

June 8, 2023

U.S. Environmental Protection Agency, Region 1  
ATTN: George Papadopoulos, HYDROGP Coordinator  
5 Post Office Square – Mailcode 06-1  
Boston, MA 02109-3912

Email: [Hydro.GeneralPermit@epa.gov](mailto:Hydro.GeneralPermit@epa.gov)

Subject: Notice of Intent (NOI) Applications for Coverage under the EPA Region 1 Hydroelectric  
Generating Facilities General Permit (Hydro GP) for Facilities in New Hampshire

Dear Mr. Papadopoulos:

On behalf of the following FERC licensees, please see the attached NOI applications for the following facilities located along the Androscoggin River in New Hampshire:

**Great Lakes Hydro America, LLC**

- Cascade Hydro – NPDES Permit No. NHG360010
- Cross Hydro – NPDES Permit No. NHG360009
- Gorham Hydro – NPDES Permit No. NHG360011
- Riverside Hydro – NPDES Permit No. NHG0008
- Sawmill Hydro – NPDES Permit No. NHG360007
- Shelburne Hydro – NPDES Permit No. NHG0012

**Errol Hydroelectric Company, LLC**

- Errol Hydro – NPDES Permit No. NHG360016

**Pontook Operating LP**

- Pontook Hydro – NPDES Permit No. NHG36006

Per Section 6.7 of the 2023 Hydro GP, copies of these NOI applications were also provided to the New Hampshire Department of Environmental Services (NHDES).

Should questions arise or additional information be desired, please do not hesitate to contact me at 207.829.5016.

Sincerely,

SEVEE & MAHER ENGINEERS, INC.



Philip H. Gerhardt, P.E.  
Principal/Senior Environmental Engineer

cc: Hayley Franz ([Hayley.Franz@des.nh.gov](mailto:Hayley.Franz@des.nh.gov)), Theresa Ptak ([Teresa.Ptak@des.nh.gov](mailto:Teresa.Ptak@des.nh.gov)), NHDES

**Request for General Permit Authorization to Discharge Wastewater Notice of Intent (NOI) to be covered by  
Hydroelectric Generating Facilities General Permit (HYDROGP) No. MAG360000 or NHG360000**

Indicate Applicable General Permit for Discharge(s):       MAG360000                       NHG360000

**A. Facility Information**

1. Facility Location	Name: Shelburne Hydro	
	Street: 53 North Road	
	City: Shelburne	State: New Hampshire
	Zip: 03581	SIC Code: 4911
	Latitude: 44° 24' 12" N	Longitude: 71° 6' 56" W
	Type of Business: Hydroelectric Generating Station	
2. Facility Mailing Address (if different from Location)	Street: 972 Main Street	
	City: Berlin	State: New Hampshire
	Zip: 03570	
3. Facility Owner	Name: Great Lakes Hydro America, LLC	Email: Patrick.McDonough@brookfieldrenewable.com
	Street: 972 Main Street	Telephone: 207-376-7063

	City: Berlin	State: New Hampshire
	Contact Person: Patrick McDonough	Zip: 03570
4. Facility Operator (if different from above)	Name:	Email:
	Street:	Telephone:
	City:	State:
	Zip:	
5. Current Permit Status	Has prior HYDROGP coverage been granted for the discharge(s) listed in the NOI?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Permit number (if yes): NHG360012	
	Is the facility covered under an Individual Permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Is there a pending NPDES application of file with EPA for the discharge(s)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Date of Submittal (if yes):	Permit Number (if known):
	Attach a topographic map indicating the locations. of the facility and outfall(s) to the receiving water	<input checked="" type="checkbox"/> Map Attached
	Number of turbines: 3	
	Combined turbine discharge (installed capacity) at:	Maximum capacity? 3,105 cfs Minimum capacity? 1,500 (estimated) cfs
	Is this facility operated as a pump storage project?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**B. Discharge Information**

1. Name of Receiving Water(s): Androscoggin River		<input checked="" type="checkbox"/> Freshwater <input type="checkbox"/> Marine
2. Waterbody classification: <input type="checkbox"/> Class A <input checked="" type="checkbox"/> Class B <input type="checkbox"/> Class SA <input type="checkbox"/> Class SB		
3. Is the receiving water is listed in the State's Integrated List of Waters (i.e., CWA Section 303(d))?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. If the applicant answered yes to B.3, has the applicant identified the designated uses that are impaired, any pollutants indicated, and whether a final TMDL is available for any of the indicated pollutants in a separate attachment to the NOI?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Attach a line drawing or flow schematic showing water flow through the facility including location of intake(s), operations contributing to effluent flow, treatment units, outfalls, and receiving water(s).		<input checked="" type="checkbox"/> Line Drawing Attached
6. List each outfall (numbered sequentially) discharging effluent from the following categories and provide an estimate of the average monthly flow (in gallons per day) for each discharge type. See Parts 1.1 through 1.5 (for MA) or Parts 2.1 through 2.5 (for NH) for descriptions and permit conditions for each discharge type.		
Equipment-related cooling water	Outfalls:	gpd
Equipment and floor drain water	Outfalls: 24-A	Intermittent gpd
Maintenance-related water	Outfalls: 24-B - Outfall is utilized during dewatered inspections (every 3-5 years)	Intermittent gpd
Facility maintenance-related water during flood/high water events	Outfalls:	gpd
Equipment-related backwash strainer water	Outfalls:	gpd

7. For each outfall listed above, provide the following information (attach additional sheets if necessary). Outfalls may be eligible for alternative pH effluent limits. See Parts 1.7.1. and 2.7.1 of the permit for additional information. Contact MassDEP or NHDES to determine the required information and protocol to request alternative pH effluent limits.

