

Con Edison Development

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FEDERAL ENERGY
REGULATORY
COMMISSION

March 21, 2000

Mr. David Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Chicopee River Projects, FERC Nos. 10675, 10676, 10677, 10678
Modified Terms and Conditions from Department of Interior-Fish and Wildlife Service

Dear Secretary:


Consolidated Edison Energy Massachusetts, Inc. (CEEMI) owns and operates the Red Bridge Project (FERC No. 10676), the Putts Bridge Project (FERC No. 10677), the Indian Orchard Project (FERC No. 10678) and the Dwight Project (FERC No. 10675), known collectively as the "Chicopee River Projects", which are located on the Chicopee River in western Massachusetts. We are writing to apprise you that we have received modified terms and conditions from the U.S. Department of Interior-Fish and Wildlife Service (FWS) and the Commonwealth of Massachusetts, Division of Fisheries and Wildlife (MADFW) for the Chicopee River Projects (see Attachment A). Their letters were in response to a December 29, 1999 order amending exemptions issued by the Federal Energy Regulatory Commission (FERC).


We are aware that in order to modify terms and conditions, the FWS and MADFW must have included specific language to address future modifications in their original terms and conditions letter, dated July 31, 1992. We have reviewed the July 31, 1992 letter and it does contain language that allows FWS to modify the original terms and conditions.

We intend to contact FWS and the MADFW to discuss the new terms and conditions. We will keep you apprised of the status of our discussions and any changes that occur to the terms and conditions.

If you require additional information please do not hesitate to contact me at (212) 267-5280 (email: labiakj@conedenergy.com).

Sincerely,


John Labiak
Project Manager
Con Edison Development Inc.


FERC DOCKETED
MAR 27 2000

Encl. - Attachment A

cc: Al Nash (KA), Fred Szufnarowski (KA), NYRO, Michael Bartlett - FWS
Pete McGovern - FERC, Mark Robinson - FERC

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111 Broadway, 16th Floor, New York, New York 10006
Tel: (212) 393-9242 Fax: (212) 393-9282

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
22 Bridge Street, Unit #1
Concord, New Hampshire 03301-4986



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REF: FERC Nos. 11675 - Dwight

January 27, 2000

11676 - Red Bridge
11677 - Putts Bridge
11678 - Indian Orchard
Consolidated Edison Energy Massachusetts, Inc.

Mark Noyes
CEEMI
111 Broadway, 16th Floor
New York, NY 10006

Dear Mr. Noyes:

This is in response to the Federal Energy Regulatory Commission's December 29, 1999 Order Amending Exemptions for the Red Bridge, Putts Bridge, Indian Orchard and Dwight Projects, located on the Chicopee River in Massachusetts. We originally were going to respond to the November 23, 1999 memorandum prepared by Kleinschmidt Associates which provides the results of an assessment of the effect operations at Putts Bridge has on the ability of Indian Orchard to meet its minimum flow requirement. As the FERC order addresses and accepts the findings of the assessment, we instead will comment on modifications to the original terms and conditions we prescribed for the exemptions that we believe are necessary, given that minimum flows and headpond fluctuations have changed at some sites.

As originally exempted, each project had specific minimum flows and allowable impoundment drawdowns.

Originally Exempted

- Red Bridge
237 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30
- Putts Bridge
247 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30
- Indian Orchard
247 cfs min. flow (or inflow, if less), 1-ft. drawdown year-round

- **Dwight**
258 cfs min. flow (or inflow, if less), 1-ft. drawdown year-round

Proposed

- **Red Bridge**
237 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30.
- **Putts Bridge**
25 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30.
- **Indian Orchard**
247 cfs min. flow (or inflow, if less), 0.5-ft. drawdown April 1- June 30 and 1-ft. drawdown from July 1 - March 30.
- **Dwight**
258 cfs min. flow (or inflow, if less), 0.25-ft. drawdown when boards are up and no fluctuation when boards are down.

As originally exempted, the mandated flows were to be released via special minimum flow turbines. This idea was subsequently found to be uneconomical, and alternative release mechanisms were investigated. Also, in order to meet the requirements for being exempted, project capacity upgrades are necessary. CEEMQ submitted a development plan in June, 1999 that outlined how upgrading the existing facilities would result in meeting that criterion.

To date, we believe the following issues have been resolved to our satisfaction:

- **Bypass flow rates and release mechanisms at each project, with the exception of Putts Bridge.**
- **Impoundment fluctuation levels.** The proposed changes to limit drawdowns at Indian Orchard to 0.5-ft from April 1 - June 30, and at Dwight to within 0.25-ft. when boards are up, should ensure that continuous and stable minimum flows are maintained below those projects.
- **Proposed capacity upgrades.** None of the upgrades should influence the minimum flows or drawdown limits for each project.

