

**REVIEW OF APPLICATION
OF THE ALLEGHENY ELECTRIC COOPERATIVE, INC.
RAYSTOWN HYDROELECTRIC PROJECT, LIHI # 23 FOR RECERTIFICATION
BY THE LOW IMPACT HYDROPOWER INSTITUTE**

Prepared by Diane Barr, Camas LLC

FEBRUARY 21, 2023

I. INTRODUCTION

The Raystown Hydroelectric Project (“the Project”) is located on the Raystown Branch of the Juniata River below Raystown Dam near Huntingdon, PA, in Huntingdon County (Figure 1). The Project is owned and operated by Allegheny Electric Cooperative (AEC or “Applicant”) a non-profit electric cooperative corporation incorporated under the Electric Cooperative Law of the Commonwealth of Pennsylvania. The Project has a current nameplate capacity of 21 MW. The Project was first granted LIHI certification in 2006, as the first facility to receive Low Impact Hydroelectric Certification in Pennsylvania; and was recertified in 2014. The 2014 Certification expired on August 11, 2022 and was extended to December 31, 2022. The Applicant submitted their initial recertification materials in July 2022. On December 29, 2022, the Applicant was granted another extension of their Certificate to March 15, 2023. The Applicant received the Stage I report in September 2022, recommending the Applicant proceed to the Stage II recertification process. The Applicant is seeking a 10-year certification term. The Project is regulated by the Federal Energy Regulatory Commission (FERC) under License No. 2769-PA issued November 10, 1982 for 50 years, as amended. The FERC license expires on October 31, 2032.

On January 11, 2022, LIHI notified the Applicant of the upcoming expiration of the Low Impact Hydropower Institute certification for the Project. The notification included an explanation of procedures to apply for an additional term of certification under the 2nd Edition LIHI Handbook, including the new two-phase process starting with a limited review of a completed LIHI application, focused on three questions:

- (1) Is there any missing information from the application?
- (2) Has there been a material change in the operation of the certified facility since the previous certificate term?
- (3) Has there been a change in LIHI criteria since the Certificate was issued?

If the answer to any question is “Yes,” the application must proceed through a second Stage which consists of a more thorough review of the application using the LIHI criteria in effect at the time of the recertification application. The letter noted that because the new Handbook involves new criteria and a new process, all projects scheduled to renew in 2017 and beyond will be an automatic ‘YES’ to question #3 above. Therefore, all applicants whose last certification was prior to 2017, will be required to proceed through both Stage I and Stage II of the recertification application reviews.

The 2014 LIHI Certificate #23 included one condition shown below. The Applicant has demonstrated compliance with Condition 1 with their annual status report findings.

Condition No. 1.

Along with its annual compliance letter, AEC shall include an update on any changes in Pennsylvania Fish and Boating Commission (PFBC's) downstream fisheries management objectives that may have occurred or have been discussed over the past year. AEC shall cooperate with PFBC on any studies related to new cold water fisheries management downstream of the facility, subject to the fact that the Corps of Engineers will have final say over structural or operational changes at their dam. AEC shall keep LIHI apprised of developments in this area on an annual basis.

II. PROJECT'S GEOGRAPHIC LOCATION

The Project is located at the existing Raystown Lake Dam and Reservoir owned and operated by the U.S. Army Corps of Engineers (COE). Raystown Dam, managed by the COE, is located on the Raystown Branch of the Juniata River, about 5.5 miles upstream from its confluence with the mainstem Juniata River and 92 miles above the confluence of the Juniata River with the Susquehanna River. Raystown Dam and Raystown Lake are in south central Pennsylvania in Huntingdon County, near the borough of Huntingdon. Figure 1 provides an overview of the Project's location and area features. There are no other dams upstream or downstream of the Project.

