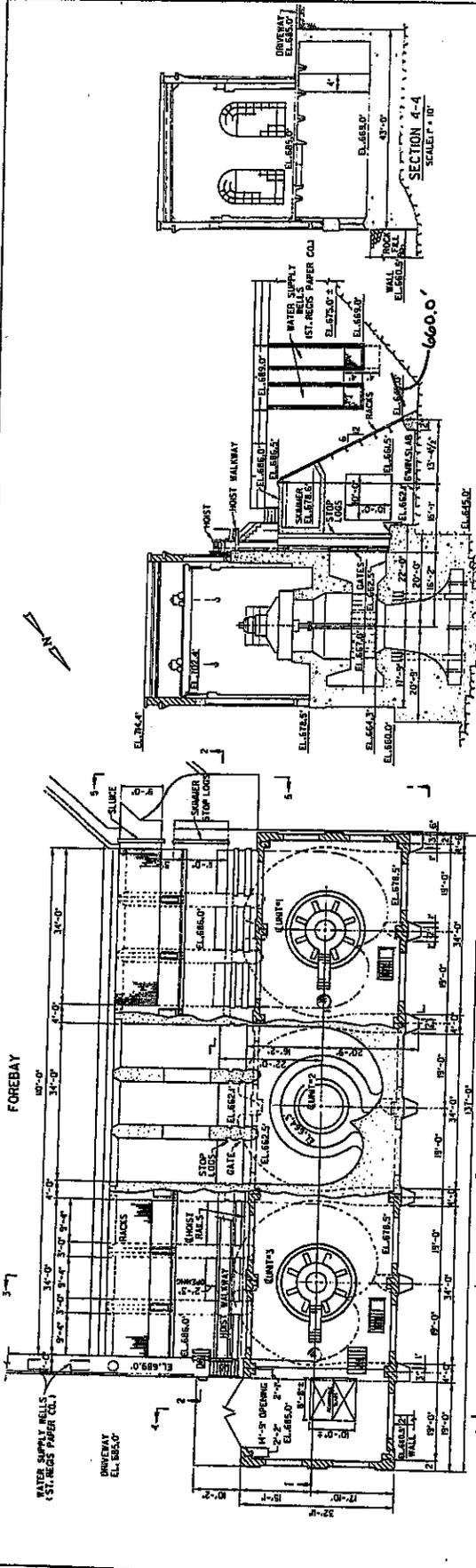
Brookfield Power
 225 GREENFIELD PARKWAY
 SUITE 201
 LIVERPOOL, NEW YORK 13088



USGS QUADRANGLES; DEFERIET, BLACK RIVER, WATERTOWN,
 RUTLAND CENTER, NORTH WILNA, COPENHAGEN

Background Information Supporting Documentation:

Project Drawings and Boundaries (#12)



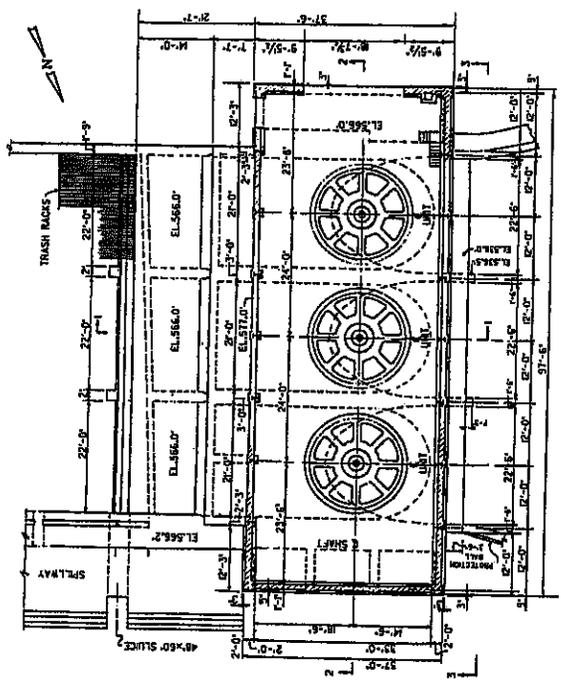
NEW BRANSON
BLACK RIVER PROJECT
HERRINGS DEVELOPMENT
INTAKE AND POWERHOUSE
PLAN AND SECTIONS

EXHIBIT F

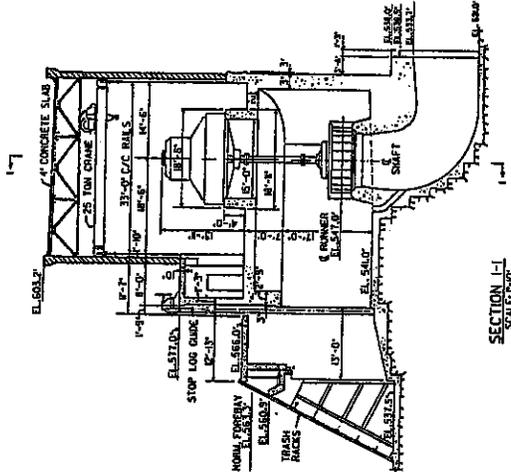
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SHEET NO. 2

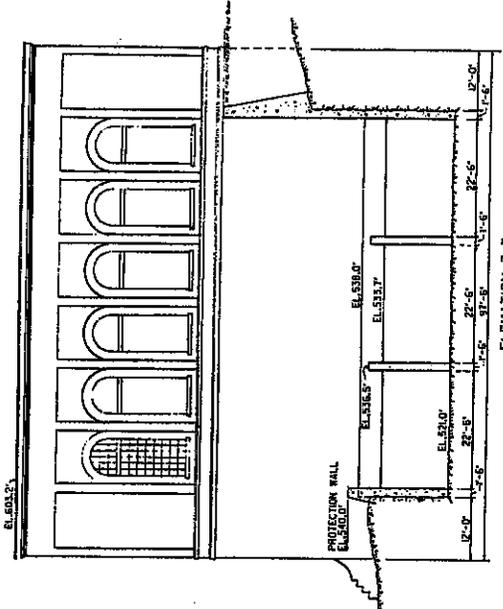
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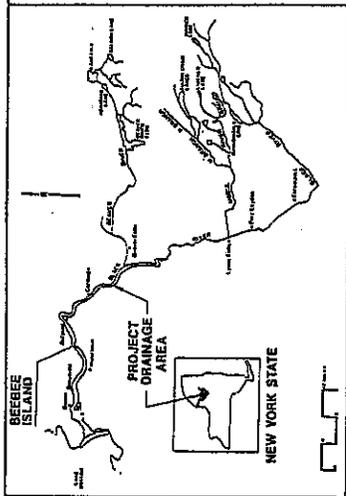
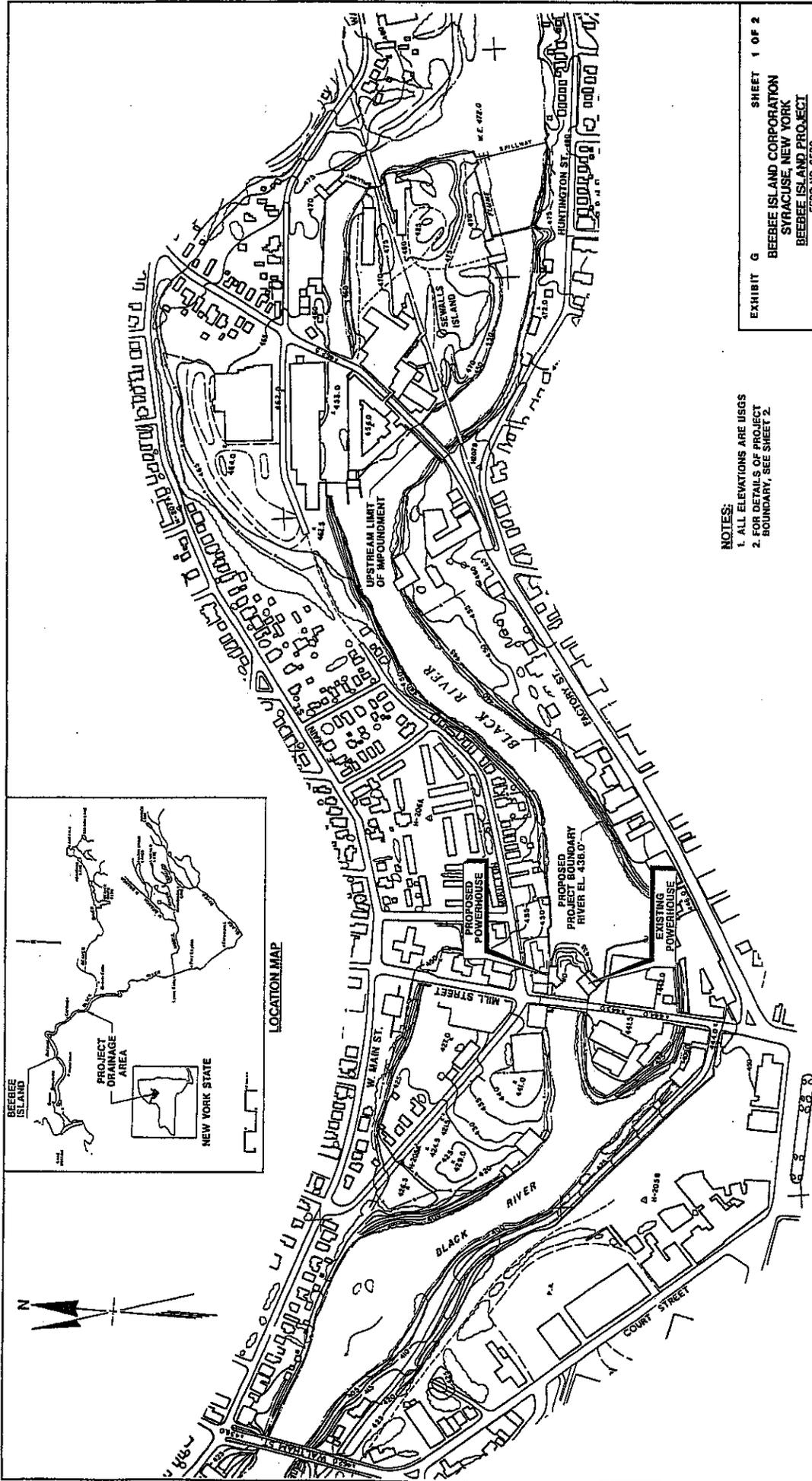


