



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
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**Charles D. Baker**  
Governor

**Matthew A. Beaton**  
Secretary

**Karyn E. Polito**  
Lt. Governor

**Judith F. Judson**  
Commissioner

November 4, 2016

William F. Welch  
Senate Clerk  
Office of the Clerk of the Senate  
24 Beacon Street  
Room 335 — State House  
Boston, MA 02133

Steven T. James  
House Clerk  
Office of the Clerk of the House  
24 Beacon Street  
Room 145 — State House  
Boston, MA 02133

Dear Senate Clerk Welch and House Clerk James,

This report is being submitted pursuant to Section 47 of Chapter 209 of the Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth, outlining the process for reactivation of pre-existing small hydroelectric power sites, including a review of all necessary permitting and approvals to determine whether and how the process can be expedited and streamlined.

The Report on Permitting Small and Low Impact Hydropower Projects in Massachusetts by GZA GeoEnvironmental, Inc. was completed for the Department of Energy Resources (DOER) earlier this year after extensive research and stakeholder engagement. The report summarizes the state and federal permitting processes and environmental assessments involved in the construction and operation of a small hydropower project in Massachusetts as well as the differences in such processes and assessments when applied to different types of small hydropower projects.

DOER recognizes that since the completion of the report there have been some process changes for low impact hydropower projects seeking Renewable Portfolio Standard (RPS)

qualification in Massachusetts. Earlier in 2016, the Low Impact Hydropower Institute (LIHI) released the second edition of their LIHI Certification Handbook. LIHI certification is required by the Massachusetts RPS regulations (225 CMR 14.00 and 225 CMR 15.00) for qualification as a Class I or Class II low impact hydropower facilities. These updates to the LIHI certification process address some concerns raised by stakeholders during the engagement period. The changes include:

- An expanded list of alternative standards by which each criterion can be satisfied,
- A new emphasis on the scientific basis for agency recommendations and mitigation, and
- New opportunities for longer terms of certificates, up to 10 years between recertification

These changes only affect projects seeking RPS qualification, are changes not to the RPS regulations directly, and are not encapsulated in the attached report.

Thank you and if you should have any questions, please feel free to contact Tony Barletta at 617-626-1109.

Sincerely,

A handwritten signature in black ink that reads "Judith Judson". The signature is written in a cursive, flowing style.

Judith Judson

Cc: Senator Anne M. Gobi  
Representative Paul A. Schmid, III  
Senator Benjamin B. Downing  
Representative Thomas A. Golden, Jr.