



November 5, 2019

Shannon Ames, Executive Director  
Low Impact Hydropower Institute  
329 Massachusetts Avenue, Suite 6  
Lexington, MA 02420

Re: LIHI Project #112 – Indian Orchard Hydroelectric Project FERC P-10678

Dear Ms. Ames,

The Connecticut River Conservancy (CRC) submits the following comments on the re-certification of the Indian Orchard Hydroelectric Project (Indian Orchard). CRC is the principal nonprofit environmental advocate for protection, restoration, and sustainable use of the Connecticut River watershed. The Chicopee River is a major tributary of the Connecticut River, and we therefore take interest in this re-certification.

### **Flows**

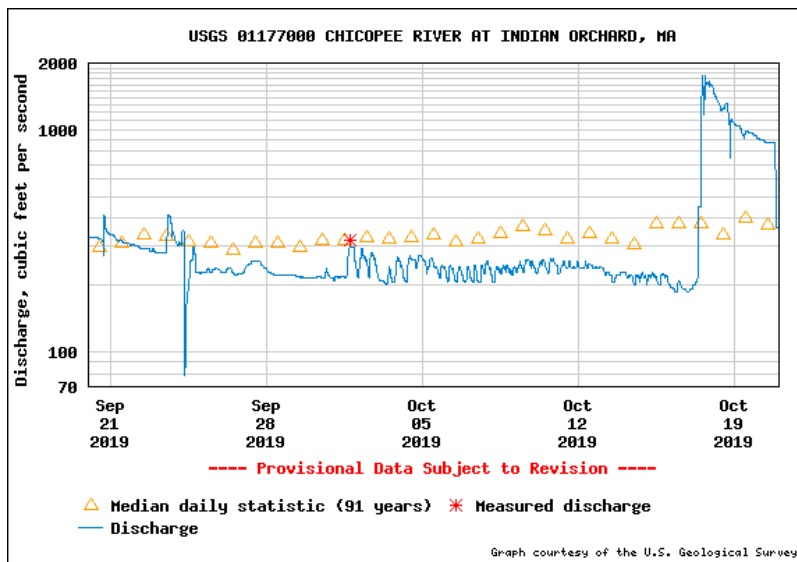
The application for re-certification asserts that the project complies with the goals of category A2 for ecological flow regimes for the impoundment, bypassed reach, and tailrace to the confluence with the bypassed reach. The application explains the mode of operation and the minimum flow, and says that nothing has changed. However, category A2 requests that an application, “Explain the scientific or technical basis for the agency recommendation, including methods and data used.” The scientific or technical basis for the flows has not been provided. In fact, in the 2013 Indian Orchard Reviewers Report, there is a letter from MA Division of Fisheries and Wildlife dated September 16, 2013 which said, “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.”

The 2013 certification had a condition that is posted on the LIHI website as having been satisfied in 2018. The condition is copied below.

“The Indian Orchard project owner, Essential Power LLC, will convene an annual workshop on Chicopee River Hydropower Operations designed to promote better understanding of regulated flows and impoundment fluctuations on the river, and to identify operational flow enhancements that can benefit the dual goals of clean, renewable energy and environmental protection. This workshop will be a forum for sharing annual operational data from all the projects on the river. The first such workshop will happen no later than June 2014, scheduled at a time when all the Chicopee hydropower owners and the applicable resource agencies can attend (i.e., FWS, MDFW and MDEP). A summary report describing the outcomes for this workshop will be provided to LIHI and to workshop participants. If the workshop is deemed a success, it will be repeated annually. If it is less than successful, Essential Power may petition LIHI to discontinue it. LIHI staff will be available to assist with this workshop, if so requested.”

If this condition was satisfied in 2018, we assume there must have been a workshop to discuss flows. There is no mention of the workshop or what may have been determined in the application. Does a summary report exist? Is the applicant implementing any recommendations that may have come out of the workshop? It seems that such a meeting would be relevant to include in the re-certification application. [If there are future workshops held on Chicopee River flows, please include my name and that of Keith Davies of Chicopee4Rivers Watershed ([chicopeewatershed@gmail.com](mailto:chicopeewatershed@gmail.com)) as interested stakeholders.]

The minimum flow of 247 cfs (or inflow) does not seem to have been met a few times between September 20 and October 20, 2019, when inflow was less than 247 cfs. USGS gage Chicopee River at Indian Orchard (01177000) is located 1,000 ft downstream from West Street Bridge at Indian Orchard and is downstream of the project. The graph below shows an excursion as low as 70 cfs and fluctuations between 200 and ~275 cfs.



CRC recommends that either the project not meet the A2 standard, or there be a special condition that the applicant continue to work on modifying flows using a scientific basis approved of state and federal agencies.

## Recreation

The re-certification application states, “In addition, the Facility allows access to the reservoirs and downstream reaches without fees or charges. This statement applies to each of the ZoE.” CRC would like to request that information be submitted about access to the downstream reach. The original application and the re-certification does not describe a downstream access point. The next dam is 4.8 miles downstream of the Indian Orchard dam and there is a river access location in the Chicopee Falls impoundment. It would be nice for paddlers to be able to access this section of the Chicopee River, or to be able to portage around the Indian Orchard dam. Chicopee4Rivers Watershed has done much work to establish a blue trail on the Chicopee River since the original certification in 2013 and there is more interest in river access. See, for example, a map online that includes the Indian Orchard dam: <https://chicopee4riverswatershed.files.wordpress.com/2019/04/orchard-kiosk-4-25-19.pdf>.

CRC recommends that the applicant evaluate the feasibility of installing a cartop access location

downstream of the dam and then implement it at the most feasible location.

A letter from FERC in the FERC e-library for P-10678 dated March 8, 2013 noted that a boat barrier was incorrectly installed upstream of a boat launch in the impoundment and requested that the project owner move the boat barrier downstream and submit photos of public safety signs to be installed at the boat ramp. The submittal was due by June 1, 2013. CRC could find no submittal by the applicant. The re-certification application stated that all signs have been inspected and updated or replaced. However, we don't know if a sign that was missing has been installed. There was no description of the boat barrier in the re-certification application.

CRC recommends that LIHI request more information about the boat barrier installation and the signage at river access locations.

### **Overall comments**

The re-certification application repeatedly states that nothing has changed since 2013 and there are no new requirements coming from agencies. It's our opinion that statements about no changes with regard to requirements for a FERC-exempt project does not mean that the facility is low impact. We assert that in order to be eligible for LIHI certification, a facility should be going "above and beyond" what it was required to do in its FERC license or exemption, especially if that document is multiple decades old. We do not see that the licensee is doing anything indicating additional attempts to minimize the facility's impact on the Chicopee River. We feel this is not the spirit of the certificate program, especially when the facility is eligible for renewable energy credits and revenue.

CRC appreciates the opportunity to provide comments. I can be reached at [adonlon@ctriver.org](mailto:adonlon@ctriver.org) or (413) 772-2020 x.205.

Sincerely,



Andrea F. Donlon  
River Steward

Cc: Keith Davies, Chicopee 4Rivers  
Melissa Grader, USFWS  
Bob Kubit, MassDEP  
Caleb Slater, MA DFW