United States Department of the Interior

FISH AND WILDLIFE SERVICE

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March 25, 2010

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

Dear Mr. Ayer:

This letter regards the pending application by Woronoco Hydro, LLC (Woronoco) for the Low Impact Hydropower Institute's (LIHI) Low Impact Hydropower Certification for the Woronoco Hydroelectric Project, located on the Westfield River in Russell, Massachusetts.

We have reviewed LIHI's criteria for certification and have assessed whether, in our opinion, the Woronoco Project meets those criteria.

Background

The Woronoco Project was licensed in 2002 to International Paper Company and subsequently the project license was transferred to Woronoco Hydro, LLC. The project license includes requirements to operate in a run-of-river mode, release minimum bypass flows from three dam sections, and implement and evaluate the effectiveness of fish passage for upstream migrating American eels and downstream migrating Atlantic salmon smolts, post-spawned salmon kelts and eels.

Since procurement of the license, Woronoco has been involved in extensive consultations with the U.S. Fish and Wildlife Service (Service), the Massachusetts Division of Fisheries and Wildlife, and Trout Unlimited (TU) to address license condition. Some conditions, like project operational monitoring and minimum flow release implementation, have been completed.

Implementation and testing of fish passage measures have been subject to extensive delays and extensions of time. The Federal Energy Regulatory Commission (FERC) record on fish passage consultation includes documentation of the delays and extensions, and comments and recommendations from the agencies and TU reflect both our concerns and frustration with the pace of passage implementation.

LIHI Application

In Woronoco's application, the certification questionnaire includes their assessment of why the project qualifies for LIHI certification. However, for the following reasons, we do not concur with Woronoco's assessment.

In a number of places, Woronoco references their interest in pursuing river channel modifications downstream from the tailrace to lower the tailwater level and to investigate and potentially pursue installation of flashboards on the dam crest. These potential projects have been previously raised by both Woronoco and the previous project owner. Based on the anticipated impacts of the projects of modifying downstream riffle habitat and back-flooding free-flowing reaches upstream, the Service and other parties have expressed concerns and likely opposition to such proposals. While these projects are not actually proposed at this time, their inclusion in the LIHI application may cause confusion in the future as to whether any approved certification was just for the existing facility or the existing facility plus future modifications. LIHI's review should only address the existing project. A material change to the project such as flashboard increases would initiate another FERC review process and likely a new 401 certification review. LIHI should re-assess the project if any such changes are approved and implemented.

In section C of the questionnaire, "Fish Passage and Protection," Woronoco states that they are in compliance with fish passage requirements. This is not the case. While Woronoco has implemented some passage measures and is proposing to continue to address passage requirements, all required passage measures and post-construction monitoring and assessment have not been completed. Still to be constructed are the downstream passage facility and the third American eel fishway. Also, post-installation assessments of the velocities at the narrow spaced rack (assuming that the rack is now installed or being installed this month as proposed), smolt downstream passage effectiveness, eel downstream passage effectiveness, and upstream eelway effectiveness still need to be completed.

The FERC's E-Library web site includes a complete record of the fish passage requirements and required implementation schedules, and the proposals for, approval and construction of fish passage measures at the project. This record demonstrates the many extensions and delays that have occurred in getting fish passage measures implemented to date. While Woronoco has progressed and now has a schedule for completion of facilities, past deadlines have not been consistently met and delays have occurred. Given this record and the number of issues still to be addressed and their associated costs, further delays are possible. As such, there is no guarantee that measures will be implemented in a timely matter.

Conclusion

Although Woronoco has made some efforts to implement required license conditions over the past few years, at this time Woronoco has yet to complete upstream eel and downstream fish passage measures and assessments. Since the fish passage criteria for LIHI certification has not yet been met, and there is no guarantee that passage measures will be completed in a timely manner, we cannot support LIHI certification.

If all the outstanding fish passage requirements are completed according to the agreed-upon schedule, this project is likely to be certifiable by LIHI at that time.

We appreciate the opportunity to provide information relative to fish and wildlife issues and the Low Impact Hydropower Certification process, and thank you for your interest in these resources. If you have any questions, please contact Mr. John Warner of this office at 603-223-2541, extension 15.

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office