

MEMORANDUM

To: Shannon Ames
From: Patricia McIlvaine
Date: October 12, 2021

Subject: Recertification Recommendation – Gardners Falls Hydropower Project, LIHI #80

This memo contains my recommendation for recertification of the Gardners Falls Hydropower Project (P-2234) (the “Project”), a 3.58 MW facility located in the Towns of Buckland and Shelburne Falls, Franklin County, Massachusetts, on the Deerfield River. The Project has undergone ownership and name changes many times since it was originally certified under the 1st Edition LIHI Handbook, with an effective date of February 28, 2011. The Project was recertified in 2017 under the 2nd Edition LIHI Handbook with an expiration date of February 28, 2021, extended several times, most recently to November 30, 2021. During the 2017 review process, the Project was owned by Nautilus Hydro, LLC, but within two weeks of that review, on June 21, 2017, Hull Street Energy acquired NHLLC¹. On July 18, 2018, Nautilus Hydro LLC filed a name change to Central Rivers Power MA (CRP, or Applicant), to the Federal Energy Regulatory Commission (FERC), which was acknowledged in FERC’s Order dated July 18, 2018. The current application was filed on behalf of CRP.

A. Recertification Standards

This is one of the initial projects to submit a recertification application for the second time under the 2nd Edition Handbook. LIHI developed a streamlined application format for such projects to facilitate review in accordance with Handbook Section 6.1. Similar to the recertification process that was used in the 1st Edition Handbook, the current review verifies the information submitted, considers any public comments received, and assesses whether there have been any material changes at the facility or in the LIHI Handbook that affect compliance with the LIHI Criteria.

a) Adequacy of the Recertification Application Package

The application package was submitted on May 21, 2021. The initial review found the application to be complete, with only a few points of clarification needed from the Applicant. CRP submitted a letter dated August 6, 2021 in response to follow-up questions I had (Appendix A). No material changes have occurred in the Handbook or facility operation since the Project was last certified by LIHI. See discussion below of structural repairs and modifications to the Project within the past five years, but which I believe do not constitute

¹ This ownership change was identified in the 2017 Reviewer Report.

a material change. Therefore, only a Stage I review is required. The application was posted on June 7, 2021 for the 60-day public comment which closed on August 6, 2021. Only the Connecticut River Conservancy (CRC) submitted comments on August 5, 2021, addressing flow, shoreline issues and mostly recreational concerns. CRP submitted a response letter, dated October 1, 2021, addressing many of the recreation related comments. Due to their length, neither have been attached to this report but are available on the LIHI website². These are discussed below under New/Renewed Issues of Concern.

Outreach via email was made to the following resource agency contacts. No responses were received nor did any of these agencies submit comments directly to LIHI.

- Melissa Grader, United States Fish and Wildlife Service, Fish and Wildlife Biologist, Melissa.Grader@fws.gov
- Derek Standish, Massachusetts Department of Environmental Protection, derek.standish@mass.gov
- Steven Mattocks, Massachusetts Division of Fisheries and Wildlife, steven.mattocks@state.ma.us
- Ed Bell, Massachusetts Historical Commission, Ed.Bell@sec.state.ma.us
- Jennifer Howard, Massachusetts Department of Conservation & Recreation, Jennifer.howard@mass.gov

In my opinion, the materials now in LIHI's possession are sufficient to make a recertification recommendation and no Stage II review is needed.

b) There have been no “material changes” at the facility that would affect the certification.

In accordance with the recertification standards, “material changes” mean non-compliance, operational changes, and/or new or renewed issues of concern relevant to the LIHI Criteria. None were identified. Two structural changes were made in the past five years that were reviewed for potential effects on criteria compliance, as discussed below.

First, the powerhouse floor and tailrace pipe structural repairs, which had their agency review process assessed during the last LIHI review, were completed in 2018. As part of this current recertification process, review was done to confirm compliance with the cultural resources criterion, as the Project is considered eligible for listing on the National Register of Historic Places and is listed in the Massachusetts Historical Commission's (MHC) Inventory of Historic Assets. In May 2017, Nautilus Hydro LLC issued a notification for this repair work to the MHC for their review, and MHC in response notified FERC in a letter dated May 12, 2017, that

² <https://lowimpacthydro.org/lihi-certificate-80-gardners-falls-project-massachusetts/>

additional data was needed to assess if impacts to historic features would occur. FERC issued MHC a response dated June 21, 2017, that stated the work being conducted was covered by the Project's approved 1998 Cultural Resource Management Plan (CRMP), and therefore no additional review by MHC is necessary. In their August 6, 2021 letter, CRP indicated that the concrete floor was replaced with similar concrete and the tailrace pipe was replaced with a pipe of the same size and material as the original, as required to be in compliance with the CRMP. All work done outdoors was limited to previously disturbed area. Thus, I do not believe this resulted in a material change.

The second construction/repair project was elimination of the fish louver platform, which is part of the downstream fish passage feature. Ice conditions damaged the platform in January 2018. Review of FERC records showed that consultation was done with Melissa Grader, of the United States Fish and Wildlife Service (USF&WS), who coordinated with Massachusetts Division of Fish and Wildlife (MADFW) and MADEP. Ms. Grader issued an email dated May 9, 2018, stating that neither the state agencies nor USF&WS had concerns with not replacing the platform. With receipt of this documentation, FERC approved the change. As cessation of downstream passage was approved in 2016, I did not consider this to be a material change.

