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Low Impact Hydropower Certification Criteria **Summary of Goals and Standards**

The Low Impact Hydropower Institute certifies as “Low Impact” those hydropower facilities that meet its eight criteria:

River Flows:

Goal: The facility (dam and powerhouse) should provide river flows that are healthy for fish, wildlife, and water quality, including seasonal flow fluctuations where appropriate.

Standard: For instream flows, a certified facility must comply with recent resource agency recommendations for flows. If there were no qualifying resource agency recommendations, the applicant can meet one of two alternative standards: (1) meet the flow levels required using the Aquatic Base Flow methodology or the “good” habitat flow level under the Montana-Tennant methodology; or (2) present a letter from a resource agency prepared for the application confirming the flows at the facility are adequately protective of fish, wildlife, and water quality.

[Note: “recent resource agency recommendations” are defined as final recommendations made by state, federal, or tribal resource agencies in a proceeding, such as a Federal Energy Regulatory Commission (FERC) licensing proceeding. Qualifying agencies are those whose mission includes protecting fish and wildlife, water quality and/or administering reservations held in the public trust. Agencies such as a state or tribal department of fish and game, or the U.S. Fish and Wildlife Service are considered a “resource agency” but the FERC, with its balancing responsibilities, is not. The agency recommendations must be recent, which means they were issued after 1986 (after enactment of the Electric Consumers Protection Act, which amended the Federal Power Act to increase the profile of recommendations from fish and wildlife agencies in the FERC licensing process). If there are a number of resource agency recommendations, then the most stringent (most environmentally protective) is used. In the case of settlement agreements, the final settlement terms will be considered the agency’s “recommendation.”]

Water Quality:

Goal: Water quality in the river is protected.

Standard: The water quality criterion has two parts. First, a facility must demonstrate that it is in compliance with state water quality standards, either through producing a recent (after 1986) Clean Water Act Section 401 certification, or demonstrating compliance with state water quality standards (typically by presenting a letter prepared for the application from the state confirming the facility is meeting water quality standards). Second, a facility must demonstrate that it has not contributed to a state finding that the river has impaired water quality under Clean Water Act Section 303(d) (relating to water quality limited streams).

Future Enhancement: In the future, a limited program of regular water quality monitoring and reporting to the public may be required of certified facilities.

Fish Passage and Protection:

Goal: The facility provides effective fish passage for riverine, anadromous and catadromous fish, and also protects fish from entrainment.

Standard: For riverine, anadromous, and catadromous fish, a facility must be in compliance with recent (after 1986) mandatory prescriptions regarding fish passage (such as a Fish and Wildlife Service prescription for a fish ladder) as well as any recent resource agency recommendations regarding fish protection (e.g., a tailrace barrier). If anadromous or catadromous fish historically passed through the facility area but are no longer present, the applicant must show that the fish are not extirpated or extinct in the area because of the facility and that the facility has made a legally binding commitment to provide any future fish passage recommended by a resource agency.

When no recent fish passage prescription exists for anadromous or catadromous fish, and the fish are still present in the area, the facility must demonstrate either that there was a recent decision that fish passage is not necessary for a valid environmental reason, that existing fish passage survival rates at the facility are greater than 95% over 80% of the run, or provide a letter prepared for the application from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service confirming the existing passage is appropriately protective.

Watershed Protection:

Goal: Sufficient action has been taken to protect, mitigate and enhance environmental conditions in the watershed.

Standard: A certified facility must be in compliance with resource agency recommendations and FERC license terms regarding watershed protection, mitigation or enhancement. These may cover issues such as shoreline buffer zones, wildlife habitat protection, wetlands protection, erosion control, etc.

Future Enhancement: The Watershed Protection Criterion was substantially revised in 2004. The revised criterion is designed to reward projects with an extra three years of certification that have: a buffer zone extending 200 feet from the high water mark; or, an approved watershed enhancement fund that could achieve within the project's watershed the ecological and

recreational equivalent of land protection in D.1. and has the agreement of appropriate stakeholders and state and federal resource agencies. A Facility can pass this criterion, but not receive extra years of certification, if it is in compliance with both state and federal resource agencies recommendations in a license approved shoreland management plan regarding protection, mitigation or enhancement of shorelands surrounding the project.

Threatened and Endangered Species Protection:

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

Standard: For threatened and endangered species present in the facility area, the facility owner/operator must either demonstrate that the facility does not negatively affect the species, or demonstrate compliance with the species recovery plan and any requirements for authority to “take” (damage) the species under federal or state laws.

Cultural Resource Protection:

Goal: The facility does not inappropriately impact cultural resources.

Standard: Cultural resources must be protected either through compliance with FERC license provisions, or, if the project is not FERC regulated, through development of a plan approved by the relevant state, federal, or tribal agency.

Recreation:

Goal: The facility provides free access to the water and accommodates recreational activities on the public’s river.

Standard: A certified facility must be in compliance with terms of its FERC license or exemption related to recreational access, accommodation and facilities. If not FERC-regulated, a facility must be in compliance with similar requirements as recommended by resource agencies. A certified facility must also provide the public access to water without fee or charge.

Facilities Recommended for Removal:

Goal: To avoid encouraging the retention of facilities that have been considered for removal due to their environmental impacts.

Standard: If a resource agency has recommended removal of a dam associated with the facility, certification is not allowed.

If a facility meets the requirements under all eight of the criteria, the facility will be certified as a Low Impact Hydropower facility. A facility failing on one or more of the criteria will not be certified.