



## LOW IMPACT HYDROPOWER CERTIFICATION RAQUETTE RIVER HYDROPOWER PROJECT

**Certificate No. 000014**  
**April 15, 2010 (Effective July 9, 2009)**

This is to certify that the Raquette River Hydropower Project (FERC No.s 2060, 2084, 2320, and 2330) located on the Raquette River, New York, which is owned and operated by Brookfield Power continues to meet the requirements of the Institute's Low Impact Hydropower Certification Program.

Accordingly, the Hydropower Project is hereby certified as a Low Impact Hydropower Facility, effective July 9, 2009. This certification is valid for five years, and will expire on July 9, 2014, unless revoked.

In reaching its decision to certify the Raquette River Project, the Low Impact Hydropower Institute's Governing Board reviewed the application for certification, as well as the Application Reviewer's report. Both the Staff and Application Reviewer recommended certification, however the Institute's discovery of the absence of Brookfield having followed through and complied with the December 2006 FERC-required flow and water level monitoring plan for the area below Raymondville was significant, and certification should not occur prior to this situation correcting itself. On March 24, LIHI received the materials Brookfield submitted to FERC and after LIHI review, we believe this information confirms that agreement has been reached with the NYDEC regarding the flow and water level monitoring plan. This corrects the situation to LIHI's satisfaction.

The Board's vote to re-certify the Raquette River Project as a Low Impact facility was unanimous. There were no public comment on the application, and therefore no party eligible to appeal the facility's certification. Certification is effective July 9, 2009 and is valid for five years and will expire July 9, 2014. Copies of the Application Reviewer's report is available on the LIHI website.

The Board's vote to re-certify the Raquette River Project as a Low Impact facility was unanimous. There were no public comments on the application, and therefore no party eligible to appeal the facility's certification. Copies of the Application Reviewer's report are available on the LIHI website.

The Brookfield Power, must notify the Institute of any changes relevant to the certification, for example, any changes in the operations of the Raquette River Hydropower Facility, and any changes in resource agency recommendations relevant to the Facility. Failure to notify the Institute of changes could result in a revocation of this certification. The Institute will independently monitor the Facility's compliance with the Low Impact certification criteria.

The Low Impact Hydropower Institute reserves the right to take any actions it deems necessary in response to any new information or changed circumstances relevant to this certification. These actions may include modification, suspension, or revocation of this certification. The Brookfield Power, will receive notice and an opportunity to comment prior to any such actions.

The general terms and conditions for use of the certification, and for compliance, are described below.

## **I. CERTIFICATION USE REQUIREMENTS**

### ***A. Federal Trade Commission Principles:***

Any use of a Low Impact Hydropower certification must follow the principles established by the Federal Trade Commission in its Guides for the Use of Environmental Marketing Claims, 16 C.F.R. Part 260. Under the Federal Trade Commission principles, all environmental claims used in advertising must:

1. Be factually based (and objectively verifiable to the extent technically possible);
2. Not overstate environmental attributes or benefits, expressly or by implication;
3. Present comparative claims in a manner that makes the basis for the comparison sufficiently clear to avoid customer deception; and
4. Ensure that any necessary qualifiers or disclaimers be sufficiently clear and prominent to prevent deception.

### ***B. Language for Describing a Certified Low Impact Hydropower Facility:***

The following is acceptable language for describing a certified Low Impact Hydropower facility. This language must accompany all claims of Low Impact Hydropower certification. This language must be clear and prominent and in close proximity to the claims of Low Impact Hydropower certification. Any modifications to descriptions must be pre-approved by the Low Impact Hydropower Institute pursuant to Section E below.

*This product includes Low Impact Hydropower from facilities certified by the Low Impact Hydropower Institute (an independent non-profit organization) to have environmental impacts in key areas below levels the Institute considers acceptable for hydropower facilities. For more information about the certification, please see [www.lowimpacthydro.org](http://www.lowimpacthydro.org).*

***C. Language for Referring to Supporters of the Low Impact Hydropower Certification Program***

As discussed above, an organization, company or individual may become a Low Impact Hydropower Certification Program Supporter by endorsing the goals and objectives of the Low Impact Hydropower Certification Program. Endorsement of the Certification Program’s goals and objectives or any other support of the Low Impact Hydropower Institute does not imply endorsement of individual hydropower facilities meeting the criteria or any resulting power product, nor does endorsement imply the labeling of other hydropower facilities as high impact.

Any reference to individuals, companies or organizations that are Low Impact Hydropower Certification Program Supporters or that otherwise support the Low Impact Hydropower Institute, must include the disclaimer provided below. This disclaimer must be clear and prominent and in close proximity to the reference to supporting individuals, companies or organizations.

*The following organizations support the goals and objectives of the Low Impact Hydropower Certification Program [or otherwise support the Low Impact Hydropower Institute (add if relevant)]. Certification of a facility as Low Impact Hydropower does not imply endorsement of that facility or any resulting power product by any of these organizations.*

***D. Language Use:***

It is expected that language referring to the Low Impact Hydropower designation and supporters will appear only in written materials related to the certified facility or to power generated from the facility. Any use of the certification other than that consistent with these Certification Use Requirements must be pre-approved by the Low Impact Hydropower Institute pursuant to Section E below.