A planned third project modification at the powerhouse, not identified in the application, is discussed below under New/Renewed Issues of Concern. As it has not yet been implemented, it is not being considered a "material change" at this time.

Compliance Status

My assessment of the Project included review of the recertification materials, the last recertification application and review report, annual compliance statements, FERC's public records during the period of August 1, 2017 thru October 11, 2021, follow-up with the Applicant and consideration of the comments issued by CRC.

There were three conditions on the current LIHI Certificate. The status of their compliance is noted below.

Condition 1. The Owner shall complete a review of historic resources that may be affected by the proposed repair to the facility's powerhouse, pursuant to section 106 of the National Historic Preservation Act. The Owner shall notify LIHI of any recommendations or agreements within 30 days of the completion of the SHPO's review or signed agreements.

Status: This Condition was deemed satisfied in 2019. As previously noted, FERC's letter dated June 21, 2017 documented their determination that the work was covered by the

CRMP. Follow-up communication with the Applicant confirmed all work was completed in compliance with the CRMP.

Condition 2. For the term of this new LIHI certification, the Owner shall continue the current operations that provide a 150-cfs minimum flow to the bypassed reach via a combination of releases from the fish passage gate and from spillage over the dam. If any changes are proposed in these releases during the term of this certification, the Owner shall coordinate with appropriate fisheries management agencies in designing these changes and then notify LIHI no less than 60 days before a change is implemented. A detailed operational plan for the new flow regime shall be provided to LIHI at the time of notification if changes are to occur.

Status: This condition was established as operational cessation of the downstream fish passage which provided some of this minimum flow, and which occurred during that review's timeframe. Thus, it was felt that the condition was needed to ensure that full release of these flows would occur using other means. Annual compliance statements confirmed these releases were made. The FERC eLibrary review supported this finding.

Condition 3. The Owner shall make all currently needed repairs to recreation facilities and amenities prior to the summer 2018 recreation season or within 60 days of completion of the current construction project and provide LIHI with an update on the status of those repairs in the 2018 annual compliance statement and in the 2019 compliance statement if construction remains in progress in February 2018.

Status: Based on the 2019 Annual Compliance Statement in which CRP reported that all outstanding recreation issues from 2017 had been completed, LIHI staff determined this condition was satisfied.

One compliance issue was identified in the annual compliance statements, namely that the annual reports required by the CRMP were not submitted to FERC for 2014, 2015 or 2016 under prior ownership. When discovered, all reports were filed by CRP on July 21, 2017. A search of the FERC elibrary from September 1, 2017 to present revealed no reports of flow deviations or non-compliance with environmental aspects of the Project.

New/Renewed Issues of Concern

No other changes have occurred at the facility which affect the LIHI Criteria, and no issues of concern were identified. The application and CRC comment letter included the following updated information:

- In their comment letter, CRC stated they do not believe that 150 cfs minimum flow meets their definition of “low impact”. Review of the 1994 Water Quality Certification (WQC) noted that this flow was found to provide suitable habitat for brown trout, juvenile Atlantic salmon, and adult rainbow trout. These findings were based on results of the Instream Flow Incremental Methodology studies performed by the Project Owner at that time. As the Project has been in compliance with these flows since 2017, MADEP concurred that the WQC was still in effect and appropriate in their April 25, 2017 letter (Appendix B), and there have been no operational changes at the facility, I believe that the Project does satisfy LIHI’s Ecological Flows criterion.
- The 2016 and draft 2018/2020 state impaired waters lists both note that the waters above and below the dam (Segment MA33-02) are now listed as Category 5 waters, “Water requiring a TMDL”, being impaired with the *Escherichia Coli* bacteria (*E. coli*). The application notes that “the presence of *E. coli* appears to start at the Buckland wastewater treatment plant just downstream of the Deerfield No. 3 project. Given that, the facility operation does not appear to be a cause of or contribute to this impairment.” My review of the *Massachusetts Consolidated Assessment and Listing Methodology (CALM) Guidance Manual for the 2016 Reporting Cycle* ([found here](#)) identifies the following sources for *E. coli* impairment (page F6): municipal point source discharges, combined sewer overflows, municipal (urbanized high density area) discharges from municipal separate storm sewer systems (MS4), unspecified urban stormwater, wet weather discharges (non-point source), illicit connections/hook-ups to storm sewers, urban runoff/storm sewers, waterfowl, introduction of non-native organisms (accidental or intentional), and sources unknown. This supports the conclusion that the Project does not cause the impairment.
- As previously noted, the fish louver platform failed in 2018 and following approval by the resource agencies and FERC, the platform was eliminated. However, as downstream fish passage ended in 2016, this did not affect compliance with the downstream fish passage criterion.
- Updated cultural resources information included two items. First, CRP noted that updates in 2019 to the CRMP in response to the loss of the Gardners Falls cave during Tropical Storm Irene in August 2011. Removal of this cultural feature from the CRMP received MHC and FERC approval. Changes to the powerhouse and tailrace pipe were discussed above. The second issue was identified from review of FERC’s records which indicated that a filing was made on August 12, 2021 with FERC pursuant to the CRMP, regarding SHPO review of planned powerhouse equipment upgrades (electrical/control (switchgear) and mechanical (governor system)). On August 16, 2021, the SHPO stated that the planned changes will have an adverse effect on these components (as they are

eligible for listing on the National Register of Historic Places) and that a Memorandum of Agreement must be signed confirming the mitigation measures that will be implemented. A Condition is recommended to address this issue.

