



CONNECTICUT RIVER WATERSHED COUNCIL

The River Connects Us

15 Bank Row, Greenfield, MA 01301

March 3, 2010

REF: FERC No. 2323 – Deerfield Project

Fred Ayer, Executive Director
Low Impact Hydropower Institute
34 Providence Street
Portland, ME 04103

Re: Low Impact Hydro Certification for the Deerfield Project located in Vermont and Massachusetts

Dear Mr. Ayer,

The Connecticut River Watershed Council (CRWC) submits the following comments on the Low Impact Hydropower Institute's (LIHI) Pending Application for the proposed LIHI certification for the Deerfield River Hydroelectric Project located in Bennington and Windham Counties, Vermont, and Berkshire and Franklin Counties, Massachusetts. CRWC is the principal nonprofit environmental advocate for protection, restoration, and sustainable use of the Connecticut River watershed. The Deerfield River is a major tributary of the Connecticut River, and therefore this project is of interest to us. We were not intervenors in the relicensing of this project that led to the 1994 Settlement Agreement, but we have been intervenors in numerous other FERC hydroelectric filings, including an intervention when TransCanada purchased the Deerfield Project and dams along the Connecticut River.

CRWC does not support TransCanada's application for LIHI Certification of the Deerfield River Project for the reasons outlined below.

Flows

The Deerfield River Project is not Run-of-River. As described in the letter dated January 28, 2010 from the Massachusetts Department of Fish and Game (DFG), the project operates on a daily peaking cycle with scheduled releases for whitewater paddling and unscheduled releases in response to market demands. This affects habitat, recreational use, and riparian buffers along the entire river. A streambank erosion project currently underway in the town of Deerfield east of I-91 and several miles downstream of Deerfield No. 2 dam was attributed to peaking flows of the Deerfield system by the project proponents, USDA NRCS and the Town of Deerfield.

Additionally, as described in the letter from DFG, the numerous dam structures result in several miles of the Deerfield River being bypassed by all but the minimum flow. For examples, see below photos of the penstock out of Searsburg and the view downstream of Harriman Dam. Harriman Reservoir in Vermont is a storage reservoir. In the winter, it looks like a partially drained bathtub. In the spring, it fills up, and levels go down gradually throughout the summer. The downstream flow from this reservoir is through a "glory hole" down to the base of a grassed dam, with no continuity of river channel. In the past, there were completely dry sections of this river, and at least there are now required minimum flows. But, it is clear that the set of dams along this river system is by no definition "low impact" on the river and the landscape.

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Figure 1. Penstocks from Searsburg in Vermont



Figure 2. River channel emerges downstream Of Harriman Dam

Migratory Fish

There is currently no upstream fish passage at any of the dams on the Deerfield River system. The trigger number of radio-tagged salmon downstream of the dams was met for two consecutive years by 2006, and CRWC is disappointed that this has not resulted in the requirement of upstream fish passage. In addition, there is no passage or protection measures for migration of American eel, and this is typically required in most contemporary FERC licenses. All impoundments on this system block movement of non-migratory aquatic species.

Summary

The LIHI website explains that, “The [LIHI certification] criteria standards are typically based on the most recent, and most stringent, mitigation measures recommended for the dam by expert state and federal resource agencies, even if those measures aren't a requirement for operating.” This indicates to us that simply by fulfilling the requirements of a FERC settlement agreement, a project is not necessarily going to be considered “low impact.” In this case, the Settlement Agreement is 16 years old, and occurred before deregulation of electricity in Massachusetts. The flow regime and other requirements are not the most recent or stringent mitigation requirements that could be required. The river channel and flows of the Deerfield River have been so heavily manipulated by the installation of the hydropower facilities, that it would be impossible to consider this low impact by any definition. Consumers looking to purchase electricity from hydropower projects that have minimal effect on river systems would be misguided should this hydropower project gain certification.

We concur with letters previously submitted by DFG, Deerfield River Watershed Association, and Trout Unlimited. Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in cursive script that reads "Andrea F. Donlon".

Andrea F. Donlon, M.S.
River Steward (Massachusetts)
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