PLAN
SCALE: 1/4" = 1'-0"



SECTION I-I
SCALE: 1/4" = 1'-0"





NOTES:
 1. ALL ELEVATIONS ARE USGS
 2. FOR DETAILS OF PROJECT BOUNDARY, SEE SHEET 2.

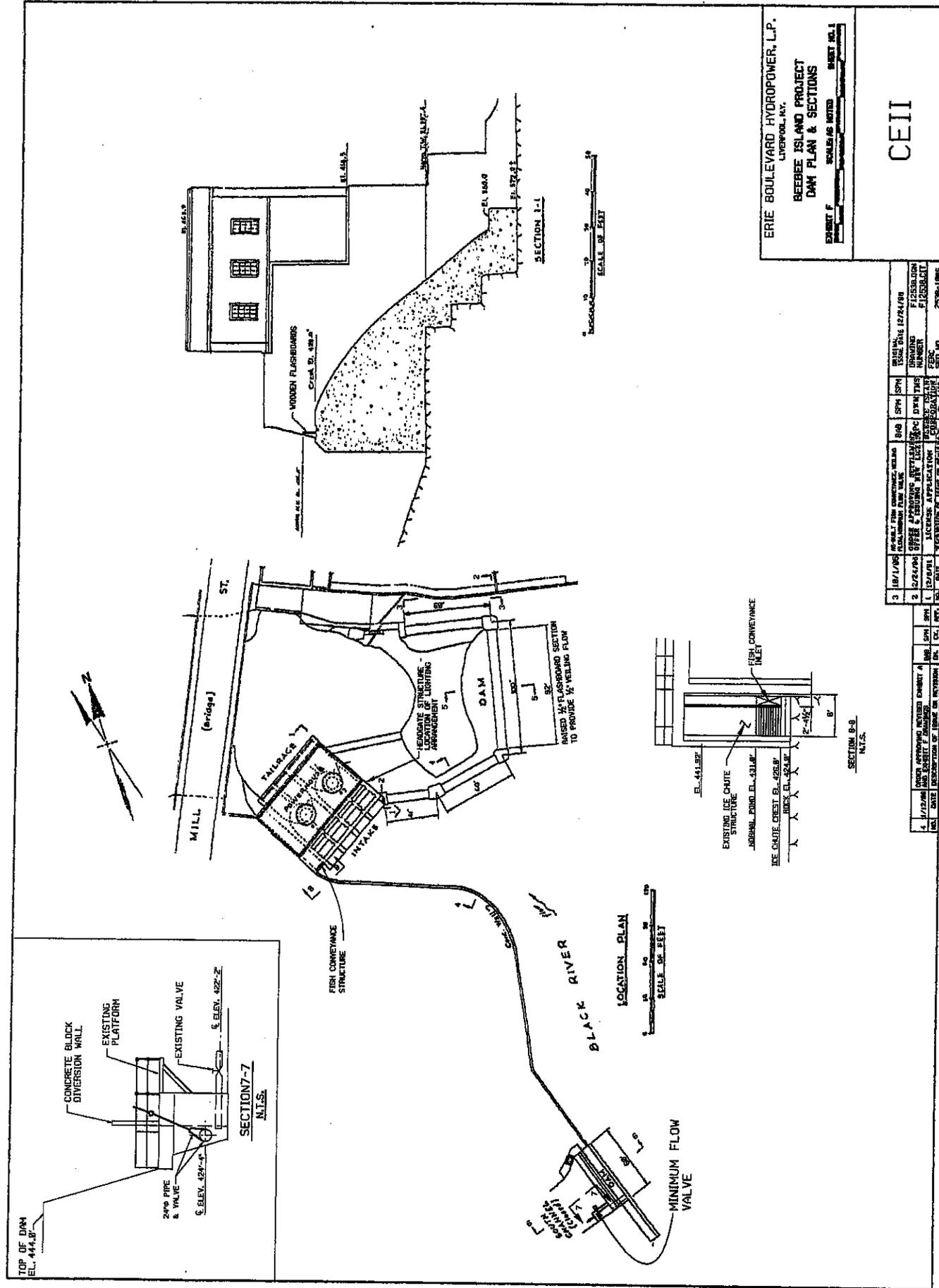
EXHIBIT G SHEET 1 OF 2
 BEEBEE ISLAND CORPORATION
 SYRACUSE, NEW YORK
 BEEBEE ISLAND PROJECT
 FERC NO. 2538
 LOCATION MAP

THIS DRAWING IS PART OF THE APPLICATION FOR
 NEW LICENSE MADE BY THE UNDERSIGNED
 THIS DAY OF December, 1951.
 BY *Robert H. ...*
 BEEBEE ISLAND CORPORATION