- The only federally listed species possibly present is the Northern long-eared bat (federally threatened) for which no critical habitat has been identified. Project operations and the lack of need to cut potential roosting trees within in the small Project footprint suggest that the Project is unlikely to affect the species. Comparison of the reports from 2017 and 2021 from the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife showed that Tradescant's aster is no longer listed as being in the general vicinity of the Project. However American bittersweet (state threatened) and muskflower (now state threatened) still are. American bittersweet, a vine, lives in patchy light conditions generally found in woodland edges, thickets, and roadsides, which could occur onsite. However, Project operations do not typically involve removal of roadside vegetation except for grass mowing if/when needed. Muskflower typically grows in wet soil along brooks and springs. These habitats are not typical of the Project lands, although the river edge may provide suitable habitat. Regular facility operations do not typically occur along the river except for annual installation and removal of boat safety barriers.
- CRP reported to LIHI in 2019, that the recreational deficiencies identified in 2017 were completed. However, during a site visit in September 2019, a number of deficiencies were again identified by CRC and brought to the attention of CRP. In their comment letter of August 5, 2021, CRC again listed these concerns, some of which were still unresolved from 2019, even though email communication between CRP and LIHI staff from October 2019 suggested that most 2019 CRC concerns could be, and were subsequently, easily accommodated. Missing features (e.g., signage, toilet, etc.) and access deficiencies were identified in the "Buckland area" along with significant access concerns about the Wilcox Hollow area. In their October 1, 2021 letter and a subsequent October 8, 2021 email (Appendix C), CRC indicated it had completed several of the Buckland area repairs and has near future plans to complete others this fall. However, CRP maintains their position that while they are consulting with the other owners of the lands crossed by the road to Wilcox Hollow, that these other owners, not CRP, are responsible for those portions of the access road. As Wilcox Hollow recreational facilities are part of the license and access is needed for their public use, I believe that CRP is responsible for ensuring public access to this area. The May 2001 revised Recreational Plan, which was approved by FERC, repeatedly references enhancements that will be made or funded by the Project Owner on portions of the access road owned by the Commonwealth of Massachusetts. I do not believe FERC would have approved the Plan if they did not believe that access to the Wilcox Hollow facilities would be maintained by the Project Owner indefinitely. I believe that to achieve LIHI recertification, the multifaceted Condition noted below must be satisfied.

- CRC noted several shoreline issues (invasive vegetation and some erosion) in their comment letter. However, it is unknown whether the issues are within the Project boundary and as no FERC shoreline management requirements exist and no areas of significant ecological value have been identified for the project lands, I do not believe the CRC concerns affect LIHI criterion satisfaction. Nonetheless, CRP should endeavor to employ vegetation control measures appropriate for controlling, or at a minimum not spreading invasive species on lands they control.

c) LIHI's certification criteria have not materially changed since the previous certification was issued in 2016.

The LIHI Criteria have not materially changed from the original 2nd Edition Handbook issued in 2016 to the current Revision 2.04 issued April 1, 2020.

B. Conclusion

In light of the above, I recommend recertification of the Project for a five (5)-year term with the following conditions. As no deviations from minimum flow occurred in the past five years, I do not believe the previous Condition 2 related to minimum flows is needed.

Condition 1 - Until complete, the facility Owner shall provide LIHI with a report on the status of the Memorandum of Agreement with the SHPO and implementation of the approved mitigation measures to address adverse impacts to the historical features affected by the planned powerhouse upgrades.

Condition 2 - The following must be addressed to ensure compliance with the Recreational Resource Criterion. The facility Owner shall:

- a) Provide LIHI with a detailed tabular listing of all licensed recreation facilities and the related deficiencies identified by CRC in 2019 and 2021 along with the corrective actions taken or that are planned. Should current conditions prohibit continuation of any FERC required features due to ongoing vandalism, they shall be documented, and a filing be made to FERC for any requested modifications to the Recreational Plan. This status report shall be submitted to LIHI by May 31, 2022 and every six months thereafter until all items have been completed.
- b) Inspect all recreation areas every six months to ensure they remain in satisfactory condition. Any new repair needs shall be added to the status report, along with repair completion or planned dates.

- c) Develop a strategy to ensure that all portions of the access road to the Wilcox Hollow are maintained in a condition allowing easy access by the public. A status report on efforts made shall be submitted to LIHI by May 31, 2022 (as part of the first status report) and each subsequent report until there is resolution of the issue.

APPENDIX A – SUPPLEMENTAL APPLICATION INFORMATION

August 6, 2021

Maryalice Fischer
Certification Program Director
Low Impact Hydropower Institute

Re: Gardner Falls Hydroelectric Project (LIHI Project #80);
Reviewer Info Responses

Dear Reviewer:

The following information concerns recertification questions from LIHI dated June 4, 2021. Our responses follow the three topic categories outlined in your communication.