Outfall No. 24-A	Latitude: 44° 24' 12" N	Longitude: 71° 6' 56" W
	Discharge is: <input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow                      Intermittent MGD	Average Monthly Flow                      Intermittent MGD
	Maximum Daily Temperature                      51.98 °F	Average Monthly Temperature                      48.2 °F
	Maximum Daily Oil & Grease                      <5 mg/L	Average Monthly Oil & Grease                      <5 mg/L
	Maximum Monthly pH                      6.88 s.u.	Minimum Monthly pH                      6.58 s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Outfall No. 24-B	Latitude: 44° 24' 12" N	Longitude: 71° 6' 56" W
	Discharge is: <input type="checkbox"/> Continuous <input checked="" type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal	
	Maximum Daily Flow                      Intermittent MGD	Average Monthly Flow                      Intermittent MGD
	Maximum Daily Temperature                      N/A °F	Average Monthly Temperature                      N/A °F
	Maximum Daily Oil & Grease                      N/A mg/L	Average Monthly Oil & Grease                      N/A mg/L
	Maximum Monthly pH                      N/A s.u.	Minimum Monthly pH                      N/A s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	State approval attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Outfall No.	Latitude:	Longitude:		
	Discharge is: <input type="checkbox"/> Continuous <input type="checkbox"/> Intermittent <input type="checkbox"/> Seasonal			
	Maximum Daily Flow	MGD	Average Monthly Flow	MGD
	Maximum Daily Temperature	°F	Average Monthly Temperature	°F
	Maximum Daily Oil & Grease	mg/L	Average Monthly Oil & Grease	mg/L
	Maximum Monthly pH	s.u.	Minimum Monthly pH	s.u.
	Alternative pH limits requested? <input type="checkbox"/> Yes <input type="checkbox"/> No		State approval attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**C. Best Technology Available for Cooling Water Intake Structures**

Facilities that checked “equipment-related cooling” as one of the discharges in Part B. of this NOI are subject to the following requirements.	
1. Does the facility intake water for cooling purposes subject to the BTA Requirements at Part 4 of the HYDROGP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, skip to Part D of this NOI.
2. If yes, indicate which technology employed to comply with the general BTA requirements at Part 4.2.b of the HYDROGP:	
<input type="checkbox"/> An existing technology (e.g., a physical or behavioral barrier, spillway, or guidance device) that directs fish towards a downstream passage that minimizes exposure to the CWIS. Has the applicant attached a narrative description of the barrier to demonstrate that the downstream fish passage effectively transports live fish in a manner that minimizes the likelihood of becoming impinged or entrained at the cooling water intake? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> An effective intake velocity at the point of cooling water withdrawal, or alternatively, at the point where cooling water enters the penstock (for intakes located within the penstock), not to exceed 0.5 fps. Has the applicant attached a demonstration of compliance with this intake velocity through observation of live fish in the intake or calculation based on the maximum intake volume and minimum bypass flow? <input type="checkbox"/> Yes <input type="checkbox"/> No	



### D. Chemical Additives

1. Does the facility use or plan to use non-toxic chemicals for pH adjustment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Does the facility use or plan to use chemicals for anti-freeze purposes?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. If the answer to D.2 is yes, provide the following for <b>EACH</b> chemical additive used for anti-freeze:	
Chemical Name and Manufacturer:	
Maximum Dosage Concentration Used:	Average Dosage Concentration Used:
Maximum Concentration in Discharge: mg/L	Average Concentration in Discharge: mg/L
Material Safety Data Sheet (MSDS) or other toxicity documentation for each chemical attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	

### E. Endangered Species Act Certification

Appendix 2 to the HYDROGP explains the certification requirements related to threatened and endangered species and designated critical habitat. Indicate under which criteria the discharge is eligible for coverage under the HYDROGP:	
1. ESA eligibility for species under jurisdiction of USFWS	<input type="checkbox"/> <b>Criterion A:</b> No endangered or threatened species or critical habitat are in proximity to the discharges or related activities or come in contact with the “action area.” See Appendix 2, Part B for documentation requirements. Documentation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No
	<input checked="" type="checkbox"/> <b>Criterion B:</b> Formal or informal consultation with the USFWS under Section 7 of the ESA resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by USFWS on a finding that the discharges and related activities are “not likely to adversely affect” listed species or critical habitat. Has the operator completed consultation with USFWS and attached documentation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, is consultation underway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> <b>Criterion C:</b> Using the best scientific and commercial data available, the effect of the discharges and related activities on listed species and designated critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the operator and affirmed by EPA, that the



	discharges and related activities will have “no effect” on any federally threatened or endangered species or designated critical habitat under the jurisdiction of the USFWS. Has the applicant attached documentation of the “no effect” finding? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. ESA eligibility for species under jurisdiction of NMFS	Is the facility located on: the Connecticut River between the Massachusetts/Connecticut state line and Turners Falls, MA; the Taunton River; the Merrimack River between Lawrence, MA and the Atlantic Ocean; the Piscataqua River including the Salmon Falls and Cochecho Rivers; or a marine water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, was the applicant authorized to discharge from the facility under the 2009 HYDROGP? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If the discharge is to one of the named rivers above or to a marine water <i>and</i> the facility was not previously covered under the 2009 HYDROGP, has there been any previous formal or informal consultation with NMFS? <input type="checkbox"/> Yes <input type="checkbox"/> No Documentation of consultation attached? <input type="checkbox"/> Yes <input type="checkbox"/> No

**F. National Historic Properties Act Eligibility**

1. Indicate under which criterion the discharge(s) is eligible for covered under the HYDROGP:
<input checked="" type="checkbox"/> <b>Criterion A:</b> No historic properties are present.
<input type="checkbox"/> <b>Criterion B:</b> Historic properties are present. The discharges and related activities do not have the potential to impact historic properties.
<input type="checkbox"/> <b>Criterion C:</b> Historic properties are present. The discharges and related activities have the potential to impact or adversely impact historic properties.
2. Has the applicant attached supporting documentation for NHPA eligibility described in Appendix 3, Part C of the HYDROGP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

3. Does supporting documentation include a written agreement from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or other tribal representative that outlines measures the operation will carry out to mitigate or prevent any adverse effects on historic properties?  Yes  No

**G. Supplemental Information**

Please provide any supplemental information, including antidegradation review information applicable to new or increased discharges. Attach any certifications required by the HYDROGP. Supplemental information attached?  Yes  No

**H. Signature Requirements**

1. The NOI must be signed by the operator in accordance with the signatory requirements of 40 C.F.R. § 122.22, including the following certification:

*I certify under penalty of law that no chemical additives are used in the discharges to be authorized under this General Permit except for those used for pH adjustment or anti-freeze purposes and that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

2. Notification provided to the appropriate State, including a copy of this NOI, if required?  Yes  No

Signature: **Stephen Michaud (50794)** Digitally signed by Stephen Michaud (50794)  
Date: 2023.06.08 10:06:03 -04'00'

Date:

Print Name and Title: Steve Michaud, Director of Operations

**NOI ATTACHMENT 1**

**SITE AND FACILITY LOCATION MAPS**



\\Nserver\dfs\Brookfield\Great Lakes Hydro America\Acad\Figures\SHELBURNE.dwg, SITELOC, 5/22/2023 2:27:19 PM, bwb



ANDROSCOGGIN RIVER

SHELBURNE  
HYDROELECTRIC FACILITY

OUTFALL 24-A  
OUTFALL 24-B

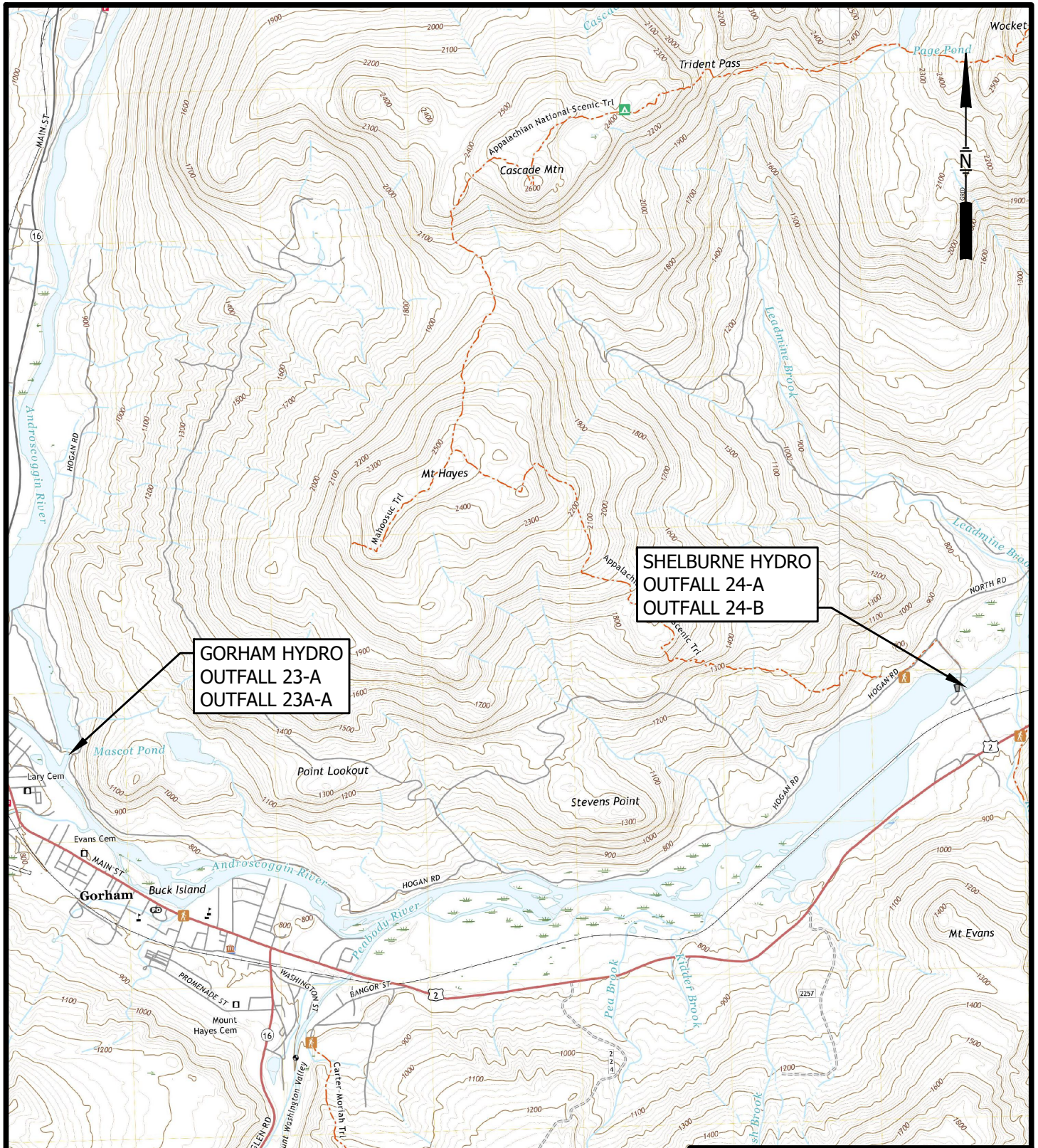
NORTH ROAD

SITE LOCATION MAP  
SHELBURNE HYDRO  
53 NORTH ROAD  
SHELBURNE, NEW HAMPSHIRE

DWG: CASCADE    LMN: LMN    CTB: SME-STD    REV: 5/22/2023







BASEMAP ADAPTED FROM 7.5 MIN USGS TOPO QUADS  
 BERLIN, NH - 2021  
 SHELBURNE, NH - 2021

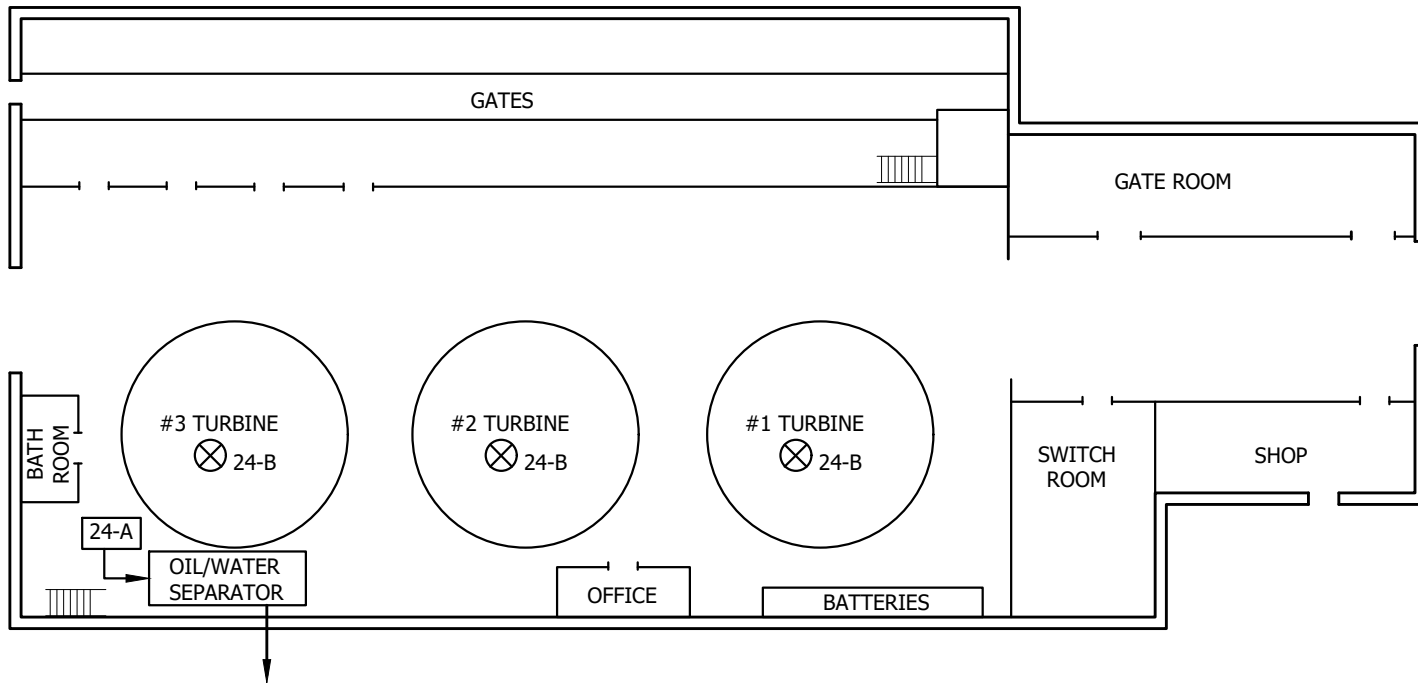
BROOKFIELD FACILITY LOCATIONS  
 GORHAM AND SHELBURNE  
 NEW HAMPSHIRE





**NOI ATTACHMENT 2**

**SITE DIAGRAMS**



NOT TO SCALE

WATER FLOW DIAGRAM  
 SHELburne HYDRO  
 53 NORTH ROAD  
 SHELburne, NEW HAMPSHIRE

LEGEND

24-A FLOOR DRAIN

⊗ PIT DRAIN



**NOI ATTACHMENT 3**

**NEW HAMPSHIRE INTEGRATED LIST OF WATERS AND IMPAIRMENTS**



# Watershed 305(b) Assessment Summary Report:

Assessment Cycle: 2020/2022

HUC 12: 010400020103

HUC 12 Name: Shelburne Tributaries

(Locator map on next page only applies to this HUC12)

Good	Meets water quality standards/thresholds by a relatively large margin.
Marginal	Meets water quality standards/thresholds but only marginally.
Likely Good	Limited data available, however, the data that is available suggests that the parameter is Potentially Attaining Standards (PAS).
No Current Data	Insufficient information to make an assessment decision.
Likely Bad	Limited data available, however, the data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.
Poor	Not meeting water quality standards/thresholds. The impairment is marginal.
Severe	Not meeting water quality standards/thresholds. The impairment is more severe and causes poor water quality.



Assessment Unit ID	Map Label	Assessment Unit Name	Aquatic Life	Fish Consump.	Swimming	Boating
NHIMP400020103-01	I*01	Androscoggin River - Reflection Pond		4A-M	3-ND	3-ND
NHIMP400020103-02	I*02	Rattle River - Rattle Brook Dam	3-ND	4A-M	3-ND	3-ND
NHIMP400020103-03	I*03	Austin Mill Brook - Mill Brook	3-ND	4A-M	3-ND	3-ND
NHLAK400020103-01	L*01	Page Pond	3-ND	4A-M	3-ND	3-ND
NHLAK400020103-02	L*02	Dream Lake	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-01	R*01	Pea Brook - Kidder Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-02	R*02	Leadmine Brook - Peabody Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-03	R*03-03	Androscoggin River	3-PAS	4A-M	3-ND	3-ND