SHEET NO.	OF	DATE	BY	SCALE
10	10	12-19-50	RED	AS NOTED


 Kenneth Associates
 Consulting Engineers
 Plisket Move



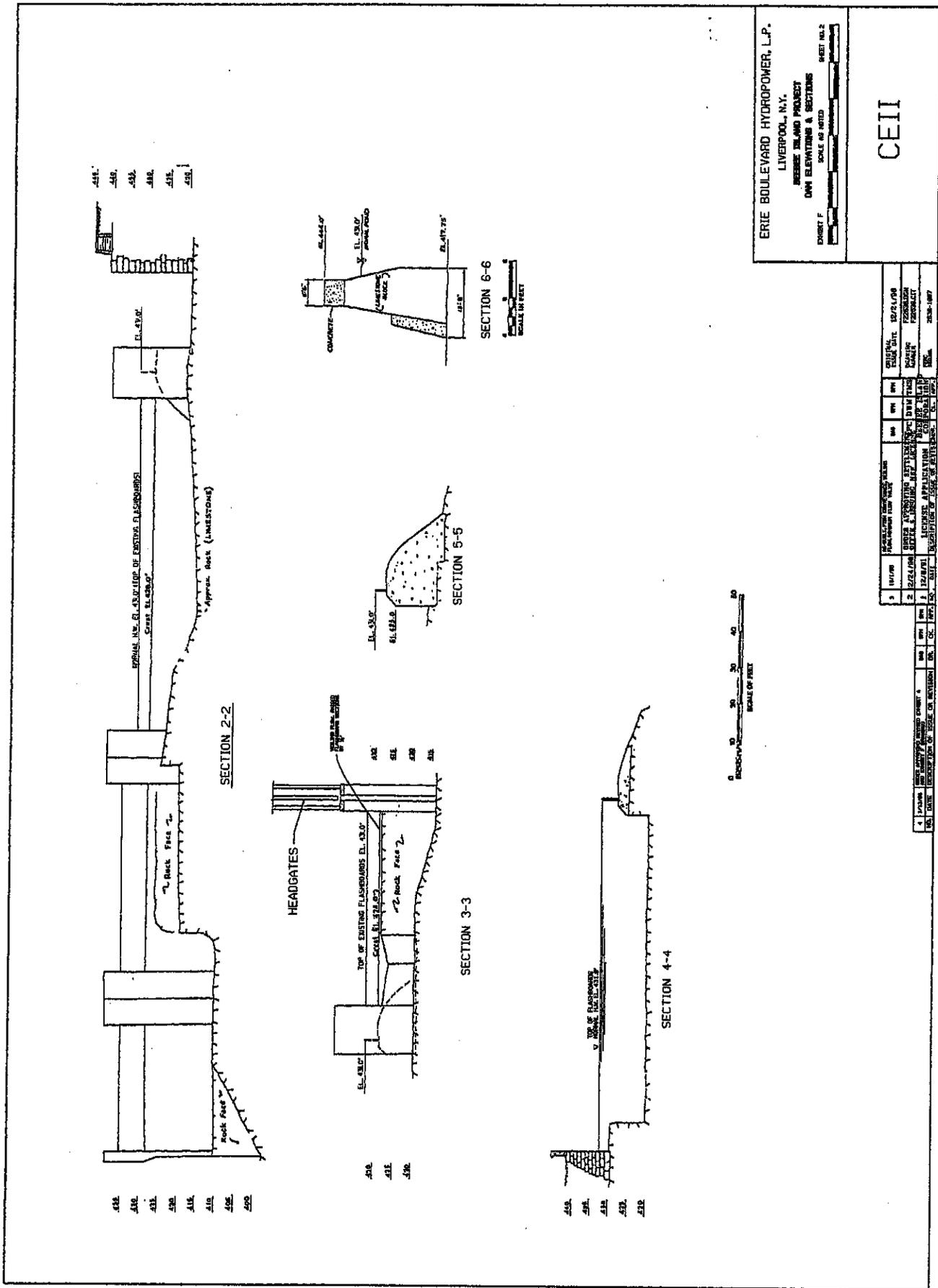
ERIE BOULEVARD HYDROPOWER, L.P.
LIVERPOOL, N.Y.
BEEBEE ISLAND PROJECT
DAM PLAN & SECTIONS
SHEET F
SCALE(S) NOTED
SHEET NO. 1

NO.	DATE	DESCRIPTION OF WORK OR REVISION	BY	CHK.	APP.
3	10/17/05	REVISED FOR CONSTRUCTION PERMITS (CALCULATIONS FOR WALK)	SPW	SPW	REVISION DATE 12/24/05
2	5/24/04	OFFICE APPROVAL OF FINAL DRAWING	SPW	SPW	DRAWING NUMBER F12538010
1	1/24/04	ISSUED FOR CONSTRUCTION	SPW	SPW	PROJECT NO. 2538-1886

NO.	DATE	DESCRIPTION OF WORK OR REVISION	BY	CHK.	APP.
4	1/12/04	ISSUED FOR CONSTRUCTION PERMITS AND EXHIBIT F DRAFT	SPW	SPW	REVISION DATE 12/24/05

NO.	DATE	DESCRIPTION OF WORK OR REVISION	BY	CHK.	APP.
1	1/24/04	ISSUED FOR CONSTRUCTION	SPW	SPW	DRAWING NUMBER F12538010
2	5/24/04	OFFICE APPROVAL OF FINAL DRAWING	SPW	SPW	PROJECT NO. 2538-1886

CEII



ERIE BOULEVARD HYDROPOWER, L.P.
 LIVERPOOL, N.Y.
 REEBE ISLAND PROJECT
 DAM ELEVATIONS & SECTIONS
 SHEET NO. 2
 SCALE AS NOTED
 SHEET NO. 2

NO.	DATE	DESCRIPTION OF ISSUE OR REVISION	BY	CHK.	APP.	DATE	DESCRIPTION OF ISSUE OR REVISION	BY	CHK.	APP.	DATE	DESCRIPTION OF ISSUE OR REVISION	BY	CHK.	APP.
1															
2															
3															
4															

CEII

Flows Supporting Documentation:

Minimum Flow and Impoundment Fluctuation Compliance (#A1)

Brookfield Power

New York Operations
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Tel (315) 413-2700
Fax (315) 461-8577
www.brookfieldpower.com

Express Mail

February 7, 2007

Mr. Charles Goggins, Regional Engineer
Federal Energy Regulatory Commission
New York Regional Office
19 West 34th Street, Suite 400
New York, New York 10001

Subject: Minimum Flow and Pond Level Compliance for 2006

Project No. 0309	Piney Dam	Project No. 4402	Talville
Project No. 2047	Stewarts Bridge	Project No. 4472	Franklin Falls
Project No. 2060	Carry Falls	Project No. 5984	Oswego Falls
Project No. 2084	Upper Raquette River	Project No. 7000	Newton Falls
Project No. 2320	Middle Raquette River	Project No. 7320	Chasm
Project No. 2330	Lower Raquette River	Project No. 7321	Macomb
Project No. 2482	Hudson River	Project No. 7387	Piercefield
Project No. 2512	Hawk's Nest	Project No. 7518	Hogansburg
Project No. 2538	Beebee Island	Project No. 8606	Schuylerville
Project No. 2554	Feeder Dam	Project No. 9222	Yaleville
Project No. 2569	Black River	Project No. 10461	Parishville
Project No. 2645	Beaver River	Project No. 10462	Allens Falls
Project No. 2701	West Canada Creek	Project No. 11408	Salmon River
Project No. 2713	Oswegatchie River		

Dear Mr. Goggins:

Erie Boulevard Hydropower, L. P. (Erie) herein advises for the above referenced projects, it has complied with minimum flow releases, headpond levels, special water releases and similar miscellaneous requirements in calendar year 2006 except as previously advised in letter reports filed with the Commission for the respective hydro developments. Please note that Erie is reporting for Project No. 0309 on behalf of Brookfield Power Piney & Deep Creek, LLC. Additionally, Erie is reporting for Project No. 2512 on behalf of Hawk's Nest Hydro, L.L.C. for the period of October 6, 2006 – December 31, 2006.

If you have any questions please call the undersigned at (315) 413-2789.

Very truly yours,

Thomas M. Skutnik, P.E.
for Erie Boulevard Hydropower, LP



Water Quality Supporting Documentation:
Section 401 Water Quality Certificate (#B1a)

New York State Department of Environmental Conservation
Division of Regulatory Services - Room 538
50 Wolf Road, Albany, New York 12233-1750
Telephone: (518) 457-2224
Fax: (518) 457-5965



Michael D. Zagata
Commission

November 3, 1995

Mr. Michael W. Murphy
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, NY 13202

Re: Black River Project, FERC No. 2569
and
Beebee Island Project, FERC No. 2538
Water Quality Certificate

Dear Mr. Murphy:

The Department of Environmental Conservation (the Department) hereby certifies that, based on our review of all pertinent information presented by Niagara Mohawk Power Corporation (NMPC) in its application for federal licenses for the Black River and Beebee Island Hydroelectric Projects and the Settlement Agreement dated September 14, 1995, NMPC has provided reasonable assurance that the subject Projects will comply with all applicable effluent standards, standards of performance and other state statutes, regulations and criteria applicable to the affected waterbody as required by the State regulatory provisions implementing Section 401 of the Federal Water Pollution Control Act.