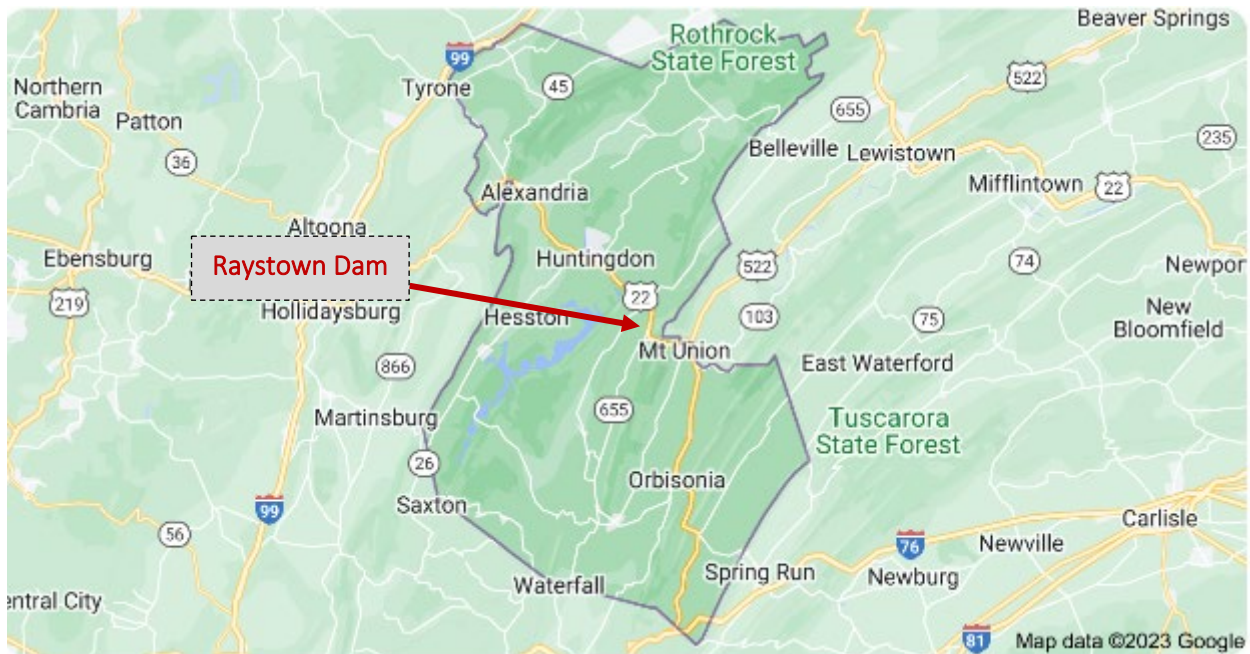


Figure 1-Project Location

III. PROJECT AND IMMEDIATE SITE CHARACTERISTICS

The Raystown Dam impounds waters that create a reservoir known as Raystown Lake; the largest impoundment located entirely within Pennsylvania. The Raystown Dam was rehabilitated between 1968 and 1973 by the COE to control floods and provide downstream fish enhancement and support recreational activities. The dam is an earth and rock fill structure 225 feet high and 1,700 feet long. There is a two-bay gated spillway with two Tainter gates, 45 feet wide by 45 feet high, to control flood flows through the COE Spillway. In addition to the spillway the COE facilities include an overflow section. The spillway and overflow section have a combined discharge capacity of 301,000 cubic feet per second (cfs). The gated spillway is controlled by the Tainter gates and is equipped with a warm water outlet system with a 4.75-foot by 6.75-foot slide gate served by inlet ports at three levels. Water can also be released via the low-level outlet tunnel via two 5.5-foot by 10-foot gates.

The Raystown hydroelectric facilities were completed in 1988 and are separate from the COE facilities. The Project is operated in close cooperation with the COE and operates under a Memorandum of Agreement (MOU) with COE that was executed on March 25, 1988. The COE provides all flow and temperature regulating instructions to AEC. Flow discharges are adjusted daily to minimize fluctuations downstream. Figure 2 shows the dam, powerhouse, and tailrace.

There are two turbine-generators in the powerhouse. Unit 1 has a flow range from 200 cfs to 600 cfs and a rated output of 7.0 MW producing 200 cfs to 600 cfs. Unit 2 is a rated output of 14.0 MW with release flows between 500 cfs to 1,100 cfs. The water enters the units from an intake tower with the capability of withdrawing water from different levels of the lake for downstream temperature control. Flow velocities at the intake are maintained at no more than 3 feet per second (fps) through a 3-inch clear spaced trash rack. From the intake to the powerhouse is 930 feet of 12-foot-diameter concrete tunnel with the last 100 feet steel-lined. The tunnel leads to a 550-foot-long steel penstock that bifurcates at the powerhouse to the two turbines.