NHRIV400020103-04	R*04	Rattle River - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-05	R*05	Rattle River	3-PNS	4A-M	3-ND	3-ND
NHRIV400020103-06	R*06	Androscoggin River	5-M	4A-M	4B-M	2-G
NHRIV400020103-07	R*07	Clement Brook - East Brook	3-ND	4A-M	3-ND	3-ND

NHRIV400020103-08	R*08	Austin Mill Brook - Dryad Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-09	R*09	Austin Mill Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-10	R*10	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-11	R*11	Lary Brook - Unnamed Brook - Ingalls Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-12	R*12	Leadmine Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-13	R*13	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-14	R*14	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-15	R*15	Gates Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-16	R*16	Josh Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-17	R*17	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-18	R*18	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-19	R*19	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-20	R*20	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-21	R*21	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-22	R*22	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-23	R*23	Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-24	R*24	Schoolhouse Brook - Unnamed Brook	3-ND	4A-M	3-ND	3-ND
NHRIV400020103-25	R*25	Unnamed Brook	3-ND	4A-M	3-ND	3-ND

**Assessment Unit ID:** NHIMP400020103-01  
**Assessment Unit Name:** Androscoggin River - Reflection Pond  
**Town(s) Primary Town is Listed First:** Shelburne

**Size:** 56.2190 ACRES  
**Assessment Unit Category:** 5-M  
**Beach:** N

**2020/2022, 305(b)/303(d) - All Reviewed Parameters by Assessment Unit**

Designated Use Description	Desig. Use Category	Parameter Name	Parameter Threatened (Y/N)	Last Sample	Last Exceed	Parameter Category	TMDL Priority
Aquatic Life Integrity	5-M	ACENAPHTHENE	N	2009	2009	3-ND	
		AMMONIA (TOTAL)	N	2003	N/A	3-ND	
		ANTHRACENE	N	2009	2009	3-ND	
		ARSENIC	N	2009	N/A	3-ND	
		BENZO(A)PYRENE (PAHS)	N	2009	2009	3-ND	
		BENZO[A]ANTHRACENE	N	2009	2009	3-ND	
		BENZO[B]FLUORANTHENE	N	2009	2009	3-ND	
		BENZO[G,H,I]PERYLENE	N	2009	2009	3-ND	
		BENZO[K]FLUORANTHENE	N	2009	2009	3-ND	
		CHLORIDE	N	2013	N/A	3-ND	
		CHRYSENE (C1-C4)	N	2009	2009	3-ND	
		Chlorophyll-a	N	2003	NLV	3-ND	
		DIBENZ[A,H]ANTHRACENE	N	2009	2009	3-ND	
		DISSOLVED OXYGEN SATURATION		2013	N/A	3-ND	
		FLUORANTHENE	N	2009	2009	3-ND	
		FLUORENE	N	2009	2009	3-ND	

