



August 5, 2021

Low Impact Hydropower Institute
1167 Massachusetts Avenue, Office 407,
Arlington, MA 02476

Re: LIHI Project #80 – Gardner Falls Hydroelectric Project FERC P-2334

Dear LIHI,

The Connecticut River Conservancy (CRC) submits the following comments on the evaluation of the Gardner Falls Hydroelectric Project's (Gardner Falls) adherence to LIHI's certification criteria. CRC was established in 1952 as the Connecticut River Watershed Council and is the principal nonprofit environmental advocate for protection, restoration, and sustainable use of the Connecticut River and its tributaries. CRC submitted comments on the original 2011 certification and on the 2017 re-certification.

Ecological Flow Regimes

CRC continues to believe that a 150 cfs minimum flow requirement does not in and of itself demonstrate low impact. The Deerfield River is severely impacted by almost a dozen peaking hydropower facilities, this facility being one of them.

Watershed and Shoreline Protection

The shoreline on the Buckland side upstream of the dam is quickly becoming overtaken by invasive plants, particularly Japanese knotweed and Oriental bittersweet. There seems to be no effort to eliminate invasives along the riparian area, and weed trimming efforts allow knotweed stems to flow downstream, which will spread this invasive plant elsewhere downstream.

Upstream of the dam, there have been several large erosion slides. A trail on the Shelburne side is now very close to the edge. It is not clear whether project operations are affecting bank stability.

There is apparently no shoreline protection plan for this facility, therefore nothing in particular is required. This is unfortunate.

Recreation

On April 2, 1998, project owner Western Massachusetts Electric Company (WMECO) (a subsidiary of Northeast Utilities) filed a recreation management plan with FERC. FERC accepted this plan by order on April 18, 2001, requiring that by June 1, 2001, the project owner file a revised recreation plan for Wilcox Hollow. The revised plan for Wilcox Hollow was filed on May 31, 2001 and accepted by FERC on October 18, 2001. In the meantime, the project was sold to Consolidated Edison Energy Massachusetts, Inc. (CEEMI) in 1999. The project has gone through a number of ownership or ownership name changes and is now owned by Central Rivers Power.

In previous comment letters on LIHI certification for this facility, we have brought up issues with the maintenance of recreation facilities or compliance with the recreation management plan. CRC staff and a Trout Unlimited representative met with the operator of the facility in October of 2019, and we discussed these issues. In emails between the operator and CRC, we summarized our discussions. Our summary was shared with LIHI staff and the email chain is included as an attachment to this letter. There was no mention of this in the re-certification materials. None of the issues that we brought up in 2019 have been addressed.

The following is a summary of what we feel is lacking:

On the Buckland side:

- At the upstream end of the access road, there is a trail down to the river off in the woods, parking, and a couple of newly updated picnic tables. There is no signage here at the trail or the picnic area. The Recreation Management Plan mentions a grill and toilets, neither of which are present.
- In the vicinity of the dam, there is a boat launch. None of the issues we brought up have been addressed and there continues to be no signage here.
- At the nature trail, there continues to be no signage and the trail looks blocked off (there is a jersey barrier), but you can go around it. The entrance is wet and eroded, and unless you know about the trail, you would not enter the area.
- The trail over the penstocks has been fenced off. Nothing has been offered as a replacement, and the nature trail is no longer a loop walk.
- Near the power station, there continues to be no signage. There is construction debris near where anglers would want to walk down to the river. Toilets and trash receptacles mentioned in the recreation management plan are not here, and nothing has been offered as a replacement of this amenity.
- Gardner Falls Road is in poor condition.

In general, there has been a gradual elimination of and deterioration to recreation amenities and there are absolutely no signs or information about recreation on this property. Nothing has been filed with FERC that explains intended deviations from the Recreation Management Plan and suggestions of what might be offered up as a replacement. The area is Buckland's only public access into and to the Deerfield River and is frequently used.

Wilcox Hollow

As noted in Appendix 3, the issue of the condition of the road down to Wilcox Hollow has been an ongoing issue and has attracted local attention. CRC has also gotten several inquiries from community members about the condition of the road.