The Project operates in a run-of-river mode in close cooperation with the COE. The COE directs AEC for flows and temperature regulating operations. The COE Raystown Dam is a facility excluded from the FERC license that was built for flood control, recreation, and aquatic purposes. Releases up to 1,420 cfs are controlled by a tri-level intake structure to maintain state-mandated temperature and dissolved oxygen (DO) water quality standards downstream in the Raystown Branch of the Juniata River and to protect the downstream warm-water fishery. Additionally, the COE maintains a minimum flow of 200 cfs from May through November and a minimum flow of 480 cfs from December through April to protect downstream aquatic resources. The reduction in minimum flow from May through November is required to prevent significant drawdown of the lake throughout the summer and fall.



Figure 2-Project Features



Figure 3-Powerhouse (left) and Tailrace (right)



Figure 4-Intake Facility



IV. ZONES OF EFFECT

The Project consists of two Zones of Effect, 1-Impoundment and 2- Tailrace/Downstream.

Figure 5 illustrates the Zones of Effect (ZoEs), and Table 1 exhibits the Alternative Standards selected by the Applicant for each ZoE. The Applicant demonstrated an appropriate Standard selection for each Zone and Criteria, except for criterion A – Ecological Flows where this review considers that Standard 2, *Agency Recommendation* can be used in Zone 2 given that the Applicant is required to provide a minimum flow in accordance with the MOU with the COE. In this circumstance, the COE is considered an agency with a flow recommendation.



Figure 5-Zones of Effect

Table 1-LIHI Standards Selections by Criterion

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

V. REGULATORY AND COMPLIANCE STATUS

The Raystown Hydroelectric Project (FERC No. P-2769) has a 50-year license that was issued November 10, 1982.¹ The Major FERC License includes 11.5 acres of lands within the Project Boundary. The Project is also directed under license Article 44, to establish and abide by an MOU and Operating Agreement between the Applicant and the COE. The Operating Agreement was entered into in 1988 (see Attachment B of the [LIHI application](#)). The LIHI application also references a 2019 draft COE Master Plan as source information for the application. The COE finalized the Master Plan in March 2021.² The final Raystown Lake Project Master Plan completed an Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969. The proposed action reflected changes in land management and land uses that have occurred over time. This included refining land use classifications that would meet authorized COE Project purposes and determining current resource objectives that address a mix of natural resource and recreation management objectives that are compatible with regional goals. Required land use classification changes associated with this action would include

¹ <https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01C32B12-66E2-5005-8110-C31FAFC91712>

² <https://www.nab.usace.army.mil/Raystown-Master-Plan-Revision/>

multiple classifications to balance resource objectives. The proposed land use changes reflected in the EA do not alter any Project operations related to the LIHI recertification.

Ecological Flows The Applicant and the COE collectively work under an Operating Agreement, which is acknowledged in the FERC license. The Operating Agreement establishes minimum flows of 200 cfs from May 15 through November 14, and 480 cfs from November 15 through May 14. The application provided correspondence from the Pennsylvania Fish and Boat Commission, attesting the flows are adequate for protecting fish, wildlife, and water quality (see Attachment C of the [LIHI application](#)). The Applicant has provided LIHI annual statements of compliance with these flows.

Water Quality: The facility received an initial Pennsylvania Department of Protection (DEP) water quality certificate in 1980, which was included in Attachment A of the [LIHI application](#). In addition, the Applicant provided direct correspondence from (DEP) to reaffirm the original 1980 water quality certificate remains consistent with the State of Pennsylvania’s current water quality regulations. Curtis Sullivan, Acting Deputy Chief Counsel for DEP stated that the department would not be contesting the LIHI recertification and that the decision should establish the department’s position. Please find email correspondence from the Applicant to LIHI in Exhibit A of this Stage II review, attesting to the DEP communication. The Applicant included a FERC Order modifying the water temperature plan, dated 1987 as Attachment G in the [LIHI application](#), as well as FERC Elibrary links for modifications to the temperature plan in 1990 and again in 1993. See links here: [Elibrary FERC Link for Modifications to the 1987 temperature plan](#) (1990) and [Elibrary FERC Link Modifications to the 1987 temperature plan](#) (1993).

Recreation: The Applicant demonstrated Project compliance with Article 35 of the FERC license, which required finalizing the recreation plan in consultation with the COE and filing of as-built recreation drawings. On March 15, 1989, AES submitted as built drawings to FERC and on August 31, 1990, FERC acknowledged the submittal satisfied the requirements of Article 35.

Due to the COE regulatory responsibility for the dam, the reservoir, and control over the powerhouse releases, the Applicant has minimal regulatory requirements, which is exhibited in the alternative standards shown in Table 1 above as *1- Not Applicable / De Minimis Effect* for most of the LIHI criteria.