<b>Good</b> Meets water quality standards/thresholds by a relatively large margin.	<b>Marginal</b> Meets water quality standards/thresholds but only marginally.	<b>Likely Good</b> Limited data available. The data that is available suggests that the parameter is Potentially Attaining Standards (PAS)	<b>No Current Data</b> Insufficient information to make an assessment decision.	<b>Likely Bad</b> Limited data available The data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.	<b>Poor</b> Not meeting water quality standards/thresholds. The impairment is marginal.	<b>Severe</b> Not meeting water quality standards/thresholds The impairment is more severe and causes poor water quality.
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Aquatic Life Integrity	5-M	INDENO[1,2,3-CD]PYRENE	N	2009	2009	3-ND	
		LEAD	N	2009	N/A	3-ND	
		MERCURY	N	2009	N/A	3-ND	
		OXYGEN, DISSOLVED		2013	N/A	3-ND	
		PH		2013	2011	5-M	LOW
		PHENANTHRENE	N	2009	2009	3-ND	
		PYRENE	N	2009	2009	3-ND	
		TURBIDITY	N	2011	2011	3-ND	
Fish Consumption	4A-M	Dioxin (including 2,3,7,8-TCDD)	N			4B-M	
		Dioxin (including 2,3,7,8-TCDD)	N			4B-M	
		MERCURY - FISH CONSUMPTION ADVISORY	N	2009	N/A	4A-M	
Potential Drinking Water Supply	2-G	MERCURY	N	2009	N/A	3-ND	
		SULFATES	N	2009	N/A	3-ND	
Primary Contact Recreation	3-ND	CHLOROPHYLL-A	N	2003	N/A	3-ND	
		Escherichia coli	N			3-ND	
Secondary Contact Recreation	3-ND	Escherichia coli	N			3-ND	
Wildlife	3-ND						

<b>Good</b> Meets water quality standards/thresholds by a relatively large margin.	<b>Marginal</b> Meets water quality standards/thresholds but only marginally.	<b>Likely Good</b> Limited data available. The data that is available suggests that the parameter is Potentially Attaining Standards (PAS)	<b>No Current Data</b> Insufficient information to make an assessment decision.	<b>Likely Bad</b> Limited data available The data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.	<b>Poor</b> Not meeting water quality standards/thresholds. The impairment is marginal.	<b>Severe</b> Not meeting water quality standards/thresholds The impairment is more severe and causes poor water quality.
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Assessment Unit ID: NHRIV400020103-06  
 Assessment Unit Name: Androscoggin River  
 Town(s) Primary Town is Listed First: Shelburne

Size: 9.0540 MILES  
 Assessment Unit Category: 5-M  
 Beach: N

2020/2022, 305(b)/303(d) - All  
 Reviewed Parameters by Assessment Unit

Designated Use Description	Desig. Use Category	Parameter Name	Parameter Threatened (Y/N)	Last Sample	Last Exceed	Parameter Category	TMDL Priority
Aquatic Life Integrity	5-M	ALKALINITY, CARBONATE AS CaCO3	N	2012	2012	3-ND	
		ALUMINUM	N	2019	2014	5-M	LOW
		AMMONIA (TOTAL)	N	2005	N/A	3-ND	
		ARSENIC	N	1995	N/A	3-ND	
		CADMIUM	N	1995	N/A	3-ND	
		CHLORIDE	N	2019	N/A	3-PAS	
		COPPER	N	2004	2002	3-ND	
		DISSOLVED OXYGEN SATURATION	N	2019	2012	2-G	LOW
		IRON	N	1995	N/A	3-ND	
		LEAD	N	2004	1999	3-ND	
		NICKEL	N	1995	N/A	3-ND	
		OXYGEN, DISSOLVED	N	2019	2012	2-G	LOW
		PH	N	2019	2019	5-M	LOW
		PHOSPHORUS (TOTAL)	N	2019	NLV	3-PNS	
		SELENIUM	N	1995	N/A	3-ND	
TURBIDITY	N	2019	2019	3-PAS			

<b>Good</b> Meets water quality standards/thresholds by a relatively large margin.	<b>Marginal</b> Meets water quality standards/thresholds but only marginally.	<b>Likely Good</b> Limited data available. The data that is available suggests that the parameter is Potentially Attaining Standards (PAS)	<b>No Current Data</b> Insufficient information to make an assessment decision.	<b>Likely Bad</b> Limited data available The data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.	<b>Poor</b> Not meeting water quality standards/thresholds. The impairment is marginal.	<b>Severe</b> Not meeting water quality standards/thresholds The impairment is more severe and causes poor water quality.
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Aquatic Life Integrity	5-M	ZINC	N	2019	1998	3-PAS	
Fish Consumption	4A-M	ARSENIC	N	1995	1992	3-ND	
		COPPER	N	2004	N/A	3-ND	
		Dioxin (including 2,3,7,8-TCDD)	N			4B-M	
		Dioxin (including 2,3,7,8-TCDD)	N			4B-M	
		MANGANESE	N	1994	1991	3-ND	
		MERCURY - FISH CONSUMPTION ADVISORY	N			4A-M	
		NICKEL	N	1995	N/A	3-ND	
		SELENIUM	N	1995	N/A	3-ND	
		ZINC	N	2019	N/A	3-PAS	
Potential Drinking Water Supply	2-G	ARSENIC	N	1995	1992	3-ND	
		COPPER	N	2004	N/A	3-ND	
		ESCHERICHIA COLI	N	2019	2019	3-PNS	
		FECAL COLIFORM	N	1990	1990	3-ND	
		IRON	N	1995	1994	3-ND	
		MANGANESE	N	1994	1991	3-ND	
		NICKEL	N	1995	N/A	3-ND	
		SELENIUM	N	1995	N/A	3-ND	
		SULFATES	N	2016	N/A	3-PAS	
ZINC	N	2019	N/A	3-PAS			
Primary Contact Recreation	4B-M	CHLOROPHYLL-A	N	2019	N/A	2-G	
		ESCHERICHIA COLI	N	2019	2005	4B-M	