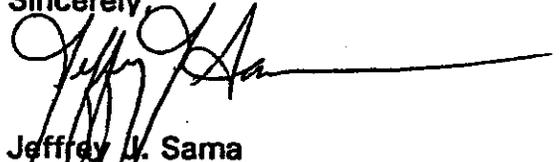
This certification is issued pursuant to Section 401 of the Federal Water Pollution Control Act, 33 U.S.C. 1341. The Department makes this certification provided that the attached standard conditions are met, as well as the terms and conditions of the attached Settlement Agreement signed by the Department, NMPC, Beebee Island Corporation, the U.S. Fish and Wildlife Service, the National Park Service, New York Rivers United, the Adirondack Mountain Club, the National Audubon Society, the American Whitewater Affiliation, American Rivers, the New York State Conservation Council, the New York State Council of Trout Unlimited,

Mr. Michael W. Murphy

and the National Heritage Institute. The terms and conditions of this Settlement describe the operations of the five developments comprising the Black River Project and the one development of the Beebee Island Project located in the Towns of Champion, Wilna, Rutland, and Leray, the Villages of Black River and Deferiet, and the City of Watertown, Jefferson County.

The Department reserves the right to reconsider the entire Certification if there is a significant change in the scope of the proposal or the project license, or in the event the referenced application or Settlement Agreement are further amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey J. Sama", with a long horizontal line extending to the right.

Jeffrey J. Sama
Deputy Chief Permit
Administrator

JJS/BAH/ik
Enclosures

cc with enclosure:

401 Service List

Signatories

R.Vaas, Regional Permit Administrator, Reg.6

L.Olivett, Habitat Protection Biologist, Reg.6

W.Sarbello & M.Woythal, Bureau of Environmental Protection

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STANDARD WATER QUALITY CONDITIONS

A. OVERSIGHT AND ADMINISTRATION

1. Inspections: The projects, including relevant records, are subject to inspection at reasonable hours and intervals, upon reasonable notice to the certificate holder, by an authorized representative of the Department to determine whether the certificate holder is complying with this certification. A copy of this certification, including all referenced maps, drawings, and special conditions, must be available for inspection by the Department during such inspections at the project.

B. PROJECT MAINTENANCE AND CONSTRUCTION

2. Maintenance Dredging: The certificate holder shall curtail generation and install stoplogs or otherwise shut off flow through the turbine(s) prior to commencing any maintenance dredging activities in any intake/forebay area.
3. Sediment Analysis and Disposal: The certificate holder must sample any sediments to be disturbed or removed from the projects' waters and test them for contaminants. Sampling and testing shall be accomplished according to a protocol submitted to and approved by the Department beforehand. Prior to dredging or other excavation, the certificate holder must secure Department approval for all disposal locations for any contaminated sediments to be removed from the project waters.
4. Erosion and Sediment Control: Prior to commencing activities which could adversely affect water quality, the certificate holder must receive Department approval of an Erosion and Sediment Control Plan. This plan must be submitted at least 60 days before the intended date for commencing work. Actions undertaken in response to an emergency and governed by the procedures contained in 6 NYCRR Section 621.12 are exempt from this condition. At minimum, the certificate holder must:
 - a. isolate instream 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. avoid using heavy construction equipment below the mean high water line of the river until the work area is protected by an approved structure and dewatered.
 - 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 revegetation of stockpiles and other disturbed areas to minimize erosion/sedimentation potential.

- e. install and maintain, in a fully functional condition, effective erosion control measures on the downslope of all disturbed areas before commencing any other soil disturbing activities.
 - f. protect all waters from contamination by deleterious materials such as wet concrete, gasoline, solvents, epoxy resins or other materials used in construction, maintenance and operation of the project.
 - 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 promptly upon completion of construction unless otherwise directed by the Department.
5. Placement of cofferdams, construction of temporary access roads or ramps, or other temporary structures which encroach upon the bed or banks of the river: The design of all such structures will be developed in accordance with Condition #4 (above).
6. Maintenance of River Flow: During all periods of construction, the certificate holder shall maintain adequate flows immediately downstream of worksites to ensure that the water quality standards established for the water body are met.
7. Turbidity Monitoring: During all periods of construction, the certificate holder will monitor the waters of the river at a point immediately upstream of project activities and at a point no more than 100 feet downstream from any discharge point or other potential source of turbidity, to the extent practicable; and if not practicable, then at the nearest point beyond 100 feet downstream, but in no event beyond 200 feet downstream from the turbidity source. If at any time, turbidity measurements from the downstream locations exceed the measurements from the locations upstream of the work areas, certificate holder specifically agrees to immediately take all action necessary to identify the activities causing the turbidity and to correct the situation.
8. Notifications: At least two (2) weeks prior to commencing any work subject to conditions 2 through 7 of this certificate the certificate holder shall provide written notification to:

Chief, Project Management Section
New York State Department of Environmental Conservation,
Division of Regulatory Services
50 Wolf Road, Room 538
Albany New York 12233-1750

Watershed Protection Supporting Documentation (#D2, D3)

Brookfield Power

New York Operations
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Tel (315) 413-2700
Fax (315) 461-8577
www.brookfieldpower.com



October 2, 2006

2006 OCT -3 A 11:33

RECEIVED

Honorable Magalie Roman Salas
Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 First Street, NE
Washington, DC 20426

ORIGINAL

SUBJECT: Black River Project LP 2569 NY ¹¹⁸
License Article 412 – Black River Fund

Dear Secretary Salas:

Pursuant to Order On Rehearing issued March 14, 1997, the licensee is required to annually file in accordance with the Commission's Uniform System of Accounts, a statement of the amount of money the licensee will contribute to the Black River Fund for the following year.

This letter is to inform the Commission that the licensee, Erie Boulevard Hydropower, LP (Erie), will contribute \$3,000 to the Black River Fund during calendar year 2007.

Erie is herein providing an original and eight copies of this letter.

If you have any questions regarding this submittal, please contact me at (315) 413-2788.

Sincerely,

Steven P. Murphy
Lake Ontario Production Center

SPM/drb



91 FERC ¶ 62,014

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Eire Boulevard Hydropower, LP

Project No. 2569-048
New York

ORDER APPROVING VEGETATIVE BUFFER PLAN

(Issued April 07, 2000)

On October 25, 1999, Eire Boulevard Hydropower, LP, licensee for the Black River Project FERC No. 2569, filed a Vegetative Screening Plan as required by article 415 of the project license.¹ The Black River Project, consisting of five hydropower developments (spanning approximately 17 miles), is located on the Black River in Jefferson County, New York.

THE FILED PLAN

The licensee intends to maintain the woodland buffer areas along the five development shorelines in their natural state, and has no intentions of clearing any of these woodland areas but would selectively remove dead trees or blow-downs if presenting a safety hazard to recreationists.

The plan shows the access road and parking area for the Deferiet development to be screened from Route 3 by existing vegetative growth.² Photographs submitted with the plan show the parking lot is not visible from either the highway or the Black River,

¹ See: Order Approving Settlement Offer and Issuing New License, 77 FERC ¶61,306 (December 24, 1996). Article 415 requires the licensee to maintain the existing woodland buffer areas along the five developments' shorelines, and provide visual screens or buffers for access road widening and parking area construction at the Deferiet development. At least 90 days before the start of any land disturbing or land clearing activities for the Deferiet Development's new access road and parking area, the licensee shall file, for Commission approval, detailed design drawings of the screens or buffers and the parking area...and a schedule for their construction. The licensee shall consult with the appropriate federal, state and local agencies before preparing the plan.

² In the filing, the licensee states the access road and parking area was constructed by the former licensee, Niagra Mohawk Power Company, prior to the 1997 license issuance. The former licensee did not file drawings for Commission approval prior to the road and parking lot improvements; however, an appropriate vegetative buffer was retained and the intent of article 415, in that regard, was attained.

FERC DOCKETED
APR 22 2000
-7

000410-0349-3

which passes under the highway near the development's entrance. The licensee states it will retain the vegetative screen except for periodic mowing and trimming along the edge of the road and parking area to keep them from being overgrown.

AGENCY CONSULTATION

The licensee consulted with the appropriate agencies, which include the New York State Department of Environmental Conservation, U.S. Fish and Wildlife Service (FWS), Jefferson County USDA Service Center, and the Jefferson County Soil & Water Conservation District. In a letter dated October 7, 1999, the FWS approved the plan, stating it generally satisfies the requirements of article 415. None of the other agencies commented on the plan.