VI. PUBLIC COMMENTS RECEIVED OR SOLICITED BY LIHI

A 60-day public notice was provided to stakeholders and the state and federal agencies on December 6, 2022. The public comment period concluded on February 4, 2023. No comments were received. No additional outreach was made to regulatory agencies or stakeholders as the application presented sufficient evidence in meeting the LIHI recertification standards without additional verification.

VII. DETAILED CRITERIA REVIEW

The Applicant selected the same LIHI standard for each ZoE. Therefore, the discussion below applies to both Zone 1-Impoundment and Zone 2-Tailrace/Downstream.

A. Ecological Flow Regimes

Goal: The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for healthy fish and wildlife resources.

The Applicant selected Standard A-1, Not Applicable / De Minimis Effect for both ZoEs. To meet this Standard, the Applicant must demonstrate there is no bypass reach, the system functions in a run-of-river mode, and for the Impoundment Zone, must explain the water management (reservoir fluctuation potential) and how the fish and wildlife habitat within the zone are evaluated and managed.

The Project is operated in an instantaneous run-of-river mode, with no bypass reach. The nearest stream gages are [USGS 01562000](#) Raystown Branch Juniata River at Saxton, PA, upstream, and [USGS 01563200](#) Raystown Branch Juniata River below Raystown Dam near Huntingdon, PA, downstream.

For ZoE 2, Downstream, the Applicant provided evidence of minimum flow requirements. Therefore, the Standard A-1, Not Applicable / De Minimis Effect is not the best choice. As a result, this report recognizes that Standard A2, for ZOE 2 (Downstream), is the best choice. COE controls all flow releases. During regular COE dam operations flow discharges are continuously adjusted to match inflows and maintain the lake elevation within its normal operating range of 786.0 +/- 1.0 foot. During periods of low flow, minimum releases of 480 cfs are maintained from 15 November to 15 May and 200 cfs from 15 May to 15 November even if inflow is less. While no current scientific basis was found for these flow levels, the COE Master Plan indicates they are provided for water quality and low-flow augmentation for the downstream fishery, and that those flow levels were developed through coordination between COE and state resource agencies (pp. 2-19, 2-10 of the COE Master Plan). However, the original LIHI certification application demonstrated that these flow levels met the Montana-Tenant method's "good" habitat conditions in the downstream reach.

The Applicant provided the necessary information to demonstrate compliance with the minimum flow requirements in the average daily flow chart for 2021 provided in the LIHI application. The Applicant also provided confirmation from the Pennsylvania Fish and Boat Commission (PFBC) in 2014 and in 2017 that the released flows support warmwater fish habitat downstream. Since operations have not changed since that time, the Reviewer considers the flows to remain adequate. No deviations from operating requirements have been reported during the current LIHI term, or in fact since commencement of operations according to the Applicant.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Ecological Flow criterion.

B. Water Quality

Goal: Water quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions.

The Applicant selected Standard 3, Site Specific Studies for both ZoEs. To meet this Standard, the Applicant is required to document consultation with the appropriate water quality agency to determine what water quality parameters and sampling methods are required. The Applicant must also present recent water quality data from the facility or from other sources in the vicinity of the facility (e.g., data collected from the state, watershed associations, or others who collect data under generally accepted sampling protocols and quality assurance procedures) and explain and demonstrate how the Project satisfies current applicable water quality standards including designated uses or provide a letter from the appropriate state or other regulatory agency accepting the data.

The Applicant demonstrated compliance with this standard through the documentation of the COE water quality sampling program under the Master Plan. The newly revised Master Plan (2021) was reviewed as part of this Stage II evaluation. Monitoring by COE includes a 30-year record of twice-yearly sampling of temperature, specific conductance, dissolved oxygen, pH, and chlorophyll A. Overall, results show that the lake at the dam and in the outflow of are excellent quality (pp. 2-11 – 2-13 of the Master Plan).

Furthermore, the 2022 state impaired waters online mapping tool³ does not list the Raystown Branch as impaired. In addition, due to the age of the 1980 Pennsylvania Department of Environmental Resources, Bureau of Water Quality Management, Clean Water Act Section 401 water quality certification (see Attachment A of the [LIHI application](#)), the Applicant, while not required for a facility that satisfies Standard B-3, contacted the Pennsylvania Department of Environmental Protection which confirmed that the 1980 water quality certificate is representative of current operations. There are no specific conditions attached to the certificate.