<b>Good</b> Meets water quality standards/thresholds by a relatively large margin.	<b>Marginal</b> Meets water quality standards/thresholds but only marginally.	<b>Likely Good</b> Limited data available. The data that is available suggests that the parameter is Potentially Attaining Standards (PAS)	<b>No Current Data</b> Insufficient information to make an assessment decision.	<b>Likely Bad</b> Limited data available The data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.	<b>Poor</b> Not meeting water quality standards/thresholds. The impairment is marginal.	<b>Severe</b> Not meeting water quality standards/thresholds The impairment is more severe and causes poor water quality.
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Secondary Contact Recreation	2-G	ESCHERICHIA COLI	N	2019	N/A	2-G	
Wildlife	3-ND						

<p><b>Good</b> Meets water quality standards/thresholds by a relatively large margin.</p>	<p><b>Marginal</b> Meets water quality standards/thresholds but only marginally.</p>	<p><b>Likely Good</b> Limited data available. The data that is available suggests that the parameter is Potentially Attaining Standards (PAS)</p>	<p><b>No Current Data</b> Insufficient information to make an assessment decision.</p>	<p><b>Likely Bad</b> Limited data available The data that is available suggests that the parameter is Potentially Not Supporting (PNS) water quality standards.</p>	<p><b>Poor</b> Not meeting water quality standards/thresholds. The impairment is marginal.</p>	<p><b>Severe</b> Not meeting water quality standards/thresholds The impairment is more severe and causes poor water quality.</p>
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**NOI ATTACHMENT 4**

**LOW IMPACT HYDROPOWER INSTITUTE CERTIFICATION**





# Shelburne Hydroelectric Project

**Certificate No. 176**

This certificate is effective August 31, 2020 for the Shelburne Hydroelectric Project (FERC No. 2300), located on the Androscoggin River in New Hampshire, in recognition of its compliance with the certification criteria of the Low Impact Hydropower Certification Program as administered by the Low Impact Hydropower Institute.

This certificate will expire on August 30, 2025.

Shawn Seaman  
Chair, Governing Board

Rick Glick  
Secretary, Governing Board

*Certifying environmentally Low Impact hydropower facilities nationwide on behalf of green energy consumers.*

*Low Impact Hydropower Institute  
1167 Massachusetts Ave, #407  
Arlington, MA 02476  
[www.lowimpacthydro.org](http://www.lowimpacthydro.org)*

**NOI ATTACHMENT 5**

**USFWS ESA CERTIFICATION LETTERS**



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

March 23, 2023

Project Code: 2023-0059264

Project Name: Shelburne Hydroelectric Facility Endangered Species Act Certification

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

*Updated 3/8/2023 - Please review this letter each time you request an Official Species List, we will continue to update it with additional information and links to websites may change.*

## **About Official Species Lists**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Federal and non-Federal project proponents have responsibilities under the Act to consider effects on listed species.

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested by returning to an existing project's page in IPaC.

## **Endangered Species Act Project Review**

Please visit the “**New England Field Office Endangered Species Project Review and Consultation**” website for step-by-step instructions on how to consider effects on listed

species and prepare and submit a project review package if necessary:

<https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

**\*NOTE\*** Please do not use the **Consultation Package Builder** tool in IPaC except in specific situations following coordination with our office. Please follow the project review guidance on our website instead and reference your **Project Code** in all correspondence.

**Northern Long-eared Bat - (Updated 3/8/2023)** The Service published a final rule to reclassify the northern long-eared bat (NLEB) as endangered on November 30, 2022. The final rule will go into effect on **March 31, 2023**. After that date, the current 4(d) rule for NLEB will be invalid, and the 4(d) determination key will no longer be available. New compliance tools will be available in March 2023, and information will be posted in this section on our website and on the northern long-eared bat species page, so please check this site often for updates.

Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective. If your project may result in incidental take of NLEB after the new listing goes into effect, this will need to be addressed in an updated consultation that includes an Incidental Take Statement. Many of these situations will be addressed through the new compliance tools. If your project may require re-initiation of consultation, please wait for information on the new tools to appear on this site or contact our office for additional guidance.

#### *Additional Info About Section 7 of the Act*

Under section 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to determine whether projects may affect threatened and endangered species and/or designated critical habitat. If a Federal agency, or its non-Federal representative, determines that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Federal agency also may need to consider proposed species and proposed critical habitat in the consultation. 50 CFR 402.14(c)(1) specifies the information required for consultation under the Act regardless of the format of the evaluation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/service/section-7-consultations>

In addition to consultation requirements under Section 7(a)(2) of the ESA, please note that under sections 7(a)(1) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species. Please contact NEFO if you would like more information.

**Candidate species** that appear on the enclosed species list have no current protections under the ESA. The species' occurrence on an official species list does not convey a requirement to

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consider impacts to this species as you would a proposed, threatened, or endangered species. The ESA does not provide for interagency consultations on candidate species under section 7, however, the Service recommends that all project proponents incorporate measures into projects to benefit candidate species and their habitats wherever possible.

### **Migratory Birds**

In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see:

<https://www.fws.gov/program/migratory-bird-permit>

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

Please feel free to contact us at **newengland@fws.gov** with your **Project Code** in the subject line if you need more information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Attachment(s): Official Species List

Attachment(s):

- Official Species List
-

## **OFFICIAL SPECIES LIST**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New England Ecological Services Field Office**

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

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## PROJECT SUMMARY

Project Code: 2023-0059264

Project Name: Shelburne Hydroelectric Facility Endangered Species Act Certification

Project Type: Power Gen - Hydropower - FERC

Project Description: The Shelburne Hydroelectric Facility is required to undergo an endangered species act certification as part of the notice of intent (NOI) renewal associated with the 2023 NPDES General Permit for Hydroelectric Generating Facilities (NHG360000).

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.40305105,-71.11523756280869,14z>



Counties: Coos County, New Hampshire

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## ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## MAMMALS

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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## **IPAC USER CONTACT INFORMATION**

Agency: Sevee & Maher Engineers, Inc.

Name: Anthony Pais

Address: 4 Blanchard Road

City: Cumberland

State: ME

Zip: 04021

Email: aep@smemaine.com

Phone: 2078295016

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

March 30, 2023

Project code: 2023-0059264

Project Name: Shelburne Hydroelectric Facility Endangered Species Act Certification

IPaC Record Locator: 096-124390962

Federal Nexus: yes

Federal Action Agency (if applicable): Environmental Protection Agency

Subject: Technical assistance for 'Shelburne Hydroelectric Facility Endangered Species Act Certification'

Dear Anthony Pais:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for “Shelburne Hydroelectric Facility Endangered Species Act Certification” (here forward, Project). This project has been assigned Project Code 2023-0059264 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species’ determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (Dkey), invalidates this letter. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat.

Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal

consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

<b>Species</b>	<b>Listing Status</b>	<b>Determination</b>
Canada Lynx ( <i>Lynx canadensis</i> )	Threatened	NLAA

### **Conclusion**

Coordination with the Service is not complete. The project has a federal nexus (e.g., funds, permits); however, you are not the federal action agency. Therefore, the ESA consultation status is incomplete and no project activities on any portion of the parcel should occur until consultation between the Service and the Federal action agency (or designated non-federal representative), is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects, and the Service concurs with the federal action agency's determination. Please provide this technical assistance letter to the lead federal action agency or its designated non-federal representative with a request for its review.

As the federal agency deems appropriate, they should submit their determination of effects to the appropriate Ecological Services Field Office. The lead federal action agency or designated non-federal representative can log into IPaC system using their agency email account and click "Search by record locator" to find this Project using 096-124390962.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Threatened

To complete consultation for species that have reached a "May Affect" determination and/or species may occur in your project area and are not covered by this conclusion, please visit the "New England Field Office Endangered Species Project Review and Consultation" website for step-by-step instructions on how to consider effects on these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or

amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or [PermitsR5MB@fws.gov](mailto:PermitsR5MB@fws.gov), with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference the Project Code associated with this Project.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Shelburne Hydroelectric Facility Endangered Species Act Certification

**2. Description**

The following description was provided for the project 'Shelburne Hydroelectric Facility Endangered Species Act Certification':

The Shelburne Hydroelectric Facility is required to undergo an endangered species act certification as part of the notice of intent (NOI) renewal associated with the 2023 NPDES General Permit for Hydroelectric Generating Facilities (NHG360000).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.40305105,-71.11523756280869,14z>



## QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

*Yes*

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

**Note:** This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

*No*

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

*Yes*

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead agency for this project?

*No*

5. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

**Note:** If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

*Yes*

6. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

*No*

7. Will the proposed project involve the use of herbicide?

*No*

8. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

*No*

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9. Does any component of the project associated with this action include structures that may pose a collision risk to birds or bats (e.g., wind turbines, communication towers, transmission lines, any type of towers with or without guy wires)?

**Note**For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

*Yes*

10. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

*Yes*

11. Will the proposed project affect wetlands?

This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

*No*

12. Will the proposed project activities (including upland project activities) occur within 0.5 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

*Yes*

13. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary?

*No*

14. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream?

*No*

15. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds)?

*No*

16. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining?

*No*

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17. Will the proposed project involve the creation of a new water-borne contaminant source?

**Note** New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

*No*

18. Will the proposed project involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?

*No*

19. Will the proposed project involve blasting?

*No*

20. Will the proposed project include activities that could result in an increase to recreational fishing or potentially affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage)?

*Yes*

21. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream?

**Note** Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

*No*

22. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank?

*No*

23. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

*No*

24. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

**Automatically answered**

*No*

25. [Semantic] Does the project intersect the Indiana bat critical habitat?

**Automatically answered**

*No*

26. [Hidden Semantic] Does the project intersect the Canada lynx AOI?

**Automatically answered**

*Yes*

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27. Will the project involve trapping, poisoning, or broadcasting disease control agents for wild animals (e.g. animal damage control, controlling or managing furbearer wildlife, capturing animals for research projects, rabies baits)?

*No*

28. Will the project be enclosed by fencing that could unintentionally trap lynx (e.g. wind and solar development, waste treatment settling ponds, impervious fencing along roads)?

*No*

29. Is this a road or highway project?

*No*

30. Is the project in a non-forested habitat (fields, towns and urban areas, agricultural fields) and of a nature that will not result in take of lynx?

*Yes*

31. [Semantic] Does the project intersect the candy darter critical habitat?

**Automatically answered**

*No*

32. [Semantic] Does the project intersect the diamond darter critical habitat?

**Automatically answered**

*No*

33. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

**Automatically answered**

*No*

34. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

**Automatically answered**

*No*

35. Do you have any other documents that you want to include with this submission?

*No*

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## PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?

0

2. Approximately how many total acres of disturbance are within the disturbance/  
construction limits of the proposed project?

10

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

*The project involves a hydroelectric facility, including a dam and powerhouse, located on the Androscoggin River.*

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**IPAC USER CONTACT INFORMATION**

Agency: Sevee & Maher Engineers, Inc.

Name: Anthony Pais

Address: 4 Blanchard Road

City: Cumberland

State: ME

Zip: 04021

Email: aep@smemaine.com

Phone: 2078295016

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Environmental Protection Agency

Name: George Papadopolous

Email: papadopolous.george@epa.gov

Phone: 6179181675

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New England Ecological Services Field Office  
70 Commercial Street, Suite 300  
Concord, NH 03301-5094  
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

March 30, 2023

Project code: 2023-0059264

Project Name: Shelburne Hydroelectric Facility Endangered Species Act Certification

IPaC Record Locator: 096-124391975

Federal Nexus: yes

Federal Action Agency (if applicable): Environmental Protection Agency

**Subject:** Record of project representative's no effect determination for 'Shelburne Hydroelectric Facility Endangered Species Act Certification'

Dear Anthony Pais:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on March 30, 2023, for 'Shelburne Hydroelectric Facility Endangered Species Act Certification' (here forward, Project). This project has been assigned Project Code 2023-0059264 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

### **Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.

### **Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action

and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

### **Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Canada Lynx *Lynx canadensis* Threatened
- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

### **Next Steps**

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference Project Code 2023-0059264 associated with this Project.

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**Action Description**

You provided to IPaC the following name and description for the subject Action.

**1. Name**

Shelburne Hydroelectric Facility Endangered Species Act Certification

**2. Description**

The following description was provided for the project 'Shelburne Hydroelectric Facility Endangered Species Act Certification':

The Shelburne Hydroelectric Facility is required to undergo an endangered species act certification as part of the notice of intent (NOI) renewal associated with the 2023 NPDES General Permit for Hydroelectric Generating Facilities (NHG360000).