Facility Description

Three separate trashracks exist in distinct intake structures and feed units 2, 3+4, and 5. The trashrack clear spacing for each intake is listed below:

Unit # or Intake	Trashrack spacing (in.)
#2	1.5
#3 and #4	2.5
#5	3

Cultural Resources

The 2018 construction work consisted of draft tube replacement for unit 2. The concrete floor replacement and draft tube replacement were accomplished to original dimensions and specifications, and outdoor work was completed in previously disturbed areas.

The Licensee in 2018 filed a construction certification to the FERC confirming that ***"...construction fulfills the design intent and was constructed in accordance with the approved contract drawings and technical specifications as indicated by the inspection and testing program."*** The certification is enclosed in Attachment A.

Recreational Resources

Much prior attention and recent upgrades to project recreational features have been accomplished—despite recognized challenges such as the Covid pandemic, non-ownership of certain (Wilcox Hollow access road) structures, and both prior vandalism and the continued need for public safety priority. Combining items from 2017-19 communications with the Connecticut River Conservancy (CRC), the following updates are provided:

1. Poor access road condition at Wilcox Hollow was addressed by the Licensee in 2020, **concluding with a letter to the two "upper roadway" owners, Eversource and MA Department of Conservation and Recreation.** The upper roadway sections are in the worst physical condition.
 - a. Subsequently, CRP has participated in two remote planning sessions with the other roadway-section owners and A. Harris, a local citizen whose efforts have highlighted the need for roadway repairs.
 - b. CRP is planning to complete minor roadway repairs to its access portion (tree removal, swale grading, etc.) in the summer of 2021.
2. **Gates and "no trespassing" signs on the Buckland powerhouse access road have been removed and, where necessary for safety, any vehicle restrictions will be clearly noted.** Walking access for fishing and sightseeing will still be accommodated, and typical language has been added to new project signage, Attachment B.

3. Picnic tables needing repair, on the Buckland powerhouse access road, have been repaired and are picture in Attachment C, Photographs (noted complete by CRC in 2019).
4. New project recreational signage has been developed and will be installed at 3 locations (Wilcox Hollow, head of canal, and either powerhouse or picnic area) depicting access areas and current Licensee info for improved user familiarity, Attachment B.
5. At the picnic area, a small sign will be emplaced noting the project-associated river access trail, distinguishing it from the neighboring private property.
6. CRP also continues to make access easier (signage, grading, gate/wall access) at the impoundment boat launch, yet the concrete pier is a high-hazard area downstream of the boat safety barrier and adjacent to the project canal intake. We will consider whether safe public access/use of the pier is possible, given its location and the obvious hazards nearby.
7. New map signage depicting the trail and other project features/locations has been developed and will be installed in August, 2021; see Attachment B.
8. At the powerhouse, all construction material and debris has been removed, and river access is available to pedestrians.
9. Buckland (Gardner Falls Road) access—restrictive signage and barriers have been removed; additional safety wording may be warranted. Any new signage will include rationale for excluding vehicles (if implemented, such as downstream of head-of-canal), see Attachment B.

Thank you for your diligent review of the Gardner Falls project recertification materials; we look forward to continued certification by LIHI and remain available for any further questions.

Sincerely,
CENTRAL RIVERS POWER MA, LLC

Skip Medford

Skip Medford
Manager Stakeholder Relations

Attachments

cc: J. Robichaud, CRP
L. Wright, WRP
C. Mooney, CRP

ATTACHMENT A



Central Rivers Power, LLC

4920 Elm Street, Suite 205

Bethesda, MD 20814

www.centralriverspower.com

October 2, 2018

VIA E-FILING

Mr. John Spain, P.E., Regional Engineer
Federal Energy Regulatory Commission
19 W 34th St., Suite 400
New York, NY 10001

Gardner Falls Hydroelectric Project
FERC No. 2334-MA
Unit No. 2 Tailrace Repair Project
Post Construction Filing

Dear Mr. Spain:

As described in previous letter and attachments, and approved by letter from you dated December 6, 2016, Central Rivers Power MA, LLC (CRPMA) (formerly Nautilus Hydro, LLC, Cogentrix and Essential Power Massachusetts, LLC) has completed construction of the repairs to the tailrace for Unit No. 2 at the Gardner Falls Hydroelectric Facility. In conformance with the guidelines given by the Federal Energy Regulatory Commission (FERC) New York Regional Office, this letter is provided to confirm completion of the above referenced project. With its signatures, it also confirms that construction fulfills the design intent and was constructed in accordance with the approved contract drawings and technical specifications as indicated by the inspection and testing program.

Kleinschmidt Associates (Kleinschmidt) along with their sub consultant, Haley & Aldrich, Inc. (Haley & Aldrich) were responsible for the design of the project and were also involved during key stages of construction. A representative(s) from Kleinschmidt and/or Haley & Aldrich visited the site during key construction activities including minipile and timber lagging installation, excavation and demolition of the existing tailrace pipe and Unit No. 2 generator foundation, backfilling, reinforcing bar and concrete placement for the thrust block, saddles, foundation wall, discharge tunnel wall and generator floor slab. Kleinschmidt was also on-site during weld testing and visually inspected the tailrace pipe prior to backfilling including the interior coatings, and connection to the existing draft tube. Visual observations during the site visits did not yield any significant deficiencies or nonconformance with the contract documents. Based on visual observations, concrete test results, and discussions with Kleinschmidt, Haley & Aldrich and Daniel O'Connell's Sons, Inc. (Contractor) staff directly involved with day-to-day construction activities, CRPMA confirms that the project was constructed and completed in accordance with the requirements of the contract documents and the project's design intent.