Two issues that remain outstanding include:

- **The Putts Bridge bypass flow.** We never approved the reduced flow as a permanent measure. Before approving this change as a permanent condition of the exemption, a water quality study must be performed to verify that the lower flow will protect water quality in the bypass reach. It is our understanding that the study will occur this summer. Once we receive the study results we will make a final decision on the minimum bypass flow needed at Putts Bridge.
- **A revised Monitoring Plan.** A condition of each exemption was the development of a plan to monitor headpond elevations and bypass flows. On March 11, 1993 the previous owner of the projects submitted a Monitoring Plan for our review. Since the original plans were filed and approved, major changes in the methods of releasing the bypass flows have been made

at the projects, requiring the development of a revised Monitoring Plan. You should provide us with a plan that (1) details the flow release structures and locations, (2) describes the mechanisms used to monitor headpond elevation and minimum flows, (3) specifies how often maintenance and calibration of the monitoring and recording equipment takes place, (4) states how bypass flows will be maintained during any periodic maintenance activities that require the impoundment to be drawn down below the level of the flow release structures, and (5) states how frequently and in what form the data are recorded. A calculation sheet that verifies the discharge of each release structure (i.e., slide/canal gate, board notches and dam spill) under all operating ranges should be included.

Per Condition 8 of the Exemptions from Licensing, we hereby modify our original terms and conditions for the subject exemptions as follows:

Red Bridge

Modify the following conditions to read:

5. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, 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.

The following new condition is to be added to the original nine.

10. In the event that any dam maintenance or emergency drawdown is required, the Exemptee shall continue to operate the project such that the minimum flows are maintained downstream of the project at all times. If during reservoir refilling, inflow to the project is less than the required minimum flow, the Exemptee shall withhold not more than 10% of project inflow.

All other conditions are to be retained in their entirety.

Putts Bridge

Modify the following conditions to read:

3. An interim minimum flow of 25 cubic feet per second, or inflow to the project, whichever is less, shall be continuously released at the project dam to the bypassed reach. This release may be modified if results of a water quality study indicate that 25 cfs is insufficient to protect water quality in the bypass reach.
5. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, 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.

The following new condition is to be added to the original nine.

10. In the event that any dam maintenance or emergency drawdown is required, the Exemptee shall continue to operate the project such that the minimum flows are maintained downstream of the project at all times. If during reservoir refilling, inflow to the project is less than the required minimum flow, the Exemptee shall withhold not more than 10% of project inflow.

All other conditions are to be retained in their entirety.

Indian Orchard

Modify the following conditions to read:

4. The exemptee shall operate the project to limit drawdown of the project impoundment to no more than 0.5-foot below the top of the flashboards (or dam crest if boards are out) from April 1 through June 30. From July 1 through March 30, the Exemptee shall limit drawdown to no more than one foot below the top of the flashboards (or dam crest if boards are out).
5. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, 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.

The following new condition is to be added to the original nine.

10. In the event that any dam maintenance or emergency drawdown is required, the Exemptee shall continue to operate the project such that the minimum flows are maintained downstream of the project at all times. If during reservoir refilling, inflow to the project is less than the required minimum flow, the Exemptee shall withhold not more than 10% of project inflow.

All other conditions are to be retained in their entirety.

Dwight

Modify the following conditions to read:

4. The Exemptee shall operate the project to limit drawdown of the project impoundment to no more than 0.25 feet below the top of the flashboards. When boards are out, the Exemptee shall maintain a minimum of five inches of spill over the dam crest to maintain the minimum bypass flow specified in Condition #3.

5. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, 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.

The following new condition is to be added to the original nine.

10. In the event that any dam maintenance or emergency drawdown is required, the Exemptee shall continue to operate the project such that the minimum flows are maintained downstream of the project at all times. If during reservoir refilling, inflow to the project is less than the required minimum flow, the Exemptee shall withhold not more than 10% of project inflow.

All other conditions are to be retained in their entirety.

Thank you for this opportunity to comment. If you have any questions, please contact Melissa Grader of this office at (603) 225-1411.

Sincerely,



Michael J. Bartlett
Supervisor
New England Field Office

cc: John Labiak, CEEMI
Caleb Slater, MA DFW
FERC/DLC
FERC/OHL
Reading File
es: MGrader:1-27-00:(603)225-1411



Division of Fisheries & Wildlife

OFFICE OF THE SECRETARY
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FEDERAL ENERGY
REGULATORY
COMMISSION

Wayne F. MacCalkum, Director

February 15, 2000

RE: Chicopee River Projects:
Dwight - 11675
Red Bridge - 11676
Putts Bridge - 11677
Indian Orchard - 11678

Mark Noyes
CEEMI
111 Broadway, 16th Floor
New York, NY 10006

Dear Mr. Noyes,

The Massachusetts Division of Fisheries and Wildlife (Division) is the state agency responsible for the protection and management of the fish and wildlife resources of the Commonwealth. As such, we have prepared the following comments in response to the Federal Energy Regulatory Commission's December 29, 1999 Order Attending Exemptions for the Red Bridge, Putts Bridge, Indian Orchard, and Dwight Projects, located on the Chicopee River in Massachusetts.

As originally exempted, each project had specific minimum flows and allowable impoundment drawdowns.