CRC has reviewed the materials provided to LIHI showing the ownership of land along the access road. Page 3 of the 1998 Recreation Management Plan explains the original land ownership and how it was

obtained for the purposes of accessing the Wilcox Hollow area.

“On the Shelburne side of the river, WMECO owns a strip of land along the shoreline. WMECO purchased a large parcel inland of its shoreline parcel, which was donated to the Commonwealth of Massachusetts for future recreational development. WMECO also purchased a strip of land between the donated parcel and Route 2 to provide direct access to the Commonwealth land. The three contiguous parcels allowed development of a gravel access road from Route 2 to the rivers edge downstream of the Gardners Falls powerhouse at the southern boundary of WMECO’s land ownership. The area is known locally as Wilcox Hollow...The access road continues to be used to access the river downstream of the Gardners Falls powerhouse for fishing and launching of canoes, kayaks, and hand-carried boats.”

Evidently, when WMECO sold the Gardner Falls project, the small strip of land adjacent to Route 2 was not considered “project land” and was not included in the purchase. It’s not clear if anyone at FERC or if stakeholders were aware of this. However, the entire purpose of obtaining that small strip of land in the first place was to provide access down to the project recreation area. At the time of the original purchase, the land was acquired by the Quinnehtuk Company, a subsidiary of NU, while the project was owned by WMECO, also a subsidiary of NU. The parcel was transferred to WMECO in 2016, which is still an NU subsidiary.

The confusion of road maintenance needs to be corrected by the project owner. As there is clearly a financial benefit for LIHI certification so as to be eligible for RPS Class II credits (see LIHI recertification Table B-1.1, and also the most recent Statement of Generation filed to FERC being 10,453,000 gross kilowatt hours for the period of October 1, 2019 to September 30, 2020), Central Rivers Power should make efforts to become fully compliant with their recreation plan and also allow access to it. The documents even suggest the “novel” idea of transferring the small parcel to the town of Shelburne. This is not a good idea -- please do not foist the ownership of this strip of land on a small rural town that has a very limited budget to maintain public roads when the purpose of the road was set up to provide a recreation amenity in exchange for impact on a public river. The real “novel idea” would be for Central Rivers Power to step up and maintain the entire road.

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

Sincerely,



Andrea F. Donlon
River Steward

ATTACHMENTS:

Email communication regarding recreation at Gardner Falls

Cc: Jim Perry, Deerfield River Watershed Association
Mike Vito, Trout Unlimited
Jennifer Norwood, MA DCR
John Robichaud and Skip Medford, Central Rivers Power

From: [Andrea Donlon](#)
To: "[Randall Osteen](#)"; "mfischer@lowimpacthydro.org"
Cc: "[lucas wright](#)"
Subject: RE: Gardners Falls recreation follow-up
Date: Thursday, October 10, 2019 3:06:00 PM

This all makes sense. Thank you very much!

Andrea

ANDREA DONLON

River Steward

Connecticut River Conservancy, formerly *Connecticut River Watershed Council*

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From: Randall Osteen [<mailto:rosteen@hullstreetenergy.com>]
Sent: Thursday, October 10, 2019 2:58 PM
To: mfischer@lowimpacthydro.org; 'Andrea Donlon'
Cc: 'lucas wright'
Subject: RE: Gardners Falls recreation follow-up

Thanks Maryalice. Andrea – very happy that the meeting went well. I will talk to Luke and my folks here about the proposed modifications set out in your email and we get back to you with thoughts, timelines, etc. As Maryalice points out, we will likely to need to make a filing on any proposed modifications once we finalize thoughts but hopefully that should be straightforward. In the meantime, feel free to call me with any questions.

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From: mfischer@lowimpacthydro.org <mfischer@lowimpacthydro.org>
Sent: Thursday, October 10, 2019 2:52 PM
To: 'Andrea Donlon' <adonlon@ctriver.org>
Cc: Randall Osteen <rosteen@hullstreetenergy.com>; 'lucas wright' <Lwright@wareriverpower.com>
Subject: RE: Gardners Falls recreation follow-up

Thanks Andrea – as a note, any proposed changes from their recreation plan should probably be approved by FERC before implementation. I'm sure they know that but wanted you to be aware as well.