Mr. John Spain, P.E.
October 2, 2018

2.

More detailed information will be provided in the "Final Construction Report," to be submitted at a later date and prepared by Kleinschmidt Associates and Haley & Aldrich and accompanied by Concrete Test Reports prepared by Allied Testing Laboratories, Inc., soil sample testing results by Haley & Aldrich, weld testing results by Applus, and material certifications from their respective suppliers.

Please feel free to contact me at (240) 800-3218 with any questions or requests for additional information needed to satisfy the FERC requirements.

Sincerely,
Central Rivers Power MA, LLC



Matt Willis
Authorized Representative

cc: Luke Wright (Quality Control Manager), Keenan Goslin (Design Engineer - Structural), Leslie Corrow, Wayne Chadbourne (Design Engineer – Geotechnical), Katy Adnams

The undersigned, being first duly sworn, states that he has read the above document and knows the contents of it, and that all of the statements contained in that document are true and correct, to the best of his knowledge and belief.



Matt Willis

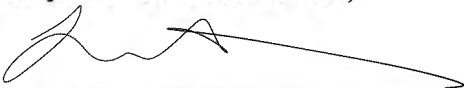
Sworn to and subscribed before me this 2nd of October, 2018



Keenan M. Goslin P.E. Senior Structural Engineer 2 October 2018



Wayne A. Chadbourne P.E., Senior Associate, 2 October 2018



Luke Wright

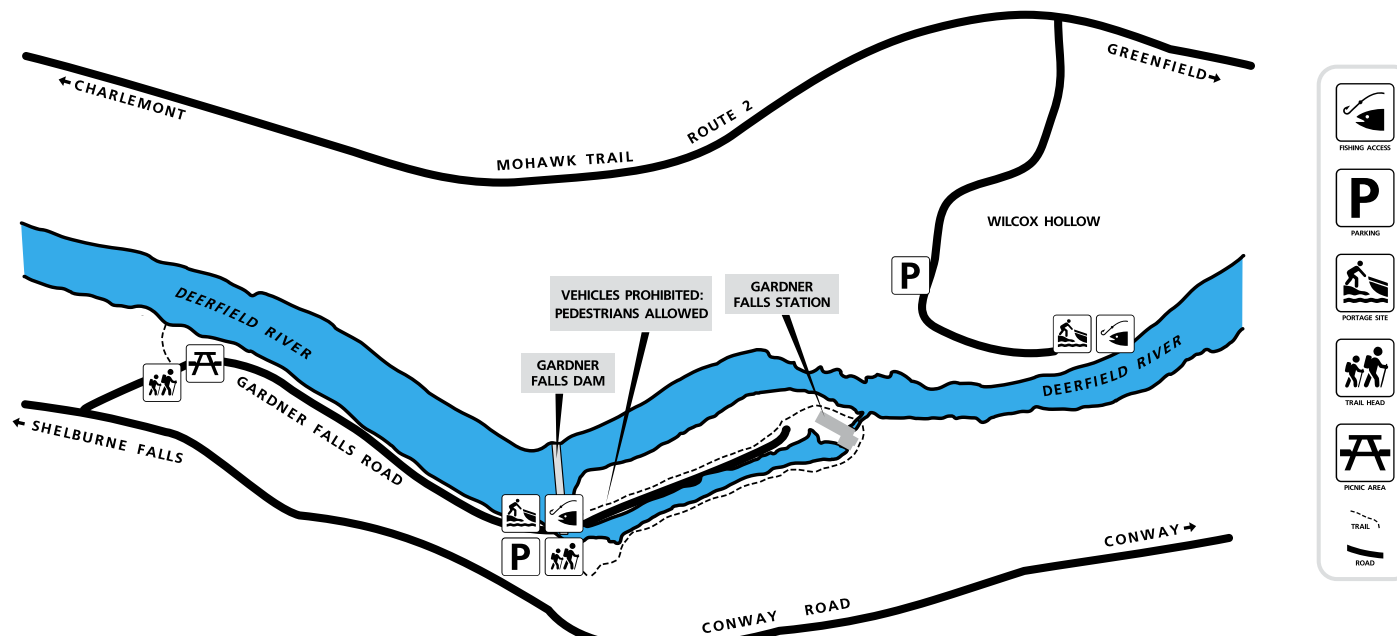


ATTACHMENT B

36"

(3) S/F 6MM ACM SIGNS W/ PRINTED GRAPHIC & CLEAR PROTECTIVE UV LAMINATE

Recreation sites located at the Gardner Falls Project are shown on map below.
 All sites are open to the public without discrimination and are open daily between sunrise and sunset.
 Additional information about the recreation sites at Gardner Falls Project can be obtained from
 Licensee: Central Rivers Power MA, LLC, 670 N. Commercial St., Suite 204, Manchester NH 03101



Gardner Falls Project (FERC No.2334) is licensed by the
 Federal Energy Regulatory Commission



Central Rivers Power
 centralriverspower.com

24"

DATE: _7-15-21	JOB NAME: _Gardner Falls map sign REV2
REP: _	JOB LOCATION: _
CONTACT: _	
AUTHORIZED SIGNATURE REQUIRED TO BEGIN PRODUCTION	