The Applicant operates water temperature gates to maintain the downstream warmwater recreational fishery in order to meet seasonal discharge temperature targets, in accordance with license Article 34, as amended. Temperature regulation of the Project discharge begins in the spring when thermal stratification in the reservoir starts to occur. The Applicant attempts to obtain a target water temperature by May 1, or as soon as possible thereafter then gradually increases the temperature of the discharge by mid-June and maintains the temperature between 22 and 28°C (71.6 – 82.4 °F) as late into the fall as possible.

According to the 1987 FERC order approving the original monitoring plan, this temperature regime protects growth and reproduction of smallmouth bass. The Applicant conducts water temperature monitoring in the lake and tailrace year-round for verification of plan implementation. The last four annual reports were reviewed and showed that the Project met temperature objectives overall, except for a short period in 2020 during high background temperatures when the upper target temperature was exceeded slightly (by 0.3 degrees). These FERC filed reports, the latest dated March 30, 2022, also include responses from USFWS and PFBC. Both the USFWS and PFBC provided email responses (March

³ <https://gis.dep.pa.gov/IRViewer2022/>

14, 2022 and March 17, 2022, respectively) stating their satisfaction with the report as transmitted.

As noted above, the Applicant also provided satisfactory evidence of PFBC acceptance of the Project meeting the LIHI recertification criterion for water quality in 2014 and 2017.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Water Quality criterion.

C. Upstream Fish Passage

Goal: The facility allows for the safe, timely, and effective upstream passage of migratory fish. This criterion is intended to ensure that migratory species can successfully complete their life cycles and maintain healthy populations in areas affected by the facility.

The Applicant selected Standard 1, Not Applicable / De Minimis Effect for both ZoEs. The Impoundment ZoE requires the Applicant to demonstrate why the facility does not present a barrier to upstream fish passage. Impoundment zones by default qualify (with the rare exception) for this standard as once above a dam there is no further facility-related barrier to upstream fish movement. No evidence is therefore required by the Applicant to demonstrate meeting this Standard.

The Applicant provided evidence for the Tailrace/Downstream ZoE for this Standard by demonstrating the absence of fish species in the river requiring passage. This was due to the presence of dams beginning in the early 1900's on the Susquehanna River and mainstem Juniata River blocking fish including American shad and river herring from entering the Raystown Branch.⁴ An earlier Raystown dam, constructed in 1904 about three miles upstream of the existing dam, also blocked American shad and American eel passage. As a result, the Project has not been required to provide fish passage by US Fish and Wildlife Service or the state, although the FERC license includes Standard Article 15 reserving authority to prescribe fishways which has not been exercised.

While fish passage for anadromous species and American eel is being implemented on the Susquehanna River, passage effectiveness remains problematic at some projects and the presence of the invasive snakehead fish has halted upstream passage operations over recent years at some dams (for instance at Holtwood, LIHI #116).

Based on the review of the application and supporting documentation, the Project continues to satisfy the Upstream Fish Passage criterion.

D. Downstream Fish Passage

Goal: The facility allows for the safe, timely, and effective downstream passage of migratory fish. For riverine (resident) fish, the facility minimizes loss of fish from reservoirs and upstream river reaches affected by facility operations. Migratory species can successfully complete their life cycles and maintain healthy populations in the areas affected by the facility.

The Applicant selected Standard 1, Not Applicable / De Minimis Effect both ZoEs. According to the application the COE Master Plan lists the following fish species in the lake: muskellunge, tiger

⁴ https://www.fishandboat.com/Fish/PennsylvaniaFishes/FishSpecies/Documents/shadDocs/migratory_fish.pdf

muskellunge, largemouth bass, walleye, black and white crappie, bluegill, striped bass, yellow perch, channel catfish, and brown bullhead. Pumpkinseed, carp, white sucker, rock bass, and several species of minnows are also present. The downstream reach is stocked with mixed trout species (which generally include brown and rainbow trout). The Master Plan states that the Raystown Lake fisheries management objectives are to develop a warm water fishery for bass, muskellunge, panfish, and striped bass, and a cold water fishery for trout species, notably brown and lake trout.