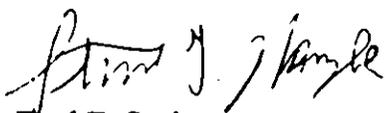
DISCUSSION

The licensee filed a plan that maintains the woodland buffer along the five development shorelines in its natural state. The licensee will not clear any of the buffer areas except to remove dead trees or blow-downs if presenting a safety hazard to recreationists. The licensee also showed how vegetative screening has been provided along the entrance drive and parking lot for the Defriet Development. The licensee will retain the vegetative screen except for periodic mowing and trimming along the edge of the road and parking area to keep them from being overgrown. The FWS approved of the licensee's Vegetative Buffer Plan; none of the consulted agencies opposed the Plan. The filed plan fulfills the intent of article 415 and should be approved.

The Director orders:

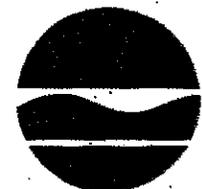
(A) The licensee's October 25, 1999, Vegetative Buffer Plan fulfills the intent of article 415 and is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


for Fred E. Springer
Director
Division of Hydropower Administration
and Compliance

Threatened and Endangered Species Protection
Supporting Documentation (#E1)

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone: (518) 402-8935 • FAX: (518) 402-8925
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

August 27, 2007

Stephen Murphy
Brookfield Power
225 Greenfield Pkwy, Suite 201
Liverpool, NY 13088

Dear Mr. Murphy:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed two Hydroelectric Projects: FERC 2569 and FERC 2538, areas as indicated on the map you provided, located at Black River and Beebee Island, Jefferson County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program.

This project location is adjacent to a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

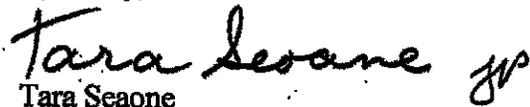
Jeff Zappieri or Vance Barr - (518) 474-6000
NYS Department of State
Division of Coastal Resources and Waterfront Revitalization
41 State Street, Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. 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, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are 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.

Sincerely,

A handwritten signature in cursive script that reads "Tara Seane" followed by a small flourish.

Tara Seane

Information Services

NY Natural Heritage Program

cc: Reg. 6, Wildlife Mgr.
Reg. 6, Fisheries Mgr.
Peter Nye, Endangered Species Unit, Albany
Mark Wothal, Bureau of Habitat, Albany

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone: (518) 402-8935



NATURAL HERITAGE PROGRAM: The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY: The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK: A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.

F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

U = Extant/historical status uncertain.

Blank = Not assigned.

LAST REPORT: The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS - Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species:** any species which meet one of the following criteria:
- Any native species in imminent danger of extirpation or extinction in New York.
 - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.
- T - Threatened Species:** any species which meet one of the following criteria:
- Any native species likely to become an endangered species within the foreseeable future in NY.
 - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.
- SC - Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.
- G - Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

NY LEGAL STATUS - Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species:** listed species are those with:
- 5 or fewer extant sites, or
 - fewer than 1,000 individuals, or
 - restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
 - species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.
- T - Threatened:** listed species are those with:
- 6 to fewer than 20 extant sites, or
 - 1,000 to fewer than 3,000 individuals, or
 - restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
 - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

R - Rare: listed species have:

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide.

V - Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

U - Unprotected; no state status.

FEDERAL STATUS (PLANTS and ANIMALS): The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status.

LE = Formally listed as endangered.

LT = Formally listed as threatened.

C = Candidate for listing.

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting.

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the intraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK:

G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

G3 - Vulnerable: Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.

G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.

G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.

GH - Historically known, with the expectation that it might be rediscovered.

GX - Species believed to be extinct.

NYS RANK:

S1 - Critically imperiled: Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.

S2 - Imperiled: Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

S3 - Vulnerable: Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

S4 - Apparently secure in New York State.

S5 - Demonstrably secure in New York State.

SH - Historically known from New York State, but not seen in the past 15 years.

SX - Apparently extirpated from New York State.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B) populations and the non-breeding populations (N), respectively, of the species.

TAXON (T) RANK: The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 - See Global Rank definitions above.

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity.



Jefferson County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle ¹	<i>Haliaeetus leucocephalus</i>	D
Indiana bat (W/S)	<i>Myotis sodalis</i>	E
Piping plover [Designated Critical Habitat]	<i>Charadrius melodus</i>	E

Status Codes: E=Endangered T=Threatened P=Proposed C=Candidate D=Delisted

W=Winter S=Summer

¹ The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

Information current as of: 11/20/2007

August 10, 2007

Mr. Nick Conrad
New York State Department of Environmental Conservation
New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757

Subject: **Black River Hydroelectric Project (FERC No. 2569)**
Beebee Island Hydroelectric Project (FERC No. 2538)
Threatened and Endangered Species Consultation

Dear Mr. Conrad:

Erie Boulevard Hydropower, L.P. (Erie) is the owner, operator, and licensee of the Black River (FERC No. 2569) and Beebee Island (FERC No. 2538) Projects. These projects are comprised of six hydroelectric developments located at six dams along the Black River in Jefferson County. From upstream to downstream, these are the Herrings (RM 27.5), Deferiet (RM 26.0), Kamargo (RM 17.0), Black River (RM 15.0), Sewalls (RM 10.0), and Beebee Island (RM 9.0) developments.

As a matter of background, licenses from the Federal Energy Regulatory Commission (FERC) were issued for these two projects on December 24, 1996. Project operations and environmental protection measures at these projects have been largely determined by a comprehensive Offer of Settlement Erie developed in conjunction with NYSDEC and other entities in 1995. The licensing processes for these projects included consultation with resource agencies regarding threatened and endangered species.

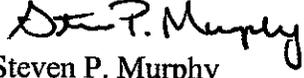
Erie is presently working with the Low Impact Hydropower Institute (LIHI) to certify the Black River and Beebee Island Projects as a low impact project. In preparing the application for Low Impact Hydropower Certification, Erie must update or confirm consultation with resource agencies with respect to the presence of threatened or endangered species within the vicinity of these six hydroelectric developments.

As such, Erie respectfully requests information on the presence of threatened or endangered species within the vicinity of the Black River and Beebee Island Projects. The locations of the six developments are provided on the enclosed topographic map. The FERC project boundary for each development mostly runs along the banks of this portion of the Black River.



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 (315) 413-2788.

Sincerely,


Steven P. Murphy
Lake Ontario Production Center

Enclosure

cc: A. Richardson (NYSDEC)
J. Elmer

Cultural Resources Supporting Documentation (#F1)

Brookfield Power

New York Operations
225 Greenfield Parkway, Suite 201
Liverpool, NY 13088

Tel (315) 413-2700
Fax (315) 461-8577
www.brookfieldpower.com

ORIGINAL

**FILED
OFFICE OF THE
SECRETARY**

2006 DEC 28 P 12:24

December 27, 2006

**FEDERAL ENERGY
REGULATORY COMMISSION**

Honorable Magalie Roman Salas, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
Mail Code: DLC HL-11.2
888 First Street, N.E.
Washington, DC 20426

Subject: Black River Project
LP 2569 NY
Cultural Resources Management Plan (CRMP) - Article 416
OPRHP # 90PR2693

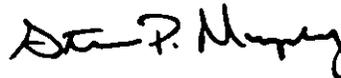
Dear Secretary Salas:

Eric Boulevard Hydropower, L.P. is herein filing an original and eight copies of this annual report on activities conducted at the Black River Project (order issuing license dated December 24, 1996) under the implemented Cultural Resources Management Plan. There are no historic resources at the project however the plan addresses the potential for undiscovered historic or archaeological resources during ground disturbing activities.

There have been no ground disturbing activities for the period after the last report dated December 29, 2005 and therefore no potential for encountering undiscovered cultural resources.

If you have any questions regarding this submittal, please feel free to contact the undersigned at (315) 413-2788.