225 East Industrial Park Dr. Manchester, NH 03109
 603-622-5067 FAX 603-624-6188

ATTACHMENT C

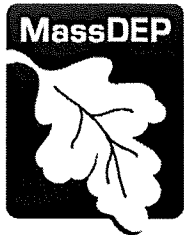


Photo 1: Gardner Falls Rd (Buckland) picnic area roadside



Photo 2: Gardner Falls Rd (Buckland) picnic table/overlook

APPENDIX B – MADEP WATER QUALITY CONFIRMATION 2017



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

William P. Short III
P.O. Box 237173
New York, New York 10023-7173

April 25, 2017

Subject: LIHI Request regarding Gardner Falls Project FERC #2334

Dear Mr. Short,

In response to your inquiry about the water quality of the Deerfield River in the vicinity of the Gardners Falls Project, the MA Department of Environmental Protection provides the following assessment.

1. The Upper Impoundment, Bypass Reach and River Below Tailrace at the Gardners Falls Project are not part of a Water Quality Limited area.
2. The Gardners Falls Project does not contribute to a limitation of designated uses of the Deerfield River in the Upper Impoundment, Bypass Reach and River Below Tailrace.
3. The Water Quality Certificate issued for the Gardners Falls Project December 14, 1994 is still in effect and appropriate for the Upper Impoundment, Bypass Reach and River Below Tailrace.

If I can be of further assistance, please contact me at 508-767-2854 or robert.kubit@state.ma.us.

Sincerely,

Robert Kubit, P.E.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

APPENDIX C – SUPPLEMENTAL RECREATION INFORMATION



By e-mail

October 1, 2021

Maryalice Fischer
Certification Program Director
Low Impact Hydropower Institute

**Re: Gardner Falls Hydroelectric Project (LIHI Project #80);
Recreational Features Update**

Dear Maryalice:

The following information supplements our prior submittals and initial recertification questions from LIHI dated June 4, 2021. This update concerns exclusively recreation features of the Gardner Falls project, owned by licensee Central Rivers Power MA, LLC (CRP).

Our recreation features upgrades and maintenance have recently resumed in earnest, after having been impacted beginning in April, 2020 by the Covid-19 pandemic¹. Nonetheless, we are successfully resolving many items noted from 2017-19 communication with the Connecticut River Conservancy (CRC), and have listed the below updates in the order used by CRC in their August 5, 2021 comment letter²:

BUCKLAND AREA

1. At the picnic area, a small sign will be erected noting the project-associated river access trail, distinguishing it from the neighboring private property. The grill and toilet noted in the plan were subject to vandalism, likely due to the secluded nature of the area and easy vehicle access. A portable toilet for public use is planned for the picnic area location, and all efforts will be taken to prevent vandalism and misuse.
2. CRP is making access easier (signage, grading, vegetation removal, gate/wall access) at the impoundment hand-carry boat launch. The adjacent concrete pier is a high-hazard area downstream of the boat safety barrier and adjacent to the project canal intake. Given the established access provided by the boat launch, CRP does not believe that safe public access/use of the pier is feasible, given its proximity to flowing water (of the intake) and the dam.
3. The nature trail at head-of-canal, a loop trail crossing the tailraces, has been re-opened and stabilizing rock fill is being added to make the trail entrance more user-friendly. Additionally, one (of three) of the new project signs has been installed at the trailhead and includes project recreation features and updated licensee and 18 CFR Part 8 accessibility language, see photos.
4. At the powerhouse, all construction material and debris have been removed, and river access is available to pedestrians. Due to vandalism (as at the picnic area upstream), trash receptacles have been removed and users are expected to "carry in, carry out" their trash, an education effort successfully implemented at many recreation sites nationwide.
5. CRP acknowledges concern over the road condition at Gardner Falls; and is conducting legal and engineering assessment to determine responsibility and technical solutions for repair. Due to the large expenditure inherent in road maintenance, any upgrades (other than spot repairs) will be planned and budgeted for future years.

¹ Scheduling of contractors and staff, establishment of social distancing protocols (compared to typical team work efforts), and absences due to quarantine (staff, contractors and/or family members) have all resulted in less timely completion of work.

² Our response to CRC items does not diminish the FERC-approved Recreation Plan. We feel that local dialogue and responsiveness remains the most effective means to meet needs of project recreationists.

We understand CRC's concern about gradual impacts to recreation amenities over the many years (and multiple licensee's) since Recreation Plan approval; and recognize the value of these project features to the Buckland community. CRP's newly-installed maps, and additional maintenance and upgrades noted above, evidence our commitment to continued pleasant, safe and accessible use of project features by the public. All items not yet implemented will be completed by Thanksgiving, 2021.

SHELBURNE/WILCOX HOLLOW AREA

Access road condition and history is the only item noted in CRC's August comment letter to LIHI for Wilcox Hollow. CRP has also received public inquiry concerning the road, and has been proactive and participatory since first being alerted by a local citizen in 2020. We have conducted site visits, invited other roadway owners to develop solutions, and (most recently) installed a new recreation sign and completed road maintenance on the parcel owned by the licensee. Subject to shared road access and permitting, CRP may complete maintenance within the Mohawk Trail (MA DOT Right-of-Way) road entrance to accommodate our maintenance vehicles, improvements which could benefit all users.