The Applicant provided sufficient evidence for this Standard by demonstrating through correspondence in 2014 and 2017 with letters in Attachment C of the [LIHI application](#) from the PFBC supporting the Raystown Hydroelectric Project as an important part of the warm water fishery in the Raystown branch of the Juniata River below the dam. As noted above, the lack of presence of American shad and American eel are a result of the presence of dams beginning in the early 1900's on the Susquehanna River, blocking fish from the Juniata River. An earlier Raystown dam, constructed about three miles upstream of the existing dam, also blocked shad and eel passage. (See LIHI Application for source documentation.)

The FERC license further states that, based on a study conducted at that time, fish mortality from the reservoir would be less with the hydroelectric project than without it due to the large drop in velocity from approximately 20 feet per second prior to the hydro project to 3 feet per second with the hydro project. As noted above, the license reserves authority to prescribe fishways which has not been exercised.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Downstream Fish Passage criterion.

E. Shoreline and Watershed Protection

Goal: The facility has demonstrated that sufficient action has been taken to protect, mitigate or enhance the condition of soils, vegetation and ecosystem functions on shoreline and watershed lands associated with the facility.

The Applicant selected Standard 1, Not Applicable / De Minimis Effect for both ZoEs. The Applicant is required to demonstrate there are no lands with significant ecological value associated with the facility and/or document that there have been no Shoreline Management Plans or similar protection requirements for the facility.

The Applicant provided sufficient evidence demonstrating there are no lands associated with the facility under the direct or indirect ownership or control of the facility owner that have been identified as having significant ecological value for protecting water quality, aesthetics, or low-impact recreation, and the facility is not subject to any Shoreline Management Plan (SMP) or similar protection plan. Under the FERC license the Project lands consist of 11.5 acres, which is the immediate area in and around the powerhouse. The COE manages the Raystown Lake shoreline and run-of-river operations do not adversely impact downstream shorelines.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Shoreline and Watershed Protection criterion.

F. Threatened and Endangered Species Protection

Goal: The facility does not negatively impact federal or state listed species.

The Applicant selected Standard 2, Finding of No Negative Effects for both ZoEs. The Applicant is required identify all federal and state listed species that are or may be in the immediate area of the designated ZoE based on current data from the appropriate state and federal natural resource management agencies. In addition, the Applicant must provide documentation that there is no demonstrable negative effect of the facility on any listed species in the area from an appropriate natural resource management agency; or provide documentation that habitat for the species does not exist within the designated ZoE or is not impacted by facility operations.

The Applicant provided representative lists of species present in both ZoEs. Several listed species and species of concern are found in the impoundment ZoE, including bats, moths, dragonflies and damselflies, and plants.⁵ The hydro facilities and operation do not affect the impoundment ZoE and therefore does not impact listed species in this ZoE.

Bald eagles are known to nest in the vicinity of the Project. Virginia mallow (state endangered) is also known to occur in the vicinity of the facility. The 2019 Shale Barren Mapping and Threatened and Endangered Species Surveys for Raystown Lake by the U.S. Army Corps of Engineers, Baltimore District⁶ identifies several species of bats as being previously present in the vicinity of the downstream reach including: Indiana bat which is federal and state endangered, little brown bat which is state listed, and northern long eared bat which is federal state endangered. The US Fish and Wildlife Service (IPaC) resource list (Attachment K of the [LIHI application](#)) also lists northeastern bulrush as possibly present. In all cases, no report identifies any activities of the hydroelectric project as having a negative effect. The Applicant states they will continue to work with local resources to understand any efforts or concerns regarding threatened or endangered species; and have worked with the COE to provide locations for two bat boxes, several acres of pollinator plantings, and in the protection of a wetland adjacent to the Project's parking lot.

The application further demonstrated that existing operations do not impact these species as they are not species that could be directly impacted by the facility operations.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Threatened and Endangered Species Protection criterion.

G. Cultural and Historic Resource Protection

Goal: The facility does not unnecessarily impact cultural or historic resources that are associated with the facility's lands and waters, including resources important to local indigenous populations, such as Native Americans.

The Applicant selected Standard 1, Not Applicable / De Minimis Effect for both ZoEs which requires the Applicant to demonstrate there are no cultural or historic resources located on facility lands that can be affected by construction or operations of the facility and/or document that facility construction and

⁵ [Table 2.2 in the COE 2019 Master Plan](#)

⁶ <https://apps.dtic.mil/sti/pdfs/AD1081748.pdf>

operation have not in the past, nor currently adversely affect any cultural or historic resources that are present on facility lands.

