



Shannon Ames
Executive Director
Low Impact Hydropower Institute
329 Massachusetts Avenue, Suite 2
Lexington, MA 02420

August 18, 2017

Re: Request for an Appeal to Condition 2 of the Preliminary Decision for LIHI Certification – Collins Hydroelectric Project, LIHI No. 88

Dear Ms. Ames:

Thank you for the preliminary decision of recertification of the Collins Hydroelectric project. Please accept this letter as our formal request to appeal the wording in Condition 2 of our LIHI certification conditions. We have the following appeal regarding the wording of Condition 2:

Appeal: We request that the following statement be added to Condition 2: "Under no circumstances will the Owner of the Collins Project be responsible for incurring any costs associated with building or maintaining the portage. In addition, the Owner will be absolved from any and all liabilities associated with the use of the portage."

Explanation: While Collins Hydro agrees to facilitate recreational use, after consultation with relevant boating stakeholders and Columbia Gas, as indicated in LIHI's preliminary decision (dated August 9, 2017), Collins Hydro does not believe it is reasonable for being responsible for incurring ongoing maintenance costs or being responsible for undertaking any liabilities associated with its use.

We are aware of the 'Recreational Needs Assessment Consultation Report' submitted to FERC by Swift River Co. (previous owner of Collins Hydro), which noted that Collins Hydro will consult with relevant stakeholders and facilitate "improvement of the pathway of the informal portage", however there was no mention of Collins Hydro bearing any costs for building/maintaining the portage, as well as being liable for the use of the portage.

With regards to liability, the letter from the Appalachian Mountain Club (dated June 20, 2017) states "Massachusetts General Law, MGL c. 21 sec 17C allows for

this modest recreational utilization and absolves the owner of liability.” Consistent with this statement from Appalachian Mountain Club, we request LIHI to formally absolve Collins Hydro of any liabilities associated with the use of the portage.

We request the aforementioned appeal to be implemented in Condition 2 of the recertification of the Collins project.

Please let us know if you would like to schedule a call to discuss this further. We thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Amit Pinjani', with a stylized flourish at the end.

Amit Pinjani
Ampersand Collins Hydro LLC
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Boston, MA 02111
amit@ampersandenergy.com