



CONNECTICUT RIVER WATERSHED COUNCIL

The River Connects Us

15 Bank Row, Greenfield, MA 01301

April 18, 2011

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

Subject: Gardners Falls Hydroelectric Project FERC No. P-2234

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 Gardners Falls Project located in Franklin County, Massachusetts along the Deerfield River. 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 of the Deerfield River system, but we have been intervenors in numerous other FERC hydroelectric filings.

CRWC does not support NAEA's application for LIHI Certification of the Gardners Project for the reasons outlined below.

Flow

CRWC agrees with the comments submitted by the Massachusetts Division of Fisheries and Wildlife that although much of the flow alteration on the Deerfield River is caused by upstream projects not owned or operated by NAEA, until such time as these other projects are operated in a significantly more environmentally sensitive manner, neither Gardner Falls nor any other hydro project on the Deerfield River is deserving of LIHI certification.

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. Movement of resident species, such as brook trout, is also prevented by the presence of this dam. In addition, there is no passage or protection measures for migration of American eel, and this is typically required in most contemporary FERC licenses.

Recreational Access

Unless someone already knows that Wilcox Hollow is a public access area, nobody would ever guess when driving by on Route 2 that the area wasn't private property and perhaps a driveway with a sign attached to it. The access road is frequently washed out and difficult to drive down. The LIHI

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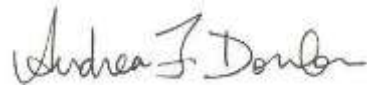
application indicates that NAEA is not responsible for maintaining parts of the gravel drive, but there is no point to having an access area if you can't get to it.

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.

Thank you for an opportunity to comment on this project.

Sincerely,



Andrea F. Donlon, M.S.
River Steward

cc: Caleb Slater, MA DFW
Deerfield River Watershed Association
Trout Unlimited