The Applicant provided sufficient evidence for this Standard by demonstrating that the cultural resources identified in the Raystown Lake Master Plan do not include any Project facilities. In addition, the Pennsylvania State Historic Preservation Officer indicated in the FERC licensing proceeding that the Project would not affect any known archeological or historic sites. The Applicant also attested that the facility is following Article 33 of the FERC license, which requires consultation with the State Historic Preservation Office prior to the commencement of any construction or alteration.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Cultural and Historic Resources criterion.

H. Recreational Resources

Goal: The facility accommodates recreation activities on lands and waters controlled by the facility and provides recreational access to its associated lands and waters without fee or charge.

The Applicant selected Standard 2, Agency Recommendation for both ZoEs which requires the documentation of any resource agency recommendations and any enforceable recreation plan that is in place for recreational access or accommodation; and documentation that the facility in the designated ZoE is in compliance with all such recommendations and plans.

The Applicant provided sufficient evidence that the Project has fulfilled Article 35 of the FERC license, which required finalizing the recreation plan in consultation with the COE and filing of as-built recreation drawings. The approved recreation plan required installation of an ADA-accessible fishing pier and parking area in the facility tailrace area. On March 15, 1989, Allegheny submitted as-built drawings to FERC pursuant to Article 35 and the LIHI application included recent photos of the pier and parking area.

Based on the review of the application and supporting documentation, the Project continues to satisfy the Recreational Resources criterion.

VIII. GENERAL CONCLUSIONS AND REVIEWER RECOMMENDATION

Based on this review, the LIHI Project #23, Raystown Hydroelectric Project continues to meet the LIHI criteria for recertification as a Low Impact Hydropower facility and a new 10-year term with no conditions is recommended.

EXHIBIT A
Allegheny Electric Cooperative email documenting
communications with Pennsylvania Department of
Environmental Protection

From: [Leonard, Matt](#)
To: mfischer@lowimpacthydro.org
Cc: [Jones, Ryan](#); [Ricci, Ben](#); [Carbaugh, Bill](#); [Fitzgerald, Peter](#)
Subject: Re: Raystown Hydroelectric Dam Recertification
Date: Tuesday, November 8, 2022 10:48:37 AM
Attachments: [MJL DEP Communications on Raystown Certification.pdf](#)

This email is to follow up on a phone call that took place between Allegheny Electric Cooperative, Inc. (Allegheny) staff and Maryalice Fischer from the Low Impact Hydropower Institute (LIHI) on November 3, 2022.

That call was to discuss issues Allegheny had encountered in trying to obtain documentation reaffirming the Raystown Hydroelectric Dam's (Raystown) water quality certificate from the Pennsylvania Department of Environmental Protection (DEP) that LIHI had requested in order to recertify Raystown, which is owned by Allegheny, as a low-impact hydropower facility. During that meeting, staff from Allegheny informed Ms. Fischer that DEP has relayed to Allegheny that they would no longer provide the documentation requested, despite having provided such documentation on two previous occasions, both in 1980 and in 2006. However, DEP said that they were not contesting that Raystown qualified as a low-impact hydropower facility. Ms. Fischer expressed that the lack of documentation from DEP should not be an issue in recertifying Raystown but asked that Matt Leonard, staff for Allegheny, provide an email attesting to the conversation between Allegheny and DEP. The following is an account of that conversation.

Matt Leonard, staff for Allegheny, spoke to Curtis Sullivan, Acting Deputy Chief Counsel for DEP, on October 26, 2022 by phone. This was in response to emails sent by Mr. Leonard to DEP requesting documentation related to Raystown's low-impact hydropower certification. Attorney Sullivan advised Mr. Leonard that DEP was not contesting that Raystown was a qualified low-impact facility, but that DEP had taken the position that they would no longer provide such documentation in the case of any facility requesting it. Attorney Sullivan then provided, via email (attached), written notification that DEP would not provide the documentation requested but was not contesting the qualifications of Raystown. In addition, Attorney Sullivan provided his contact information, as well as that of Scott Williamson from DEP, if LIHI had any further questions.

DEP contact information:

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Department of Environmental Protection, Office of Chief Counsel
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curtsulliv@pa.gov
Phone: 717.783.7470

Scott Williamson, Regional Waterway and Wetlands Manager
Department of Environmental Protection, Southcentral Regional Office
scwilliams@pa.gov
717-705-4802

Please let me know if you have any additional questions.

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