



# Deerfield River Watershed Association

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Deerfield River Hydroelectric Project comments  
Submitted by the Deerfield River Watershed Association,

The Deerfield River Watershed Association is a broadly –based volunteer organization dedicated to preserving, protecting and enhancing the natural resources of the Deerfield River watershed. Our membership includes the full range of users of the watershed: boaters, hikers, fishermen, those concerned with land use and conservation, and the like. We are also the only organization that does yearly sampling of water chemistry, bacteria, and bug life in the river. We were signatories of the Deerfield River Settlement Agreement and have continued to be involved in issues concerning the flow regime and its effects on both the biological health and the recreational possibilities of the river. It is in this context that we want to comment on the applications of Transcanada and Brookfield Renewable Power for certification as “low impact” hydro projects.

A reading of the standards for LIHI certification suggests that being in compliance with a settlement agreement/license is sufficient for certification. We hope this is not the case. That would be too easy and would leave out many important matters. In the case of the Deerfield, the Settlement Agreement is sixteen years old. A lot can happen in sixteen years, and it is safe to say that an agreement reached today would have to be different. Specifically, there was a radical change in the flow regime in the late 90’s, consequent to utility deregulation in Massachusetts. This new flow regime has brought about conditions not imagined by the Settlement Agreement signatories. It has upset the balance between environmental quality, recreation, fishing and energy production that was the central point of the settlement agreement.

The shift to a “market-based” system, run by a regional ISO, has led to flows that are higher in the daylight hours (there’s not much money to be made generating at night anymore) and that are more unpredictable, since the ISO can call for generating on short notice at any time. The river jumps up and down from minimum flow (100-200 cfs) to close to 1000 cfs several times a day.

The flows predicted on the flow website are often inaccurate, especially when it comes to the low flows necessary for fishing. Before utility deregulation the Deerfield River offered the best trout fishing in Massachusetts. The two catch and release areas on the upper Deerfield were a destination for anglers all over the region. The Settlement Agreement mandated minimum flows to protect this fishery, but it is now largely inaccessible due to persistently high flows during the daylight hours. There have been four flyshops in the area but now there is, at best, one. There were a half-dozen guides regularly taking clients on the Deerfield; now there is one company

that offers raft fishing, (at \$300 per day). Massachusetts stocks thousands of dollars worth of fish in the Deerfield River but because of high flows and multiple peaking during the daylight hours much of the fishery is unusable most of the time.

There is also evidence that the current generating regime is having a detrimental effect on the biological health of the river. Studies by an aquatic biologist who is on our board have shown that the mainstem of the Deerfield below Fife Brook Dam has a lower density and diversity of macroinvertebrates compared to tributaries that do not experience the peaking flow regime. This negative effect is also more obvious the closer one gets to the dam. There is every reason to believe that these results would also apply to the Deerfield River Project below the Fife Brook reach, since it is subject to the same peaking pattern.

The federal and state fisheries representatives who participated in the Settlement Agreement wanted to protect at least one stretch of the river from the negative effects of peaking on aquatic life in the river. Thus they negotiated a limit on the number of generating peaks below the Number Two Dam. Unfortunately there was a loophole: the clause was written such that the power company could use a *yearly* average to count the number of peaks. Obviously this makes no sense biologically. The fish and aquatic insects don't experience an average, they experience the actual extremes. And the power company did not carry through on its obligation to monitor the peaking pattern below Number Two. They were not responsive to our reminders until we appealed to FERC, and then they opposed us all the way. Eventually FERC ruled that the yearly average was acceptable even though it was nonsense biologically. Unfortunately, this has been our experience with the various power companies which have owned the Deerfield Project dams. They meet their mandated obligations regarding minimum flows and salmon passage, but any other fisheries issues are seen as a nuisance or a threat.

Can a flow pattern that may jump from 125cfs to 1000cfs multiple times a day be called "low impact?" We don't think so. There are, we believe, clear negative effects on both the biological health of the river and the fisheries resource. We believe the Deerfield River Project fails at least two LIHI standards: those of healthy River Flows and of Recreational access. This application should not be approved.



Marie-Françoise Walk  
President