CRP has conducted joint calls with the other access road owners following its 2020 letter (attached) highlighting conditions and expectation; each party is planning and budgeting for the necessary permitting and repairs to its road sections.

CRP remains receptive to all concepts and solutions, with other roadway owners, to provide safe, effective public access to the Wilcox Hollow area. We have led the effort since initial notice in 2020 to engage other parcel owners to repair their roadway sections and have completed updates and repairs to project road sections and recreation features.

Thank you for your diligent review of the Gardner Falls project recertification materials; we look forward to continued certification by LIHI and remain available for any further questions.

Sincerely,
CENTRAL RIVERS POWER MA, LLC

Skip Medford

Skip Medford
Manager Stakeholder Relations

Attachments

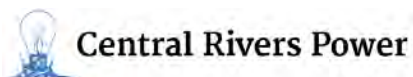
cc: J. Robichaud, CRP
L. Wright, WRP
C. Mooney, CRP

ATTACHMENT A



Photograph of installed public-info sign at Buckland canal trailhead.

ATTACHMENT B



Central Rivers Power MA, LLC

670 N. Commercial Street, Suite 204
Manchester, NH 03101

September 29, 2020

Jennifer Howard
MA Dept of Conservation & Recreation
136 Damon Road
Northampton, MA 01060

NStar Electric Company
DBA Eversource Energy Tax Dept
PO Box 270
Hartford, CT 06141-0270

Re: Gardners Falls Hydroelectric Project (FERC Project No. 2334-MA);
Recreation and Access Road Condition

Dear Addressee:

As you may be aware, public recreation access to the Deerfield River in Shelburne, Massachusetts has been specified in the Recreation Plan¹ of the Gardners Falls project, through the Wilcox Hollow area and to riverside land owned by the project owner/operator and licensee, Central Rivers Power MA, LLC² (CRP). Recreation features of the Wilcox Hollow area and river appear well used in-season, and CRP plans to continue maintaining existing recreational features to ensure safe, enjoyable use of the area by the public.

Following recent inquiry from a local resident about access road conditions, and CRP's on-site assessment of same, it is apparent that access road maintenance and repair are warranted to continue safe public vehicle access on the road, leading to the established parking area and to the Deerfield River. Parcel and map depictions of the access road and ownership details (from Shelburne records) are below and attached. Photographs of the existing road conditions are also attached for reference.

Parcel ID	Parcel	Owner	Location
011.D-0006-0000.0	6	NStar Electric Company DBA Eversource	"upper" access road
016.D-0003-0000.0	3	Commonwealth of Mass, Dept of Conservation & Recreation	"middle" access road
011.D-0007-0000.0	7	EP Energy Massachusetts, LLC (now CRP)	"lower" access road

While CRP conducts maintenance, repair and improvements to its "lower" access road (parcel 7), signage and other recreation features, we hope that your organizations can each repair the access road sections within your parcels (3 and 6).

Thank you for your cooperation in our efforts to provide safe public access to the Wilcox Hollow area and the Deerfield River. Please contact me by phone at (978) 621-9489, if you have any questions.

¹ 97 FERC ¶ 62,051 Order Approving Revised Recreation Plan (Article 406), October 18, 2001

² Although shown in Shelburne records as EP Energy Massachusetts, LLC, the present owner of the Gardners Falls project and all project-related parcels is Central Rivers Power MA, LLC.

Sincerely,
CENTRAL RIVERS POWER MA, LLC

Skip Medford

Skip Medford
Manager Stakeholder Relations

cc: M. Stanley, CRP
L. Wright, CRP
J. Robichaud, CRP
A. Harris, Shelburne
Deerfield River Watershed Association