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.40305105,-71.11523756280869,14z>



## DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

**Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Do you have post-white nose syndrome occurrence data that indicates that northern long-eared bats (NLEB) present in the action area? Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed acoustic detections.

No

3. Does any component of the action involve construction or operation of wind turbines?

**Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

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6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

**Note:** This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

*No*

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

*Yes*

8. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

**Note:** Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

*Yes*

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## **PROJECT QUESTIONNAIRE**

Will all project activities be completed by April 1, 2024?

*No*

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**IPAC USER CONTACT INFORMATION**

Agency: Sevee & Maher Engineers, Inc.

Name: Anthony Pais

Address: 4 Blanchard Road

City: Cumberland

State: ME

Zip: 04021

Email: aep@smemaine.com

Phone: 2078295016

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: Environmental Protection Agency

Name: George Papadopolous

Email: papadopolous.george@epa.gov

Phone: 6179181675

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**NOI ATTACHMENT 6**

**NATIONAL REGISTER OF HISTORIC PLACES REVIEW**

June 8, 2023

U.S. Environmental Protection Agency, Region 1  
ATTN: George Papadopoulos, HYDROGP Coordinator  
5 Post Office Square – Mailcode 06-1  
Boston, MA 02109-3912

Email: [Hydro.GeneralPermit@epa.gov](mailto:Hydro.GeneralPermit@epa.gov)

Subject: Shelburne Hydroelectric Facility – National Register of Historic Places Review

Dear Mr. Papadopoulos:

As requested within Section F of the Hydroelectric Generating Facilities General Permit (Hydro GP) notice of intent (NOI), Sevee & Maher Engineers, Inc. (SME) has completed a review of the National Register of Historic Places near the Shelburne Hydroelectric facility located at 53 North Road in Shelburne, NH on behalf of Brookfield Renewable Great Lakes Hydro America, LLC. As a result of this review, it was determined that there are no historic properties present within the vicinity of the Shelburne facility; therefore, the facility should remain eligible for coverage under the Hydro GP in accordance with Criterion A.

Should questions arise or additional information be desired, please do not hesitate to contact me at 207.829.5016.

Sincerely,

SEVEE & MAHER ENGINEERS, INC.



Philip H. Gerhardt, P.E.  
Principal/Senior Environmental Engineer

Attachments: 1. National Register of Historic Places Overhead

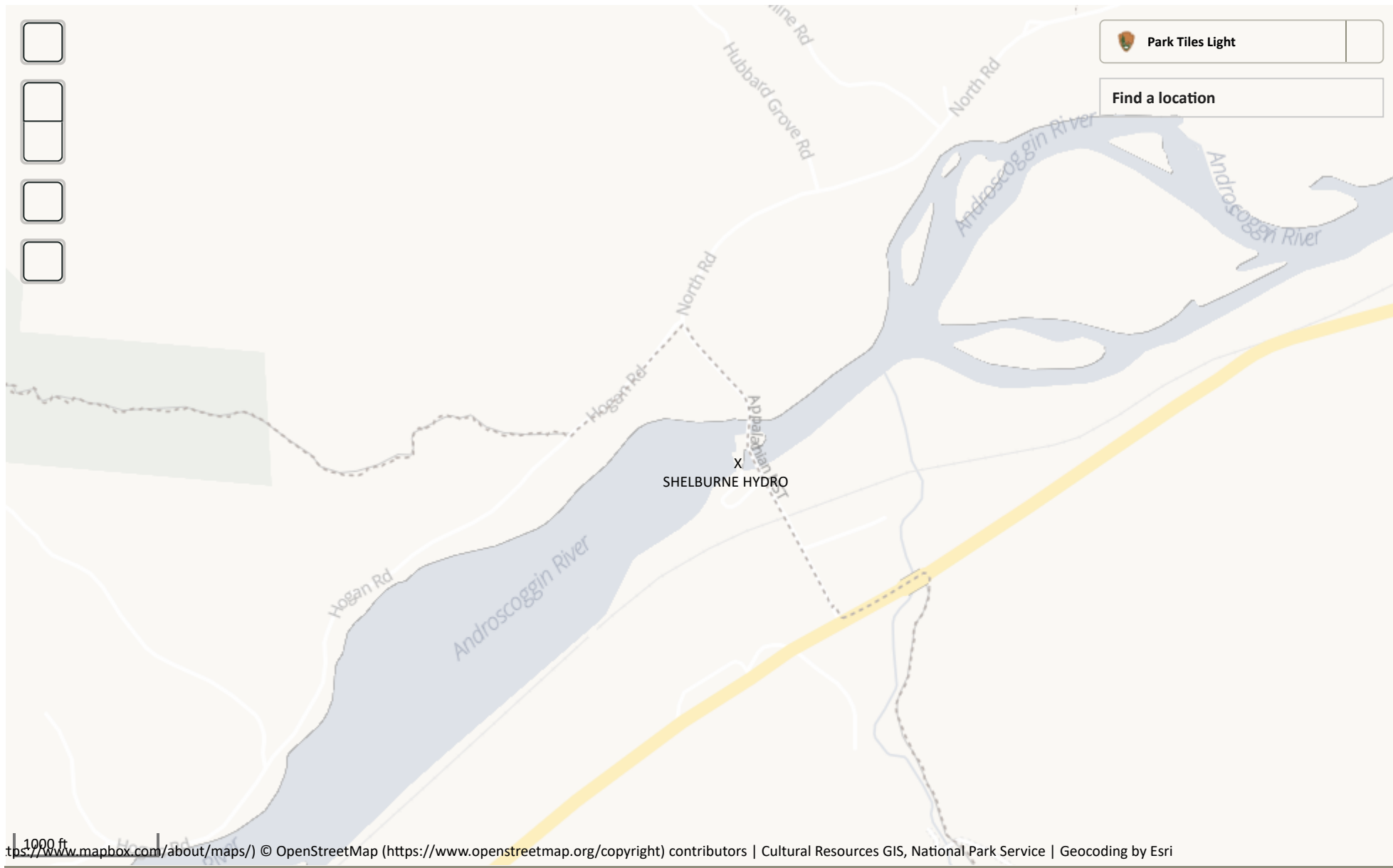
**ATTACHMENT 1**

**NATIONAL REGISTER OF HISTORIC PLACES OVERHEAD**

# National Register of Historic Places

National Park Service  
U.S. Department of the Interior

Public, non-restricted data depicting National Register spatial data processed by the Cultural Resources GIS facility. ...



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