

UNITED STATES OF AMERICA 95 FERC ¶ 62,060
FEDERAL ENERGY REGULATORY COMMISSION

Consolidated Edison
Energy Massachusetts

Project No. 2334-014

ORDER APPROVING RECREATION PLAN IN PART UNDER ARTICLE 406

(Issued April 18, 2001)

On April 6, 1998, Western Massachusetts Electric Company (WMEC or licensee)¹, filed a recreation plan pursuant to article 406 of the license for the Gardners Falls Project, FERC No. 2334.² The Gardners Falls Project is located on the Deerfield River in Franklin County, Massachusetts.

BACKGROUND

Article 406 of the project license requires the licensee to file, within one year of license issuance, a recreation plan describing existing recreation facilities, evaluating whether the existing recreation facilities are meeting public recreation needs, and proposing specific recreation improvements to address the need for new public recreation facilities and improvements at the project. The recreation plan shall provide for implementing specific new recreation facilities and improvements as already agreed to by the licensee in consultation with federal and state fish and wildlife agencies. These specific agreed-upon recreation facilities and improvements are described below.

The recreation plan shall provide for implementing WMEC's Gardners Falls Project recreation plan, filed on December 23, 1991, and supplemented on December 11, 1992, including: (1) providing an impoundment boat launch; (2) improving the Gardners Falls Picnic Area, the Gardners Falls Nature Trail, and the Powerhouse Access Area; and (3) improving the Wilcox Hollow Access Area by paving the access road entrance,

¹Western Massachusetts Electric Company has since transferred the license to Consolidated Edison Energy Massachusetts.

²See Order Issuing New License, 79 FERC ¶ 61,007 (1997).

improving the access road, expanding parking, and providing directional signs, trash barrels, restroom facilities, and a carry-in boat launch.

FILED PLAN

Impoundment Boat Launch

The licensee proposes changing the launch/landing area to a hand-carried boat, canoe, and kayak access area to limit disturbance to the shoreline upstream of the boat barrier and canal headgate area. This site has three small gravel parking areas located at the canal headgate structure which can accommodate approximately 10 vehicles. The licensee proposes minor improvements to the parking area at the dam to better designate parking locations. Also, additional signage will be installed to identify locations of project recreational facilities and provide general information and water safety brochures.

Improvements to the Gardners Falls Picnic Area, the Gardners Falls Nature Trail, and the Powerhouse Access Area

The licensee's existing recreation facilities include a picnic area located off the access road to the powerhouse. The picnic area contains a parking area for 15 to 20 vehicles, picnic tables, raised charcoal grills and garbage containers. The area also contains two pit toilets located adjacent to the parking area. The licensee proposes additional signage at the picnic area to identify locations of project recreational facilities and provide water safety and general information. A handrail will be added to the existing stairs from the picnic area to the impoundment

The licensee proposes a formal self-guided loop trail which would originate at the gravel parking area located at the canal headgate structure and follow the western bank of the Power Canal downstream to the powerhouse. The licensee proposes minor improvements to the parking area at the dam to better designate parking locations. The trail passes through a wooded area and then through a pine grove. There are several rustic crossings and timber bridges over brooks and streams before it reaches the powerhouse. The trail passes over the tailrace flume and connects to the powerhouse access road and loops around the Power Canal on the east bank and back to the headgate structure. A trail map and brochure will be developed to point out interesting natural features along the route and to explain how the site is used to generate electricity. Additional signage will be installed to mark locations of the trail and to guide persons to other recreational facilities. Existing foot bridges over streams and brooks will be improved or replaced as required and new foot bridges will be installed where and if necessary.

Finally, near the powerhouse there is a parking area for 5 to 6 cars, a pit toilet and a trash container. Additional signage will be installed to denote the location of project recreational facilities and provide water safety information.

Improvements to the Wilcox Hollow Access Area

The licensee is still discussing recreational development of this site with the Massachusetts Department of Environmental Management (MDEM) and the Deerfield River Watershed Association (DRWA). Summaries of their discussions were filed by the licensee on March 28, 2000 and July 27, 2000. To date the licensee has not filed final plans concerning the development of this site.

AGENCY CONSULTATION

The licensee consulted with the National Park Service, U.S. Fish and Wildlife Service, Natural Resources Conservation Service (NRCS), MDEM, and the Massachusetts Division of Fisheries and Wildlife. Comment letters were received from the NRCS, MDEM and the DRWA.

DISCUSSION

The NRCS asked the licensee to eliminate plans to develop a small boat access area to the impoundment because the plan mentions that the site involves steep banks and boating use is expected to be low due to the small impoundment size. The NRCS further mentions that bank stability could be a problem on steep slopes and construction costs could be high. The MDEM also expressed an interest in maintaining a low-key, natural type character for this impoundment access area. The licensee's final plan incorporated this change by proposing a small access trail to the impoundment for launching carry-in boats, canoes, and kayaks. The licensee's request to amend article 406 by changing the impoundment boat launch to a hand-carried boat access point is reasonable given the site constraints and the small impoundment size.

The MDEM requested that the licensee explore creating handicapped accessible fishing access at the small masonry jetty at the canal intake. The licensee reviewed this suggestion but did not incorporate it into the final plan, citing lengthy ramp construction required from the parking lot to the jetty and the jetty's dangerous location inside the boat barrier and at the canal intake.

The Commission staff will not require the licensee to make the jetty accessible to the handicapped. Significant modifications to the site would be needed to construct a

ramp meeting accessibility standards from the parking area down the steep slope to the jetty. In addition, Commission staff agrees that it is not appropriate to encourage access close to the canal intakes and other structures.

The licensee has not discussed how it considered the needs of the handicapped in the design of all the facilities approved in this order. The licensee is reminded that Part 2.7 of the Commission's regulations require that the facilities approved by this order be designed considering the needs of the physically handicapped.

Due to negotiations regarding the scope of the proposed recreational development at the Wilcox Hollow facility, we are granting the licensee an extension of time until June 1, 2001 to file a supplement to its recreation plan which details the facility. Since the Wilcox Hollow facilities will be delayed, we will not require as-built drawings of the completed recreation facilities until December 31, 2002. If any of the facilities were modified as a result of considering the needs of the physically handicapped, the licensee must note the change on the drawings.

The portion of the recreation plan describing the impoundment boat launch and the improvements to the Gardners Falls Picnic Area, the Gardners Falls Nature Trail, and the Powerhouse Access Area meet the requirements of article 406 and should be approved.

The Director orders:

(A) The recreation plan, filed on April 6, 1998, pursuant to article 406 is approved in part and made part of the license. The licensee shall design and construct the recreation facilities considering the needs of the physically handicapped in accordance with Part 2.7 of the Commission's regulations.

(B) The licensee shall file, for approval, by June 1, 2001, a revised recreation plan for constructing an access facility at Wilcox Hollow. The plan shall be completed in consultation with the National Park Service, U.S. Fish and Wildlife Service, Natural Resources Conservation Service, Massachusetts Division of Environmental Management, and the Massachusetts Division of Fisheries and Wildlife and include their comments.

(C) The licensee shall file, for approval, by December 31, 2002, as-built drawings of all the completed recreation facilities.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

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and Compliance

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