

## **APPENDIX 1-5**

### **INDIAN ORCHARD PROJECT**

#### **DEPARTMENT OF INTERIOR LETTER SETTING MANDATORY TERMS AND CONDITIONS, DATED JULY 31, 1992**

A copy of Department Of Interior letter setting mandatory terms and conditions, dated July 31, 1992, may be found on the portion of the LIHI website devoted to the Indian Orchard application and is titled “Appendix 1-5 DOI Letter Dated 1992\_07\_31.”



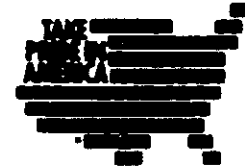
**Minimum Flow Discharge Pipe  
(To Be Replaced by Year-end 2013)**

ORIGINAL



United States Department of the Interior

OFFICE OF THE SECRETARY  
OFFICE OF ENVIRONMENTAL AFFAIRS  
O'NEILL FEDERAL OFFICE BUILDING - ROOM 1022  
10 CAUSEWAY STREET  
BOSTON, MASSACHUSETTS 02222-1035



ER 92/611

REF: FERC No. 10678  
Western Massachusetts Electric Company  
COMMENTS, RECOMMENDATIONS AND TERMS AND CONDITIONS

July 31, 1992

Lois D. Cashell, Secretary  
Federal Energy Regulatory Commission  
825 North Capitol Street, N.E.  
Washington, DC 20426

Dear Ms. Cashell:

This is in response to the Notice of Application Filed with the Commission for the Indian Orchard Project located on the Chicopee River in Hampden County, Massachusetts.

OFFICE OF THE SECRETARY  
92 AUG 4 AM 10:41  
FEDERAL ENERGY REGULATORY COMMISSION

The following comments, recommendations and terms and conditions reflect the best information available to us. We reserve the right to supplement our terms and conditions as needed following review of any additional information or modifications to the proposed project submitted by the applicant.

**FISH AND WILDLIFE RESOURCES**

The Chicopee River is a tributary to the Connecticut River Basin. Resident fish species currently inhabit the river in the project area. In addition, anadromous fish currently have access to the lower Chicopee River to the base of the Dwight Project Dam (FERC No. 10675). Restoration of American shad, river herring and Atlantic salmon are ongoing in the Connecticut basin. No management activities are currently focussed on the Chicopee River, however, the Chicopee offers habitat for anadromous species. Future expansion of the restoration program to the Chicopee is likely.

**IMPACTS AND MITIGATION**

Fish Passage

Anadromous fish restoration activities in the Chicopee River would necessitate the installation of upstream and/or downstream fish passage facilities in the future. These facilities should be constructed in the future upon the request of the Fish and Wildlife Service, Massachusetts Division of Fisheries and Wildlife, and Connecticut River Atlantic Salmon Commission (CRASC).

Design of these facilities should be coordinated with these agencies and the final plans for the facilities approved by them. Plans and schedules for the construction, operation and monitoring of passage facilities will be needed and must also be developed in consultation with the agencies.

PRE-DOCKETED

AUG 4 1992

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### Minimum Bypass Flows

The project tailrace discharges 1,000 feet downstream from the dam, thereby reducing flows to this reach of the Chicopee River. To determine appropriate minimum flow release needed to protect fish and other aquatic resources in the bypass reach, the applicant conducted a hydrological analysis of the river. From this analysis, the median August flow of 247 cfs was calculated. This flow is the flow we consider to be the flow necessary to conserve and protect fish and other aquatic resources in the bypass reach. This flow should be released at the project dam, and can be provided through spill over the dam, through gates, or through minimum flow turbine as proposed in the application for exemption.

A plan to monitor minimum flow releases is needed to allow verification of compliance with the reservoir fluctuation limitations and the required minimum flow release.

### Recreational Access

The applicant proposes to improve an informal small boat access area upstream from the dam by constructing a launching area and dock. A foot path along the south shore of the impoundment, picnic tables and signage will be provided. These measures should be implemented to help facilitate public utilization and enjoyment of fish and wildlife resources.

### **MANDATORY TERMS AND CONDITIONS**

Section 30(c) of the Federal Power Act and Section 408 of the Energy Security Act require the inclusion in the exemption from licensing, all terms and conditions that are prescribed by the state and Federal fish and Wildlife agencies to prevent loss of, or damage to fish and wildlife resources. The following conditions of the Fish and Wildlife Service are provided in accordance with these provisions.

1. The Exemptee shall construct, operate, maintain and monitor upstream and downstream fish passage facilities when prescribed by the Fish and Wildlife Service (FWS) and/or the Massachusetts Division of Fisheries and Wildlife (MDFW).

The Exemptee shall be responsible for the designs of the fish passage facilities which shall be developed in consultation with, and be approved by, the FWS, MDFW and Connecticut River Atlantic Salmon Commission (CRASC).

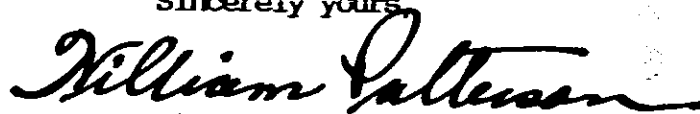
Upstream and/or downstream passage facilities shall be constructed and operational within 2 years after being notified of their need by the FWS and/or MDFW.

2. The Exemptee shall develop plans for monitoring, maintaining and operating the upstream and downstream fish passage facilities in consultation with the FWS, MDFW, and CRASC. These plans shall be finalized and approved within two years after being notified of the need for passage facilities.
3. A minimum flow of 247 cubic feet per second, or inflow to the project, whichever is less, shall be continuously released at the project dam to the bypassed reach.

4. The exemptee shall operate the project to limit drawdown of the project impoundment to no more than one foot below the top of the flashboards except for system emergencies or energy audits.
5. The licensee shall, within six months from the date of issuance of the exemption from licensing for this project, present to the Fish and Wildlife Service for approval, a plan for monitoring project impoundment level and instantaneous bypass flow releases. Following approval of the plan, the Exemptee shall measure and record impoundment level and flows according to the plan and provide records of these data to the Fish and Wildlife Service within 30 days from a request for the records.
6. The Exemptee shall construct and operate a public parking facility, small boat dock, trail and picnic area as described in the draft application, and allow public access to the project area for utilization of fish and wildlife resources, subject to reasonable safety and liability limitations. Such access should be prominently posted so that its availability is made known to the public.
7. The Exemptee shall allow the Fish and Wildlife Service to inspect the project area at any time while the project operates under an exemption from licensing, in order to monitor compliance with the terms and conditions.
8. The Fish and Wildlife Service reserves the right to add and/or alter these terms and conditions as appropriate to carry out its responsibilities with respect to fish and wildlife resources. The Exemptee shall, within 30 days of receipt, file with the Federal Energy regulatory Commission any additional or modified mandatory terms and conditions.
9. The Exemptee shall incorporate the aforementioned fish and wildlife conditions in any conveyance; by lease, sale or otherwise; of its interests so as to legally assure compliance with said conditions for as long as the project operates under an exemption from licensing.

We appreciate this opportunity to comment on this application.

Sincerely yours,



William Patterson  
Regional Environmental Officer