Maryalice

From: Andrea Donlon <adonlon@ctriver.org>
Sent: Thursday, October 10, 2019 1:32 PM
To: mfischer@lowimpacthydro.org
Subject: FW: Gardners Falls recreation follow-up

Maryalice,

I had a nice meeting on site at Gardner Falls with Luke Wright of Ware River Power. I had reached out to some other recreational users in the area before our meeting, and TU was interested in coming, too, which Luke was fine about. Chris Jackson from the Deerfield River chapter of TU met us there. Here's an email I just sent Luke summarizing what we talked about.

Andrea

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From: Andrea Donlon [<mailto:adonlon@ctriver.org>]
Sent: Thursday, October 10, 2019 12:39 PM
To: lucas wright (Lwright@wareriverpower.com) (Lwright@wareriverpower.com)
Cc: 'Chris Jackson' (deerfieldriveradventures@gmail.com)
Subject: Gardners Falls recreation follow-up

Luke,

Thank you so much for meeting with me and Chris Jackson (Deerfield River chapter of TU) on Friday, October 4 at Gardner Falls Dam to discuss recreation offerings on the Buckland side of the Gardners Falls project. We appreciate being able to meet with you in person on site. Below is a summary of what Chris and I remember we discussed – please amend if you left with a different understanding. We'll also add that you discussed chipping away at some of these changes described below. That seems reasonable, although we didn't discuss a time frame, so we'll assume for now that these won't take much more than a year to implement.

Gardner Falls picnic area

Things that look good: picnic tables have been repaired (there are 2 of them), guard rail newly

painted, and handrail has been added to the stairs that go down to the river. The pit toilets and grills described in the recreation plan from 2001 are no longer there, because of vandalism.

We discussed adding the following:

- Re-instate signage in this area, describing the facility, what is offered, and asking folks to be respectful of the area (pack in, pack out)
- Install a sign at the entrance to the trail down to the river, to indicate its existence and that it's part of the project, not a trail associated with the neighbor's private property
- Consider installing a seasonal porta-potty that can be seen by regular users (and operators of the WWTP across the street, which is a staffed facility)

Impoundment Boat Launch

We discussed adding the following:

- Signage (allowed activities = hand carry boats and fishing off the concrete block)
- Re-grading the ramp down to the river a little
- Making it easier to get a boat/raft under the gate or over the concrete wall
- Consider fencing on the downstream side of the concrete block where people fish
- When making any changes, think about ADA access in this location, since it's already fairly accessible

Nature trail

We discussed adding the following:

- Re-instate signage that indicates existence of a trail, where it goes, how long it is, any other features
- Fix mud and erosion at trail entrance?
- Trail map brochure as promised in the recreation plan doesn't seem necessary, but a map could be part of the signage

Powerhouse area

- We would understand if the owner/operator wanted to phase out the trail over the tailrace and around the downstream end of the power house.
- We discussed trying to clear out some construction material in the turnaround area and create a way or a path to get down to the river (location is upstream of powerhouse)
- Pit toilet and trash container, as described in the recreation plan, doesn't seem appropriate in this location and is likely to be abused or vandalized.

Gardner Falls Rd access to all these locations

- The multiple signs saying that people should not proceed further along this road have been removed. In its place is a single sign letting people know that they should proceed at their own risk. I don't remember the wording exactly, but mention of changing water levels and this being an industrial facility (power generation) seems appropriate.
- We did not ask for, but you said, that the road would be re-paved at some point. [time frame unknown; we won't include this in the ~ 1-year implementation assumption]
- If desired, a gate could restrict vehicle traffic beyond the wooden bridge. But, a sign on the gate should clearly indicate that foot traffic is okay -- downstream area towards the power

house is used for dog walking, nature viewing, and fishing.

Thanks, Andrea

ANDREA DONLON

River Steward

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