Original Conditions

Red Bridge

237 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30

Putts Bridge

247 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30

Indian Orchard

247 cfs min. flow (or inflow, if less), 1-ft. drawdown year-round

Dwight

258 cfs min. flow (or inflow, if less), 1-ft. drawdown year-round

Proposed Conditions

Red Bridge

237 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30.

Putts Bridge

25 cfs min. flow (or inflow, if less), 1-ft. drawdown April 1- June 30 and 2-ft. from July 1 - March 30.

Indian Orchard

247 cfs min. flow (or inflow, if less), 0.5-ft. drawdown April 1- June 30 and 1-ft. drawdown from July 1 - March 30.

Division of Fisheries & Wildlife

Field Headquarters, One Rabbit Hill Road, Westboro, MA 01581 (508) 366-4470

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

Dwight

258 cfs min. flow (or inflow, if less), 0.25-ft. drawdown when boards are up and no fluctuation when boards are down.

The original exemptions required that the minimum flows were to be released via new minimum flow turbines. This idea was subsequently found to be uneconomical, and alternative release mechanisms were investigated. The original exemptions also required project capacity upgrades. CEEMI submitted a development plan in June 1999 that outlined how upgrading the existing facilities would result in meeting that criterion.

We believe the following issues have been adequately addressed:

Minimum bypass flows and release mechanisms at each project, with the exception of Putts Bridge.

Impoundment fluctuation levels, specifically the proposed changes to limit drawdowns at Indian Orchard to 0.5-ft from April 1 - June 30, and at Dwight to within 0.25-ft. when boards are up, should ensure that continuous and stable minimum flows are maintained below those projects.

The proposed capacity upgrades should influence the minimum flows or drawdown limits for each project.

Unresolved issues:

The Putts Bridge bypass flow. We have not agreed to the reduced flow as a permanent condition of the exemption. Before we do so, a water quality study must be performed to verify that the lower flow will protect water quality in the bypass reach. It is our understanding that the study will occur this summer. Once we receive the study results we will make a final decision on the minimum bypass flow needed at Putts Bridge.

Revised Monitoring Plan. A condition of each exemption was the development of a plan to monitor headpond elevations and bypass flows. On March 11, 1993 the previous owner of the projects submitted a Monitoring Plan for our review. Since that time, major changes in the methods of releasing the bypass flows have been made at the projects. We believe that these changes require the development of a new Monitoring Plan. You should provide us with a plan that (1) details the flow release structures and locations, (2) describes the mechanisms used to monitor headpond elevation and minimum flows, (3) specifies how often maintenance and calibration of the monitoring and recording equipment takes place, (4) states how bypass flows will be maintained during any periodic maintenance activities that require the impoundment to be drawn down below the level of the flow release structures, and (5) states how frequently and in what form the data are recorded. A calculation sheet that verifies the discharge of each release structure (i.e., slide/canal gate, board notches and dam spill) under all operating ranges should be included.

Per Condition 8 of the Exemptions from Licensing, we hereby modify our original terms and conditions for the subject exemptions as follows:

Red Bridge

Modify the following conditions to read:

6. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, present to the Division 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 Division within 30 days from a request for the records.

The following new condition is to be added to the original nine.

10. In the event that any dam maintenance or emergency drawdown is required, the Exemptee shall continue to operate the project such that the minimum flows are maintained downstream of the project at all times. If during reservoir refilling, inflow to the project is less than the required minimum flow, the Exemptee shall withhold not more than 10% of project inflow.

All other conditions are to be retained in their entirety.

Putts Bridge

Modify the following conditions to read:

2. An interim minimum flow of 25 cubic feet per second, or inflow to the project, whichever is less, shall be continuously released at the project dam to the bypassed reach. This release may be modified if results of a water quality study indicate that 25 cfs is insufficient to protect water quality in the bypass reach.
6. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, present to the Division 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 Division within 30 days from a request for the records.

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All other conditions are to be retained in their entirety.

Indian Orchard

Modify the following conditions to read:

3. The exemptee shall operate the project to limit drawdown of the project impoundment to no more than 0.5-foot below the top of the flashboards (or dam crest if boards are out) from April 1 through June 30. From July 1 through March 30, the Exemptee shall limit drawdown to no more than one foot below the top of the flashboards (or dam crest if boards are out).
6. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, present to the Division 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 Division within 30 days from a request for the records.

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All other conditions are to be retained in their entirety.

Dwight

Modify the following conditions to read:

3. The Exemptee shall operate the project to limit drawdown of the project impoundment to no more than 0.25 feet below the top of the flashboards. When boards are out, the Exemptee shall maintain a minimum of five inches of spill over the dam crest to maintain the minimum bypass flow specified in Condition #3.
6. The Exemptee shall, within six months from the date of issuance of the Order Amending Exemptions, present to the Division 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 Division within 30 days from a request for the records.

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All other conditions are to be retained in their entirety.

Sincerely,



Caleb Slater, Ph.D.
Anadromous Fish Project Leader

cc: John Labiak, CEEMI
Melissa Grader, USFWS
FERC