



# Hudson River - Black River Regulating District

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## Questions Submitted and Answers Provided in Relation to Request for Proposals – Appraisal Services

1. Is there a standard or preferred form for the required signed acknowledgement (Section IV (E))?

There is no standard or preferred form for the required signed acknowledgement referenced in Section IV (E).

2. Is there an existing 'annual fee' in place at this time? If so, what is the fee and how was it arrived at or based on (Section IV C)?

The Hudson River-Black River Regulating District (HRBRRD) entered into a Reservoir Operating Agreement with Erie Boulevard Hydropower, L. P. on July 1, 2003. This Agreement is the successor to numerous other agreements dating back to November 14, 1927. This Agreement has been amended twice since July 1, 2003. Section 5.1 of the existing Agreement, as amended, provided for a Water Flow Charge commencing on July 1, 2003 in the amount of \$850,000, to be increased by three percent each year. For the year July 1, 2020-June 30, 2021, the Water Flow Charge will be \$1,404,920.16.

3. Is the 'fair market value annual fee' (Section IV C) intended to recoup operational, maintenance, original cost (infrastructure) and future replacement costs – or a selected combination of some of these cost of service elements?

The fair market value annual fee is intended to fairly compensate the Regulating District for the right to use the fifty-six feet of head and to take in and use at the EJ West plant the water from Conklingville Dam provided by the Regulating District. Proposers are encouraged to utilize defensible methodologies in arriving at a fair market value annual fee as this fee will be the subject of negotiation between the Regulating District and Brookfield Renewable Power, Inc.

4. Is the elevation and flow data, FERC licenses, contracts and agreements (Section IV C) available to the Firms before the Bid Opening data? If yes, [we request] these documents but can first discuss convenient pathways to obtain or view the documents if requested by HRBRRD.

The Great Sacandaga Lake (GSL) GSL historic average elevation chart can be found here:

<https://hrbrdd.ny.gov/wp-content/uploads/2020/10/Great-Sacandaga-Lake-Target-Elevation-Curve-NAVD88.pdf>

The current and historic daily elevation data for GSL at Conklingville Dam can be found here:

<https://waterdata.usgs.gov/ny/nwis/uv?01323500>

The current and historic daily elevation data for Sacandaga River at Hope (upstream of GSL) can be found here: <https://waterdata.usgs.gov/ny/nwis/uv?01321000>

The current and historic daily elevation data for Sacandaga River at Stewart's Bridge (downstream of Conklingville Dam) can be found here: <https://waterdata.usgs.gov/ny/nwis/uv?01325000>

The HRBRRD will make any and all other supplemental data in its possession available to the successful proposer over the course of the appraisal.

The Federal Energy Regulatory Commission License and the Offer of Settlement negotiated during the licensure process for Conklingville Dam can be found via the following links:

- FERC License Conklingville Dam Project #12252 <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/FERC-License-Conklingville-Dam-Project-12252.pdf>
- Upper Hudson/Sacandaga River Offer of Settlement [https://hrbrrd.ny.gov/wp-content/uploads/2020/10/Offer\\_of\\_Settlement-1.pdf](https://hrbrrd.ny.gov/wp-content/uploads/2020/10/Offer_of_Settlement-1.pdf)

Links to the contracts and agreements governing the use by the co-located power plant of the 56' of head created by the Regulating District's construction of the Conklingville Dam appear below:

- 1927 - 11 14 1927 NY Power & Light ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/1927-11-14-1927-NY-Power-Light-ROA-Conklingville.pdf>
- 1939 - 01 05 1939 NY Power & Light ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/1939-01-05-1939-NY-Power-Light-ROA-Conklingville.pdf>
- 1949 - 09 21 1949 NY Power & Light ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/1949-09-21-1949-NY-Power-Light-ROA-Conklingville.pdf>
- 1971 - 12 28 1971 Niagara Mohawk ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/1971-12-28-1971-Nimo-ROA-Conklingville.pdf>
- 1980 - 06 17 1980 Niagara Mohawk ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/1980-06-17-1980-Nimo-ROA-Conklingville.pdf>
- 2003 - 07 01 2003 Erie Blvd Hydropower ROA Conklingville <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/2003-07-01-2003-Erie-Blvd-Hydropower-ROA-Conklingville.pdf>
- 2003 - 07 01 2003 Exhibit A to 07 01 2003 ROA - Mutual Release <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/2003-07-01-2003-Exhibit-A-to-07-01-2003-ROA-Mutual-Release.pdf>
- 2003 - 07 01 2003 Exhibit B to 07 01 2003 ROA - Stillwater Reservoir Letter Agreement <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/2003-07-01-2003-Exhibit-B-to-07-01-2003-ROA-Stillwater-Reservoir-Letter-Agreement.pdf>
- 2006 - 05 19 2006 Amendment to Erie Blvd Conklingville ROA <https://hrbrrd.ny.gov/wp-content/uploads/2020/10/2006-05-19-2006-Amendment-to-Erie-Blvd-Conklingville-ROA.pdf>

5. Are there any previous Appraisals for this GSL, other HRBRRD assets or facilities or other related appraisals that HRBRRD can provide as preferred examples or sought format, approach and content?

There are no previous appraisals for this or other HRBRRD assets or facilities.

6. Does HRBRRD have a current inventory of the real estate parcels involved with the GSL?

The HRBRRD has a list of real estate parcels for which it pays school and municipal real property taxes and will make it available to the winning proposer.

7. A significant factor impacting costs of such Appraisals is the existence and availability of data from the owner (HRBRRD). Please provide any fees from similar or peer situations (market based), HRBRRD operating and maintenance budgets (income based) and existing or original cost information regarding the infrastructure providing the service/assets for the E.J. West Hydroelectric Plant and GSL area (asset based).

The District does not possess nor is it aware of any information relating to appraisals of similar facilities or infrastructure.

The District's adopted budget for its current triennial period can be found here:

<https://www.hrbrdd.ny.gov/wp-content/uploads/2018/10/approvedbudget3year2019-2021Adopted-June-12-2018.pdf>

The District does not possess cost information regarding the E. J. West Hydroelectric Plant. The original cost to construct the Conklingville Dam was \$12 million in 1930.

8. Is a copy of the 'Upper Hudson / Sacandaga River Offer of Settlement' (web site) available for review?

A copy of the Upper Hudson / Sacandaga River Offer of Settlement can be accessed here:

[https://hrbrdd.ny.gov/wp-content/uploads/2020/10/Offer\\_of\\_Settlement-1.pdf](https://hrbrdd.ny.gov/wp-content/uploads/2020/10/Offer_of_Settlement-1.pdf)

9. The Hudson River Basin Headwater Benefits Determination Draft Basin Scoping Report and Data Sufficiency Assessment (May 2011) on the website suggests a second report (Section I, Introduction, first paragraph). Is that report available? Is this first Draft Scoping Report considered 'Final'?

The draft basin scoping report was created as part of FERC's Headwater Benefits Determination covering the Sacandaga/Hudson river basin. On May 10, 2011, FERC sent the draft Basin Scoping and Data Sufficiency report to the District and downstream project owners for review and comment within 45 days. On January 19, 2012, FERC issued a draft headwater benefits determination report, which contained a summary of the energy gains and headwater benefits assessments for the downstream hydropower projects for the years 2002 through 2008. FERC's final ORDER DETERMINING HEADWATER BENEFITS IN THE HUDSON RIVER BASIN (Issued July 31, 2012) made final the draft report.

10. Has Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. retained or named their chosen appraisal firm and is the name of the Firm available (Section IV C)?

To our knowledge, Brookfield Renewable Power, Inc. has not retained or named their chosen appraisal firm at this time.

11. Please provide any existing, publicly available agreements between HRBRRD and Erie Boulevard Hydropower, L.P./Brookfield Renewable Power, Inc. related to these GSL assets.

Please see the documents linked in response to question 4 above.

12. May the HRBRRD provide a copy of the questions posted by other potential Firms and the answers provided by HRBRRD?

All questions raised and answers provided, including those arising during site visits and pre-bid conferences, must be confirmed in writing and shared with all potential bidders.