***E. Approval of Alternative Language and Claims:***

The Low Impact Hydropower Institute must pre-approve the language regarding the Low Impact Hydropower Institute or Certification Program in any press release or product marketing materials that departs from the pre-approved language for describing the Low Impact Hydropower Certification Program or Supporters.

**II. COMPLIANCE OBLIGATIONS**

***A. Notification of Potential Non-Compliance:***

A holder of a Low Impact Hydropower certification must notify the Certification Administrator as soon as possible if at any time one or more of the following occurs: (1) A violation of the Low Impact Hydropower criteria; (2) A violation of the Certification Use Requirements; (3) A change in conditions relevant to the certification; or (4) The receipt of a notice of violation or non-

compliance relevant to the facility's certification from any government agency. Any other party may also notify the Certification Administrator of the occurrence of one or more of these conditions. The notification may include an explanation as to why the violation or change in conditions does not amount to a significant violation warranting penalties.

***B. Review of Potential Non-Compliance:***

The Application Reviewer will review the alleged violation or change in conditions, make any necessary inquiries, and, if necessary, request additional information from the certified facility. This request for additional information may include a facility inspection by the Application Reviewer. The Application Reviewer will submit a written report to the Certification Administrator regarding whether a compliance violation has occurred. Based on this report, the Certification Administrator will make a recommendation regarding compliance and penalties to the Governing Board. The Governing Board will determine what compliance action is appropriate. Standards for compliance and penalties for non-compliance are provided below.

***C. Annual Statement:***

A holder of a Low Impact Hydropower certification must submit a statement to the Certification Administrator confirming that during the preceding year, there has been: (1) no violation of the Low Impact Hydropower criteria; (2) no violation of the Certification Use Requirements; (3) no change in conditions relevant to the certification; and (4) no receipt of notice of violation or non-compliance relevant to the facility's certification from any government agency. The statement must be submitted within 30 days of the anniversary date of the certification. Failure to file an annual statement, or a material misrepresentation contained in the statement may result in revocation of the certification.

### **III. PENALTIES FOR NON-COMPLIANCE**

Facilities certified as Low Impact Hydropower must maintain compliance with all Low Impact Hydropower criteria and with the Certification Use Requirements. If the Governing Board finds that a certified facility has committed a significant violation of these requirements, or if the Governing Board finds that a material misrepresentation of fact was made in any submission from an Applicant, the Governing Board shall:

- A. Revoke the Low Impact Hydropower certification;
- B. Bar the holder of the Low Impact Hydropower certification from re-applying for five years;
- C. Require the holder of the Low Impact Hydropower certification to notify immediately its current customers that its certification has been revoked, and, if its customer does not deliver power to the ultimate retail customer, to notify immediately the retail marketer; and/or

D. Require any entity marketing power from the facility immediately to stop employing the Low Impact Hydropower certification in its marketing unless it can find other supply that is certified Low Impact Hydropower.

In unusual circumstances, the Governing Board has the authority to require additional penalties as it deems appropriate.

## **IV. RENEWAL OF CERTIFICATION**

### ***A. Re-Certification Application:***

At the end of the certification period, a holder of a Low Impact Hydropower certification may apply for re-certification by completing and submitting a Re-Certification Application Package. This package will consist of:

1. A short questionnaire to determine if any material changes have occurred in the Certification term that would affect the certification;
2. If there are material changes, completed information regarding the relevant questions on the original certification questionnaire and supporting documentation;
3. If there have been changes in the Low Impact Hydropower criteria, completed information regarding the new or revised questions on the original certification questionnaire and supporting documentation;
4. A sworn statement from an officer of the Applicant that the material presented in the Re-Certification Application Package is true and complete;
5. A waiver of liability signed by an officer of the Applicant stating: “The primary goal of the Low Impact Hydropower Institute’s Certification Program is public benefit. The Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions. The undersigned Applicant agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications or on any other action pursuant to the Low Impact Hydropower Institute’s Certification Program.” and
6. An application fee. The level of fee for application for re-certification will be developed by the Governing Board and will differ from the fee for initial application.

### ***B. Re-Certification Review:***

The Certification Administrator will post the Re-Certification Application Package on the Institute’s Web page and notify all parties so requesting that it has been posted. Once posted, any individual or organization may within 60 days submit comments on the Re-Certification Application Package to the Certification Administrator. If no material changes have occurred (either identified by the Applicant or by a Commenter) and the Low Impact Hydropower criteria

have not been revised, the Certification Administrator will issue a Low Impact Hydropower certification and post notice of the certification on the Institute's Web page. If material changes have occurred and/or if the Low Impact Hydropower criteria have been revised, the Administrator will review the package and renew the certification according to the process for the initial certification.

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I hereby affirm this certification of the Raquette River Hydropower Facility as a Low Impact Hydropower Facility, effective July 9, 2009:

Signed,

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Richard Roos-Collins  
Chair, Low Impact Hydropower Institute Governing Board

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Dana Hall  
Secretary, Low Impact Hydropower Institute Governing Board

I hereby declare, under penalty of perjury, that the foregoing is a true and correct certificate issued by the Low Impact Hydropower Institute for the Raquette River Hydropower Facility.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Fred J. Ayer  
Executive Director  
Low Impact Hydropower Institute  
34 Providence Street  
Portland, ME 04103  
(207) 773-8190