Very truly yours,



Steven P. Murphy
Lake Ontario Production Center

xc: Mr. Charles Goggins, FERC NYRO
Mr. Anthony Opalka, NYS OPRHP



ORIGINAL

FILED
OFFICE OF THE
SECRETARY

2006 DEC 28 P 12: 26

December 27, 2006

FEDERAL ENERGY
REGULATORY COMMISSION

Honorable Magalie Roman Salas, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
Mail Code: DLC HL-11.2
888 First Street, N.E.
Washington, DC 20426

Subject: Beebee Island Project
LP 2538 NY
Cultural Resources Management Plan (CRMP) - Article 416
OPRHP # 93PR0584

Dear Secretary Salas:

Eric Boulevard Hydropower, L.P. is herein filing an original and eight copies of this annual report on activities conducted at the Beebee Island Project (order issuing license dated December 24, 1996) under the implemented Cultural Resources Management Plan. The subject historic resources only comprise the Beebee Island powerhouse structure.

There were no construction activities subject to the CRMP at the powerhouse for the period after the last annual report dated December 29, 2005.

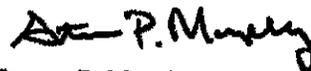
Routine operation and maintenance activities were performed at the powerhouse this past year that are exempted from consultation in the "Compendium of Compatible Operations and Maintenance Activities (Categorical Exemptions for Historic Hydro Facilities)".

The plan also addresses the potential for undiscovered historic or archaeological resources during ground disturbing activities.

There were no ground disturbing activities for the period after the last report dated December 29, 2005.

If you have any questions regarding this submittal, please feel free to contact the undersigned at (315) 413-2788.

Very truly yours,



Steven P. Murphy
Lake Ontario Production Center

xc: Mr. Charles Goggins, FERC NYRO
Mr. Anthony Opalka, NYS OPRHP



85 FERC ¶ 62,109

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Niagara Mohawk Power Corporation) Project Nos. 2538-010 &
2569-021

ORDER APPROVING CULTURAL RESOURCES MANAGEMENT PLANS

NOV 17 1998

On February 5, 1998, Niagara Mohawk Power Corporation (licensee) filed Cultural Resources Management Plans (CRMPs) for the Beebee Island Project, FERC No. 2538, and the Black River Project, FERC No. 2569. The Beebee Island Project is located on the Black River, within the City of Watertown in Jefferson County, New York. The Black River Project is located on the Black River in Jefferson County, New York. The CRMPs are required by article 416 of both project licenses issued December 24, 1996. 1/ Subsequent to comments by Commission staff and the Advisory Council on Historic Preservation (ACHP), the licensee filed revised CRMPs on October 27, 1998.

BACKGROUND

On July 19, 1996, a Programmatic Agreement (PA) was executed between the Commission, the Advisory Council on Historic Preservation (ACHP), the Historic Preservation Field Services Bureau, New York's state historic preservation office (SHPO), and Niagara Mohawk and its associated or subsidiary companies. The PA covers fourteen hydropower projects, including both the Beebee Island and Black River projects. The PA requires the licensees to administer each project in accordance with the project's CRMP that specifies how historic properties will be protected. On December 1, 1996, the Commission's staff revised the appendices to the PA for the Beebee Island and Black River Projects, including changes proposed by ACHP, the SHPO, and Niagara Mohawk.2/

1/ See Order Approving Settlement Offer and Issuing New License, 77 FERC ¶ 61,305, (1996).

See Order Approving Settlement Offer and Issuing New License, 77 FERC ¶ 61,306, (1996).

2/ December 1, 1996 letter from Director, Division of Licensing and Compliance, to the Advisory Council on Historic Preservation, the New York State Office of Parks, Recreation and Historic Preservation, and Niagara Mohawk.

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Article 416 requires the licensee to implement the PA, including the filing of a CRMP, to implement the provisions of an approved CRMP; and, should the PA be terminated prior to Commission approval of the CRMP, to obtain Commission approval before engaging in any ground disturbing activities or other activities that may affect historic properties.

THE CULTURAL RESOURCES MANAGEMENT PLANS

No historic structures listed in or eligible for listing in the National Register of Historic Places were found within the Area of Potential Effect (APE) of the five developments which comprise the Black River Project. Also, no known prehistoric or archaeological sites have been recorded within the APE of the five developments that comprise the Black River Project.

The SHPO notified the licensee, on April 23, 1993, that the Beebee Island Hydroelectric Plant met the criteria for inclusion in the National Register of Historic Places. ^{3/} The SHPO identified only the powerhouse as possessing historic significance.

The CRMP for the Beebee Island Project sets forth the guidelines the licensee will follow for operation and maintenance activities directed toward the powerhouse. The licensee and the SHPO prepared a separate document titled: "Compendium of Compatible Operation and Maintenance Activities, (Categorical Exclusions for Historic Hydro Facilities)." The licensee describes the document as a living, stand-alone document developed in consultation with the SHPO. This document contains activities which have been identified which will not affect the historic resources of the powerhouse and which the licensee can do without SHPO consultation. Activities not listed in the Compendium will require consultation with the SHPO.

The CRMPs for both projects set forth guidelines for dealing with new properties discovered during project operation, maintenance, or excavation, and identify when consultation with the SHPO is required. The plans discuss mitigation of unavoidable adverse effects and describe what procedures will be followed in the event that ground disturbing activities are conducted or there is a change in project operation. The CRMPs also contain procedures for emergency undertakings and public interpretation.

^{3/} April 23, 1993 letter to Kleinschmidt Associates (Beebee Island's consultant) from Deputy Commissioner for Historic Preservation, Historic Preservation Field Services Bureau, New York State Office of Parks, Recreation and Historic Preservation.

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CONCLUSIONS

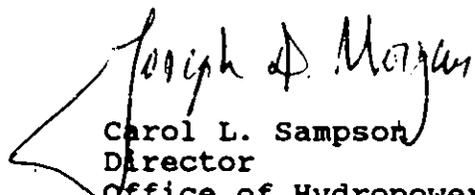
The licensee's plans are consistent with the PA, the Secretary of the Interior's Standards and Guidelines, and the project settlement. The CRMPs propose to follow the ACHP's policy statement and relevant state laws and guidelines for the treatment and disposition of human remains. The licensee's proposal also includes annual filings, due on the anniversary of the licenses to SHPO and the Commission, on activities conducted under the implemented CRMP.

Commission staff believes the final CRMPs set the appropriate standards and guidelines to protect the known and unknown properties of the Black River and Beebee Island projects. Commission staff also believes the plans are consistent with the requirements of article 416. Upon approval of this order, the licensee should implement the CRMPs.

The Director orders:

(A) The Cultural Resources Management Plans for the Black River and Beebee Island Hydroelectric Projects, filed on October 27, 1998, are approved and made part of the licenses.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.


Carol L. Sampson
Director
Office of Hydropower Licensing

Recreation Supporting Documentation (#G1)

86 FERC 16,140

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Niagara Mohawk Power Corporation)

Project No. 2569-036

ORDER APPROVING RECREATION PLAN

FEB 17 1999

On December 11, 1998, Niagara Mohawk Power Corporation (licensee), filed a recreation plan pursuant to article 413 of the license for the Black River Project.^{1/} The Black River Project consists of five developments (Herrings, Deferiet, Kamargo, Black River, and Sewalls) located between river miles 10 and 27.5 on the Black River in Jefferson County, New York.

BACKGROUND

Article 413 principally requires the licensee to file a plan which improves and expands river access around the project's five developments for fishing and general recreational use. The plan is to include provisions for maintaining the existing recreational facilities identified in the license application. The plan is also to include provisions for implementing new facilities such as car-top boat launches, canoe portages, interpretive/informational signs, shorefishing areas, and scenic overlooks. While article 413 does not describe the specific facilities or enhancements to be provided at the project, proposals for new construction were identified in the Settlement Offer which was approved in conjunction with the license.^{2/}

Article 413 requires that the recreation plan include a construction schedule, the names of the entity responsible for operating and maintaining each facility, as well as a site plan for each facility. The plan is also to identify how the needs of persons with disabilities are addressed by the plan, and the erosion and sediment control measures that will be implemented during and after construction.

^{1/} Order Approving Settlement Offer and Issuing New License, 77 FERC ¶ 61,306 (1996). The December 11 filing also included recreation plan material for the Beebee Island Project, FERC No. 2538. The Beebee Island recreation plan will be addressed separately by the Commission.

^{2/} The Settlement Offer approved by the license was filed with the Commission on October 13, 1995.

