January 22, 2013

VIA E-FILING

Kimberly D Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: Indian Orchard Project, FERC No. 10678-001

Dear Secretary Bose:

The current licensee, Essential Power Massachusetts LLC (EP) owns and operates the Indian Orchard Hydroelectric Project, FERC No. 10678-001. On August 31, 2012, EP filed a notification of an adjustment to the method of releasing the minimum flow at the Indian Orchard Project, P-10678. This was necessary to prevent additional leakage from entering the mill adjacent to the dam. In the letter, we proposed to release 237 cfs through the two canal drainpipes, and remove 6.6 feet of flashboards to pass the remaining 10 cfs.

Kelly Houff, FERC Environmental Protection Specialist, requested that documentation of agency notification and any comments that they might have be provided.

On January 14, 2013 we held a conference call with the agencies to discuss this issue. Below is summary meeting notes that were sent to the agencies for their concurrence.

- **Change to minimum flow discharge**— Essential Power informed the hydro agencies that it will be rebuilding the minimum flow discharge at Indian Orchard over the summer, thus responding to FWS’s questions at this time would not be productive; Essential Power intends to prepare engineering plans and circulate them to the hydro agencies for review and comment in the mid-to-late spring. Once the agencies comments are received and incorporated, it intends to proceed with construction with the hope that construction will be completed by the end of the low flow period this summer. During construction the top board elevation of the Dam will be surveyed to verify the height as recorded in the current Min-Flow Plan. EP Energy will resubmit an updated Min-Flow Fluctuation Plan to incorporate the new design at Indian Orchard Station.
Please find the agency concurrence below from Melissa Grader of the US Fish & Wildlife Service and Caleb Slater of Massachusetts Fish and Wildlife. Mr. Kubit, from the Massachusetts Department of Environmental Protection, was unable to attend the conference call; however, since the original notification filed in August, Mr. Kubit has not responded with any negative comments towards the temporary adjustment to method of the minimum flow release.

We anticipate that this letter will satisfy the agency notification requirements. Please contact Kim Marsili at 413-730-4721 if there are any questions regarding this matter.

Sincerely,

Kim Marsili
Station Manager

cc: John Bahrs VP PGS
    Patrick Brown Director Compliance
    Alan Douglass Chief Corporate EHS Officer
From: Grader, Melissa [melissa_grader@fws.gov]
Sent: Friday, January 18, 2013 1:32 PM
To: Bill Short
Cc: Caleb Slater PhD; Robert Kubit; David Schmidt; Nicholas Hollister; John Bahrs; John J. Bahrs; Kim Marsili; Kelly Houff
Subject: Re: Notes of Meeting of 1/14/13

Hi Bill,

I've reviewed your meeting minutes and offer the following:

- the first two bullets look fine.

- re: the 3rd bullet, just as a point of clarification, I do not recall the issue of reducing the minimum flows at the projects being raised during the conference call. EP's evaluation of the feasibility of converting the projects to run-of-river operation was briefly raised, though.

- re: the 4th bullet, I'm not sure why the agencies will be receiving the Indian Orchard project description....??

Thanks for the opportunity to review the minutes!

Melissa

On Tue, Jan 15, 2013 at 3:10 PM, Bill Short <w.shortiii@verizon.net> wrote:

Lady and Gentlemen,

Below are the draft minutes of our meeting yesterday. Could you please review and make corrections if you feel that we got the discussion, intent, etc. of the meeting inaccurate? Once I get all comments vetted, I will issue a final set of meeting minutes.

Overall, I thought that we made progress and we hope to work with you on resolving any outstanding issues.

Bill Short
• Change to minimum flow discharge—Essential Power informed the hydro agencies that it will be rebuilding the minimum flow discharge at Indian Orchard over the summer, thus responding to FWS’s questions at this time would not be productive; Essential Power intends to prepare engineering plans and circulate them to the hydro agencies for review and comment in the mid-to-late spring. Once the agencies comments are received and incorporated, it intends to proceed with construction with the hope that construction will be completed by the end of the low flow period this summer. During construction the top board elevation of the Dam will be surveyed to verify the height as recorded in the current Min-Flow Plan. EP Energy will resubmit an updated Min-Flow Fluctuation Plan to incorporate the new design at Indian Orchard Station.

• Flow Meter—consensus was reached that a flow meter will be used to verify measure minimum flow at Red Bridge. The flow meter will be installed per the manufacturers recommendations and either a sketch or pictures of the meter location will be provided to the hydro agencies. Flow test will be done either before or after the high flows of the spring period. Essential Power will provide the date for the flow test to the hydro agencies and invite them to be present for the test.

• Decrease in the minimum flow and change to R.O.R. operation—this effort is still in the concept stage at Essential Power. Once we get a better handle on the issues, we will be back to discuss the issues with the hydro agencies.

• Request for documentation—the hydro agencies will be provided with a technical description of Indian Orchard Project taken from the application for Exemption from Licensing. While this document may be accurate today, once the minimum flow is modified, it may no longer be valid.

Melissa Grader
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service - New England Field Office
103 East Plumtree Road
Sunderland, MA 01375
413-548-8002 x124
melissa_grader@fws.gov
The notes look good

Caleb

Melissa/Caleb/Bob,

If you could please respond back that the notes below are accurate and reflect the essence of the conference call. Just want to be sure we are all in agreement thanks.

Kim Marsili
Station Manager
Essential Power Massachusetts LLC
Email kim.marsili@essentialpowerllc.com
Office 413 730 4721
Cell 413 627 9960
Hi all,

I unexpectedly need to be away from today’s conference call. Please accept my apologies.

I wanted to add my comments however.

1. Overall, I support the LiHI request if I believe the applicant is doing what they can to approach R-O-R with a stable headpond. Some headpond fluctuation is acceptable for low impact designation.

2. Use of a flow meter to verify calculations is a reasonable request and MADEP supports the idea.

3. I will defer and support the opinion of MADFW in regards to required minimum flow for habitat use.

I hope this helps. Again my apologies.

Bob

Robert Kubit, P.E.
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Division of Watershed Management
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