

**CENTRAL RIVERS POWER MA LLC**

**c/o William P. Short III**

**44 West 62<sup>nd</sup> Street**

**P.O. Box 237173**

**New York, New York 10023-7173**

**(917) 206-0001; (201) 970-3707**

**[w.shortiii@verizon.net](mailto:w.shortiii@verizon.net)**

November 22, 2019

**Via E-Mail Only**

Low Impact Hydropower Institute  
c/o Ms. Shannon Ames  
Executive Director  
Low Impact Hydropower Institute  
329 Massachusetts Avenue, Suite 6  
Lexington, Massachusetts 02420

Re: Application of Indian Orchard Project for Re-Certification by the Low Impact Hydropower Institute

Dear Shannon:

During the course of the 60-day public comment portion of the re-certification process of the Indian Orchard Project (the "Project"), the Low Impact Hydropower Institute ("LIHI") received one comment letter. That comment letter was received from the Connecticut River Conservancy (the "CRC"), dated November 5, 2019 (collectively, the "Opposing Party").

The Opposing Party made the following five claims or requests:

1. Central Rivers Power MA LLC ("Central Rivers") fails to explain the scientific or technical basis for the agency recommendation. This includes methods and data used to describe the mode of operation and the minimum flow. Specifically, the Opposing Party cites a comment by MDFW, "Likewise, providing only a minimum flow of 237 cfs in the 1,300-foot-long bypass reach section of the Chicopee River cannot be described as 'Low Impact.' Using summer flows for a year-round prescription subjects fish and wildlife resources to year-round low flow conditions and does not reflect the current state of knowledge for instream flow requirements."
2. Requests any and all documents, notes and reports pertaining to workshop meetings between all of the Chicopee hydropower owners and the applicable resource agencies (i.e., FWS, MDFW and MDEP), a reason why such workshops are not a continuing requirement for re-certification and admission to all future workshop meetings.

3. Central Rivers fails to maintain the Project’s “minimum flow of 247 cfs (or inflow)” and attaches a graph of the Chicopee River gage at Indian Orchard during a one-month period from September 21, 2019 to October 20, 2019 as proof of such non-compliance.
4. Requests the evaluation of the feasibility of installing a cartop access location downstream of the dam and then implements it at the most feasible location.
5. Claims that the Indian Orchard boat barrier and accompanying signage were not properly installed.

On the Opposing Party’s first claim, Essential Power, LLC™ (“Essential Power”) responded on this matter in a timely matter in a letter, dated September 30, 2013, addressed to LIHI. A copy of that letter (but not its attachments) is attached to this response. Central Rivers believes that this letter fully responds to the Opposing Party’s first claim.

On the Opposing Party’s second request, these workshops were private meetings between certain Chicopee River hydro owners and certain federal and state agencies. Reports were only to be made available to LIHI. The record is that the meetings produced nothing beneficial and, thus, the participating Chicopee River hydro owners saw no reason to continue them. Similarly, Central Rivers and the other owners see no reason to re-commence them or, if re-commenced, to include any other persons other than Chicopee River hydro owners and certain federal and state agencies.

On the Opposing Party’s third claim, Central Rivers and the predecessor owners have maintained a 247 cfs minimum flow or inflow, **if less**, in the Project’s bypassed reach. Evidence of this maybe found in the portion of the LIHI website devoted to the Project. Statements of demonstration of minimum flow for 2013-2018 may be found there.

The statements made in Opposing Party’s letter on this claim are misleading. The flow recorded at the Indian Orchard USGS gage is the total flow in the Chicopee River at a point about 3,200 feet downstream of Indian Orchard dam. If the inflow is less than 247 cfs, then Indian Orchard is not required to release 247 cfs but is still in compliance with its license. The Indian Orchard USGS gage does not necessarily reflect the flow in the Project’s bypassed reach.

On the Opposing Party’s fourth request, Central Rivers cannot support any cartop access location downstream of the dam in the bypassed reach due to safety concerns. To support this request would expose canoeists and other boaters to potential sudden increases in flows in the bypassed reach should the Project unexpectedly trip off-line. In addition, the confluence of the bypassed reach and tailrace may have turbulence that makes this portion of the Chicopee River unsafe to canoeists as well as swimmers. Accordingly, the only suitable location for a cartop access is **well downstream** of the confluence of the bypassed reach and tailrace of the Project. However, Central Rivers has no opposition to working with others on the feasibility of installing a cartop access location **well downstream** of the confluence of the bypassed reach and tailrace of the Project and then helping to facilitate implementation of it at the most feasible location.

On access to the lands of Central Rivers downstream of the dam on the north (or right) bank of the Chicopee River, Central Rivers has no objection to neighborhood access to these forested areas. However, other access would require persons to cross the private property of others as well as encourage automobile parking by non-residents on neighborhood streets.

On access to the lands of Central Rivers downstream of the dam on the south (or left) bank of the Chicopee River, Central Rivers cannot allow, for safety reasons, any public access to the areas around its Project works – headgate, minimum flow discharge, power canal, powerhouse and tailrace. These areas are exclusive for Central Power’s use in order to operate its Project. Public access to these areas has never been permitted and never will be.

On the Opposing Party’s fifth claim, Essential Power, in a letter filed with the FERC on April 26, 2013, timely and fully responded to the request of FERC letter dated March 8, 2013. A copy of this response letter and its attachments may be found FERC e-library and has been attached to this letter.

While Central Rivers can understand the desire by the Opposing Party to support a diverse community of fish and other wildlife as well as recreational uses of the Chicopee River, the comments of the Opposing Party are not supported by the record. Their conclusions are also not supported by the facts or are in conflict with the LIHI criteria. Central Rivers believes that the Project is low impact within the criteria of LIHI. Its operations do not contribute materially to any unnatural flow variations in the flows of the Chicopee River. Furthermore, Central Rivers supports **reasonable** recreational uses of its lands that are not needed to support its power generation activities. Accordingly, LIHI re-certification should be granted to the Indian Orchard Project and that the Opposing Party’s comments should be dismissed.

If you have any questions or concerns about Central Power’s answer, please do not hesitate to contact the undersigned.

Sincerely yours,

*William P. Short III*

enclosures

cc: Maryalice Fisher (via e-mail only)  
Randall Osteen (via e-mail only)  
Michael Mann (via e-mail only)  
Kevin Telford (via e-mail only)  
Lucas W. Wright (via e-mail only)

## **List of Enclosures**

Essential Power, LLC<sup>TM</sup> letter to LIHI, dated September 30, 2013

Essential Power, LLC<sup>TM</sup> letter to FERC, filed April 26, 2013