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FILED PLAN

The licensee's December 11 filing addresses each of the requirements of article 413. The licensee proposes to construct and continue to maintain car-top boat access and canoe portage facilities at each of the project's five developments. The licensee also proposes to provide the shorefishing access, interpretive/informational signs, viewing areas, and parking enhancements identified in the Settlement Offer. With regard to the needs of persons with disabilities, the licensee indicates accessible design standards will be followed at the parking and picnic areas, and designated trail segments. The licensee acknowledges that boating access for persons with disabilities will be limited because of the steep grade at most of put-in/take-out sites.

The licensee states it will be responsible for the operation and maintenance of the facilities provided under the plan, and that it will construct all facilities during the 1999 construction season. During construction the licensee will implement such erosion and sediment control measures as straw bales and silt fences. The licensee will also grade all sites for positive drainage and revegetate all disturbed areas. As-built drawings of the recreational facilities are proposed to be filed with the Commission after all construction is complete.

AGENCY CONSULTATION AND COMMENT

As required by article 413 the licensee consulted on the plan with the U.S. Fish and Wildlife Service (FWS), National Park Service, New York State Department of Environmental Conservation (DEC), Jefferson County, and the members of the Black River Advisory Council (BRAC).^{3/} FWS, DEC, and two members of the BRAC filed comments on the plan. The licensee addressed these comments in the final plan filed with the Commission.

DISCUSSION

Commission staff concludes the filed material adequately addresses the requirements of article 413 and provides for recreational development consistent with the license and Settlement Offer. We also conclude the licensee has appropriately addressed the comments/concerns raised by the

^{3/} The Settlement Offer established the Black River Advisory Council. The Council includes the state and Federal agencies identified in this order along with non-governmental agencies with an interest in the area.

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consulted agencies. Overall, the filed plan will improve recreational access to the project's five developments and enhance the recreational opportunities available in the project area.

Since the licensee did not seek comments on the plan from the New York State Department of Parks, Recreation, and Historic Preservation, as required by article 413, Commission staff reminds the licensee of its responsibilities under article 416 of the license, and the project's approved Cultural Resources Management Plan.^{4/} Under these provisions, the licensee should undertake the approved measures for protecting cultural resources if any resources are discovered during the construction of the approved recreational facilities.

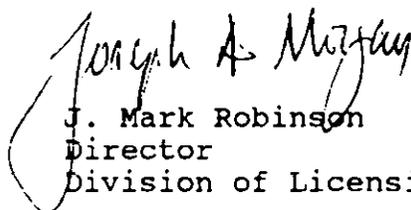
The provisions of the filed plan will improve and expand river access around the project's five developments for fishing and general recreational use. With this, the plan meets the requirements of article 413 and should be approved.

The Director orders:

(A) The recreation plan, filed on December 11, 1998, is approved and made part of the license for the project. Per this approval, the licensee shall complete construction of the approved recreational facilities by December 31, 1999.

(B) Within 90 days of completing construction, or by March 31, 2000, the licensee shall file, for Commission approval, as-built drawings of the recreational facilities approved in this order. The drawings should be similar to those included in the December 11 filing and be of an appropriate scale to show each approved amenity/facility. Where appropriate, the drawings should also show the location of the project boundary.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.



J. Mark Robinson
Director
Division of Licensing and Compliance

^{4/} The Cultural Resources Management Plan, filed pursuant to article 416 of the project license, was approved by order issued on November 17, 1998.

**FINAL PLAN
FOR**

**BLACK RIVER PROJECT #2569
&
BEEBEE ISLAND PROJECT #2538**

ARTICLE 413

RECREATION PLAN

**BLACK RIVER PROJECT & BEEBEE ISLAND PROJECT
FERC PROJECT NOS. 2569-004-NY & 2538-001-NY**

ARTICLE 413

RECREATION PLAN

INTRODUCTION

License Articles 413, Item 1, addresses recreational facilities for both the Black River Project and the Beebee Island Project in general. Specifics of the Recreation Plan can be found in Exhibit E of the license applications, Responses to Additional Information Requests, and the Settlement Offer filed on October 13, 1995. Additionally for the Black River Project, proposed recreational facilities are identified in the Environmental Assessment issued on September 27, 1996 and in a December 13, 1993 letter filed with the Federal Energy Regulatory Commission regarding the Beebee Island Project.

(1) EXISTING AND PROPOSED RECREATIONAL FACILITIES

BLACK RIVER PROJECT

License Article 413, Item 1 - "improved and expanded river access for fishing and for general recreational use; car-top boat facilities, put-ins and take-outs; parking areas; interpretive signage; portage trails; foot trails; bike trails; fishing areas, picnicking areas; bird-watching areas; scenic viewing areas and overlooks; protective railings, warning signs and boat barriers; access to Poors Island, bicycle storage there, and establishment there of a habitat reserve with interpretive center offering environmental programs;"

Herrings Development

The Licensee will continue to operate and maintain the existing parking area and path leading to the existing cartop boat launch on the north shore near the powerhouse. The shoreline adjacent to the cartop boat launch will be maintained to provide fishing access and river viewing.

The existing parking area and cartop boat launch are accessible to the disabled. River viewing from this location will also be accessible to the disabled. The Licensee will provide two picnic tables in this area, one of which will be accessible to the disabled. Additionally, a dedicated parking area with appropriate signage will be provided for the disabled near the existing site recreation sign. Shoreline fishing and the proposed canoe portage will not be accessible to the disabled because the steep, uneven terrain makes disabled access extremely difficult even after extensive modifications.

The existing cartop boat launch will serve as the starting point of the proposed canoe portage trail. The canoe portage trail will traverse across Niagara Mohawk lands to a proposed cartop boat

launch (put-in) at the downstream end of the portage trail below the tailrace. The Licensee will provide informational signage denoting disabled accessible fishing access facilities on the Herrings recreational sign.

Deferiet Development

The Licensee will continue to operate and maintain the existing parking area and path leading to the existing cartop boat launch/wetland access area (bird watching area) on the south shore upstream of the dam. Disabled access to the cartop boat launch/wetland access area will not be possible due to terrain constraints.

The Licensee will provide a new cartop boat put-in/take-out on the north shore of the Deferiet impoundment upstream of the boat barrier. A parking area to accommodate 6-8 cars will be provided near the put-in/take-out with access from NYS Route 3. A canoe portage trail will commence at the put-in/take-out, cross over the canal headgate structure and terminate at a new put-in approximately 200 feet downstream of the dam. A sign warning of a downstream whitewater hazard will be posted near the put-in. Additionally, the Licensee will install a sign on the canal headgate structure fencing warning of the downstream whitewater hazard and a sign directing recreationists to the alternate canoe put-in.

An alternate canoe portage trail will be provided utilizing the existing access road from the take-out/parking area to NYS Route 3, thence north-westerly along NYS Route 3 to Riverside Drive, and then along Riverside Drive to the put-in, in the Village of Deferiet, near the tailrace. The Licensee will provide the necessary signage for this alternate put-in.

The Licensee will remove/cut off the exposed rods in the river bed downstream of the stoplog section of the dam to enhance the area's safety.

The Licensee, in cooperation with the Village of Deferiet, will support cooperative development of recreational access to the Black River on the Village of Deferiet and the Licensee's lands approximately 8,000 feet downstream of the dam. The Licensee will contact the Village of Deferiet to initiate discussion and planning for public access to this area of the Black River. The Licensee will provide two picnic tables in this area.

The Licensee will provide a riverside recreation trail on the east shoreline downstream of the dam to accommodate shoreline fishing access. This recreation trail will be provided on a 50' wide strip of land owned by the Licensee.

The Licensee has investigated a trail with river overlooks on the western shoreline, which would proceed south to southeast from NYS Route 3. The Licensee proposes to clear the downed timber in this area, and will continue to allow the informal access that currently exists for river overviews.

Kamargo Development

The Licensee will provide a cartop boat take-out from the impoundment at the upstream end of Poors Island between the dam and the canal headgate structure. A portage trail will be provided to the new cartop boat put-in in the power canal immediately downstream of the headgate structure on the Poors Island side. Recreationists can enter the power canal at this put-in and take-out at a new take-out to be provided upstream of the boat barrier on the Poors Island side, approximately 1600 feet downstream from the canal headgate structure, in the vicinity of the 23-kV transmission line crossing. The Licensee will provide a sign at the take-out directing boaters to the put-in on the left shoreline downstream of the Main Street bridge. A foot trail from the power canal take-out connecting to the proposed Poors Island Recreation Area trail system will be provided.