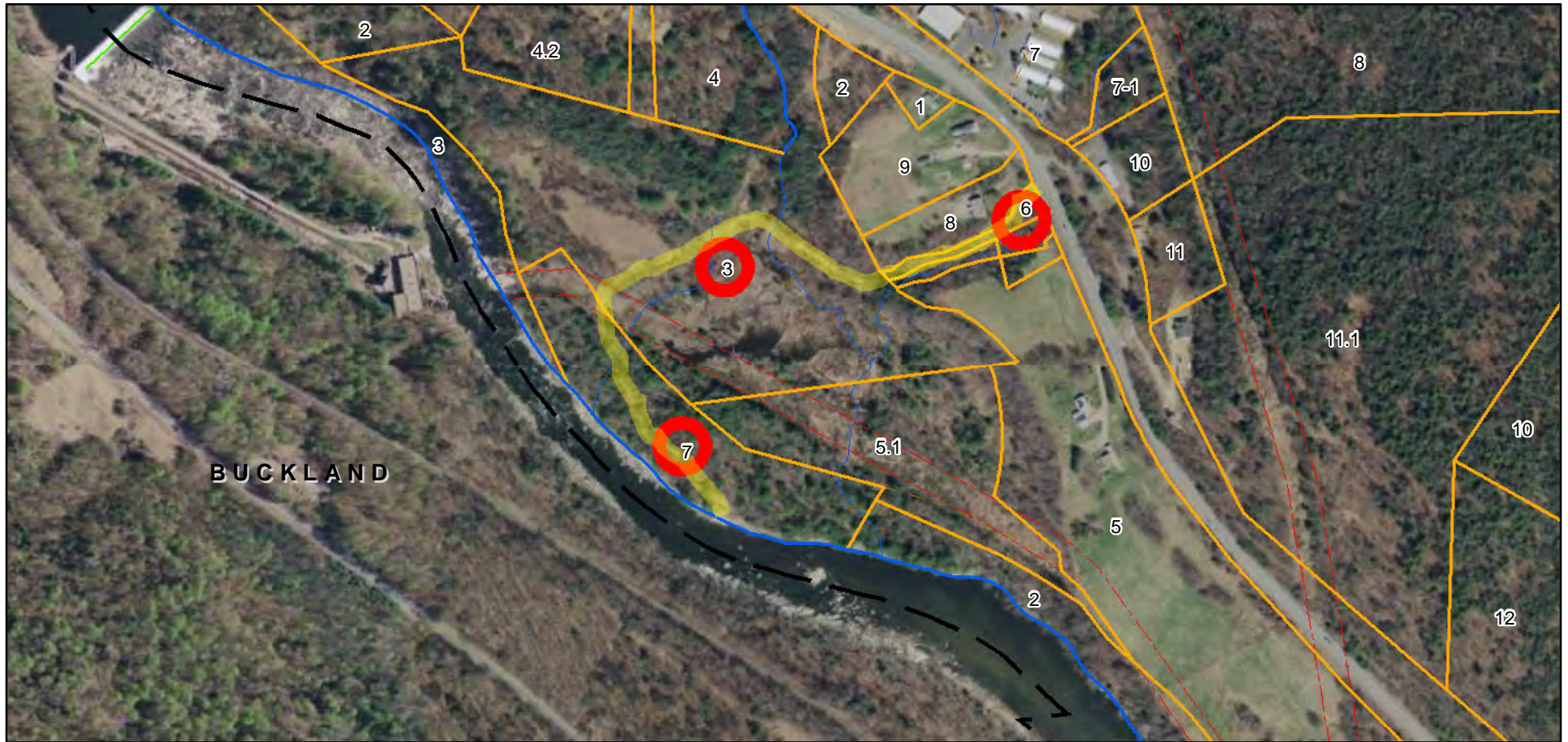
Wilcox Hollow Access Road (yellow)

Shelburne, MA

1 inch = 500 Feet



September 24, 2020



Large Scale	Public Road	Property Hook
CAI Town Line	Utility	WaterLines
PWater	Tract Line	
Property Line	Bridge	

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

ACCESS ROAD PHOTOGRAPHS



Photo 1: Steep, eroded section at access road entrance, close to Rt 2. Part of parcel 6



Photo 2: Detail of steep, eroded road section near Rt 2. Part of parcel 6



Photo 3: View of eroded area, view north towards Rt 2. Part of parcel 6



Photo 3: Fallen trees across access road. Part of parcel 6



Photo 5: Eroded roadbed over culvert. Part of parcel 3

From: [Skip Medford](#)
To: mfischer@lowimpacthydro.org
Cc: [Curtis Mooney](#)
Subject: RE: Gardner's falls ?
Date: Friday, October 8, 2021 2:58:08 PM
Attachments: [GF Wilcox swale_20211008.jpg](#)
[GF trail entrance_20211008.jpg](#)
[GF Wilcox road top_20211008.jpg](#)

Hi again Maryalice—these are not the last or only tasks we've committed to complete, but three recent areas of "repair" were recently finished by our crew at Gardner Falls project, Buckland and at Wilcox Hollow, in attached photos. I'll be following up with our OM team in the next weeks and will provide more photos of additional items, including "porta-potty" installed at the picnic area. It's been ordered for placement.

- The nature trail at head-of-canal, a loop trail crossing the tailraces, has been re-opened and stabilizing rock fill is being added to make the trail entrance more user-friendly "trail entrance" photo.
- CRP may complete maintenance within the Mohawk Trail (MA DOT Right-of-Way) road entrance to accommodate our maintenance vehicles, improvements which could benefit all users "Wilcox road top" photo.
- completed road maintenance on the parcel owned by the licensee, "swale" photo.

Thank you as always, and enjoy the long weekend—

Skip

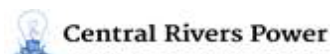
From: Skip Medford
Sent: Friday, October 1, 2021 4:09 PM
To: mfischer@lowimpacthydro.org
Cc: Curtis Mooney <cmooney@centralriverspower.com>
Subject: RE: Gardner's falls ?

Hi Maryalice—it's been delayed too long, but our response/update on Gardner Falls (primarily recreation features) is attached and supplements prior info over the summer. We have completed some upgrades, and are planning more – to be complete by Thanksgiving 2021. I'm happy to provide answers to questions and photographs as items are completed.

We appreciate your help; have a great weekend—

Skip Medford

Manager Stakeholder Relations



670 N Commercial Street, Suite 204

Manchester, NH 03101

C: 978-621-9489

From: mfischer@lowimpacthydro.org <mfischer@lowimpacthydro.org>

Sent: Wednesday, September 15, 2021 1:30 PM

To: Skip Medford <smedford@centralriverspower.com>

Subject: Gardner's falls ?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. =====

Hi Skip – I wanted to follow up on the status of your response, additional info for Gardner's Falls.
Thanks!

Maryalice Fischer
Certification Program Director
Low Impact Hydropower Institute
mfischer@lowimpacthydro.org
603-664-5097 (New Hampshire)