Vehicular access to Poors Island will be during daylight hours only via a single-lane bridge reached from South Main Street. The Licensee will provide a parking area for 4-6 cars near the Poors Island access bridge approximately 300 feet from the power canal take-out.

The Licensee proposes a day-use recreational park/forested habitat preserve on Poors Island. This would include a forested habitat preserve area complete with an interpretive center and signage highlighting the islands diverse biota, an island hiking trail system with scenic river views, and a day-use picnic area. The Licensee will provide four picnic tables and grills in the day-use area. The Licensee will provide a bicycle storage rack for day hikes and primitive restroom facilities on Poors Island. Shoreline fishing on Poors Island along the power canal shoreline and the bypassed reach will be permitted by the Licensee.

Per the Settlement Offer, the Licensee was to allow shoreline fishing on the south shoreline of the power canal upstream of the boat barrier via lands owned or controlled by the Licensee. The Licensee owns approximately 1800 feet of land downstream of the Kamargo dam on the south shoreline of the power canal. This land is situated between the river edge and the abandoned New York Central Railroad line. This shoreline area will be available for shoreline fishing. Access to this area can be gained via East Remington Street and the abandoned railroad line.

Portions of the Poors Island day-use recreational area will be accessible to the disabled. However, complete access will not be possible due to terrain constraints.

The Licensee will not permit any overnight camping.

The Licensee is proposing the canoe put-in be located downstream of the Main Street bridge, on the opposite shore from the Black River overlook. This location would shorten the canoe portage distance from the Poors Island take-out to this put-in and also reduce the portage along South Main Street.

The license application noted that the Kamargo overlook in the Village of Black River would be provided via a co-operative venture between the Village and the Licensee. This overlook has already been constructed.

Black River Development

The Licensee will provide a cartop boat launch/take-out upstream of the NYS Route 3 bridge to be located along Huntington Street. This area will be modified to accommodate a picnic area with four picnic tables and grills, shoreline fishing access and parking for four cars along Huntington Street, all on the Licensee's lands. This area will be accessible to the disabled.

A portage trail will be provided from the take-out utilizing Huntington Street, crossing NYS Route 3 and following an existing dirt road located along the bypassed reach to two put-ins. The first put-in will be located as determined in the field under conditions of no spillage. The second put-in will be located approximately 300 feet upstream of the powerhouse, but on the opposite or left shoreline (same side as first put-in). The steep, rugged terrain makes the put-ins virtually impossible for disabled access.

The Licensee will provide an additional parking area for 4 - 6 cars south of NYS Route 3 and east of the NYS Route 3 bridge along Woodard Hill Road, as close to NYS Route 3 as land ownership allows.

The Licensee will maintain the parking and picnicking at the existing picnic area along the bypassed reach south of NYS Route 3. The Licensee will remove the security fence along the bypassed reach at the existing picnic facilities and overlook. The security fencing will be replaced with a protective railing at this location.

Sewalls Development

The Licensee will provide a cartop boat take-out on the south shore of the impoundment. Signage providing direction to potential downstream put-ins will be installed at the take-out. The Licensee will also provide a pedestrian path from Huntington Street to a river overlook, a shoreline fishing safety rail and a hydro interpretive sign at this location. The pedestrian path and shoreline fishing will be accessible to the disabled.

Prior to constructing the above recreational facilities, the Licensee will coordinate these facilities with the City of Watertown's plans for recreational opportunities at Sewalls Island.

The Licensee will put forth its best efforts to maintain run-of-river operation between May 1 and September 30 to facilitate whitewater recreation downstream, whenever river flow is below 2,000 cfs.

BEEBEE ISLAND PROJECT

License Article 413, Item 1, - "pedestrian access to the impoundment for fishing; scenic overlook facilities and a fishing platform in conjunction with the City of Watertown (Watertown)'s proposed Heritage Trail, and to be constructed only if Watertown actually constructs the Heritage

Trail; a boat barrier upstream of the dam; a car-top boat take-out; and signage to downstream boat put-in locations;"

It appears that the Licensee owns lands for the take-out as shown in the draft recreation plan, but does not own lands for the Settlement location. At issue regarding the take-out, in either case, is access to the Licensee's lands where the take-out will be installed. Consequently, until the access issue is resolved, the Licensee is deferring installation of the Beebee Island put-in/take-out until access to Licensee's lands is obtained.

The Licensee, on behalf of Beebee Island Corporation, will provide a cartop boat put-in/take-out on the south shore of the impoundment, when the access issue is resolved, and install a boat barrier upstream of the dam. Signage providing direction to potential downstream put-ins will be installed at the cartop boat take-out.

The recreational facilities associated with the City of Watertown's Heritage Trail are not being constructed until such time when the City of Watertown actually constructs the Heritage Trail. At that time, the Licensee will consult with the City of Watertown so that these facilities will complement the City's plan.

FERC issued an ORDER APPROVING PLAN FOR VEILING FLOWS (ORDER) on August 19, 1997. The Licensee provided the veiling flows in 1998, per this ORDER, after installation of the flashboards. The schedule for release of the veiling flow is from May 1, or as soon thereafter as flashboards can safely be installed, through October 31 annually.

HIKER/BIKER TRAIL

The Licensee is amenable to working with the New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP) and Jefferson County regarding the bike/hike trail along the Black River when or if such plans are developed. The Licensee will consider providing interconnections to this trail provided the necessary land ownership is in place and the need for extensive modifications is not required.

(2) FINAL SITE PLANS FOR THE FACILITIES

The enclosed recreation drawings illustrate the Licensee's recreational improvements. The Licensee will provide as-built drawings after completion of the construction activities.

(3) ADDITIONAL LANDS REQUIRED FOR NEW RECREATIONAL FACILITIES

It appears that no additional lands for new recreational facilities are required, with the exception being the Beebee Island Project. As discussed in Section (1), until access to Licensee's lands is resolved, it is unknown what changes to project lands will be required.

(4) THE NAME OF THE ENTITY OR ENTITIES RESPONSIBLE FOR OPERATING AND MAINTAINING THE FACILITIES

The Licensee is the responsible party for the operation and maintenance of the recreational facilities.

(5) HOW THE DESIGN OF THE RECREATIONAL FACILITIES TAKES INTO CONSIDERATION THE GUIDELINES ESTABLISHED BY THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (36 C.F.R. PART 1191)

The following denotes how the design of the recreational facilities incorporates the Architectural and Transportation Barriers Compliance Board guidelines and designing the facilities using the US Forest Service's Design Guide for Universal Access to Outdoor Recreation guidelines.

Parking areas

The Licensee will provide parking spaces for the disabled at Herrings, Deferiet, Kamargo and Black River. These parking spaces will be reserved for persons with disabilities and a sign showing the International Symbol of Accessibility will be installed at each designated parking space. The size of the parking space and accompanying access aisle will be in accordance with the Architectural and Transportation Compliance Board (ATCB) recommendations, Section 4, Accessible Elements and Spaces, subsections 4.1 and 4.6.

Picnic tables and grills

The picnic tables and grills will conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The picnic tables will be a maximum of 32 inches from the ground to the top and will extend a minimum of 30 inches beyond the legs at each end. The grills will be 30 - 36 inches high.

Trails for the Disabled

The maximum grade for trails requiring disabled access, will have a maximum grade of 10% and will have a level rest area at every 900 feet maximum.

(6) EROSION AND SEDIMENT CONTROL MEASURES AND MEASURES FOR REVEGETATION OF DISTURBED AREAS

The attached erosion and sedimentation control standard details drawing, which includes revegetation of disturbed areas affected by site enhancements, is the Licensee's means of *implementing and controlling* erosion and revegetation.

(7) SCHEDULE FOR CONSTRUCTING THE FACILITIES WITHIN ONE YEAR OF PLAN APPROVAL

The Licensee intends to construct the recreational facilities during the 1999 construction season. Construction activities will commence in early May 1999 anticipating early completion for use during the 1999 recreation season.

The Beebee Island take-out is being deferred until access to the impoundment is obtained.

The recreational facilities at Beebee Island, contingent upon construction of the Heritage Trail, will not be constructed until construction of the Heritage Trail is ensured.

