



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

August 17, 2020

Governor Charlie Baker
Massachusetts State House
24 Beacon St.
Office of the Governor, Room 280
Boston, MA 02133

Ms. Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge St., Suite 900
Boston, MA 02114

Mr. Martin Suuberg, Commissioner
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Re: Connecticut River hydropower relicensing

Dear Governor Baker, Secretary Theoharides, and Commissioner Suuberg,

We write as legislators who represent towns along the Connecticut River that are affected by the FirstLight hydropower relicensing. We respectfully request that the strongest set of operating conditions, mitigation obligations, investments in public recreation, and protections for the cultural, historic and archeological resources be negotiated in the pending relicensing of the FirstLight hydropower projects located in the towns of Montague, Northfield, and Erving. Additionally, Gill and Greenfield are also affected by project operations and the quality and quantity of recreational resources. The Connecticut River is a centerpiece of life in western Massachusetts and has national status as the nation's only Blueway as well as an American Heritage River. All communities south of the FirstLight hydropower operations will be affected in some measure.

We recognize the state's authority in Section 401 of the Clean Water Act to condition the operating licenses to be issued by the Federal Energy Regulatory Commission (FERC) in 2021, as well as the state's own water quality standards. We understand that FirstLight will, in the coming months, be releasing a revised license application for both the Northfield Mountain Pump Storage Facility and the

Turners Falls hydropower project. This will then trigger a one-year schedule for the state to evaluate this license and craft a set of operating conditions as well as mitigation requirements that must be adopted by the FERC.

There is no question of the damage that these facilities have caused over the years, a fact recognized by your staff scientists in their numerous filings to the FERC docket on this proceeding. The Connecticut River is also listed in required federal reporting as being in violation of its state water quality standards as a result of these facilities' operation.¹

You have the authority to significantly improve aquatic habitat; enact safe, effective, and timely fish passage for migratory fish; and reduce the erosive loss of valuable riparian property. You also have the authority to restore and protect the federally designated uses of swimming and boating and to transform the design, operation, and impacts of the Northfield Mountain Pumped Storage project.

We look forward to a robust package being negotiated by the state that includes:

- Installation of safe, effective, and timely fish passage at Turners Falls for American shad, river herring, sea lamprey, and American eel;
- Ecologically-based flows below Turners Falls Dam into the Connecticut River that support all native and migratory species;
- Flows below Turners Falls that re-establish the designated use of boating;
- Re-regulation of power generation at Station 1 and Cabot Station to protect aquatic habitat. Creative solutions such as installing variable flow turbines, a minimum flow turbine, or new battery are encouraged to off-set generation and revenue losses;
- Effective prevention of entrainment and impingement at Northfield Mountain in the near term at the current in-take and the longer term through a transition to closed-loop operation;
- Requirement for Northfield Mountain to use only renewable energy for its pumping requirements;
- Significant minimization and mitigation of erosion along the banks of the Turners Falls impoundment between the Turners Falls Dam and Vernon Dam;
- Mitigation requirements to restore the damage from erosion that are developed in the context of an adaptive river management plan that addresses facility operations and impacts of climate change;
- Increased investments in accessible recreational infrastructure and programming that reflect current and future recreation needs and uses; and
- New investments in protecting and interpreting the significant historical and archeological resources of the Montague/Great Falls area.

We are grateful for the significant work undertaken by the municipalities, the Franklin Regional Council of Governments, the Connecticut River Conservancy, and other local and regional conservation and recreational stakeholders since 2013 when this relicensing process began.

¹ MA Year 2016 Integrated List of Waters, pp 200 noting river segments MA34-01, 02, and 03 as impaired for flow regimen modification.

We appreciate the significant work by our state agencies on this complex and lengthy licensing proceeding. We look forward to being kept apprised of your progress in ensuring that this pending license strikes a far better deal for the river and the public than the current operating requirements have done for the last 50 years.

Sincerely,

Daniel R. Carey
State Representative
2nd Hampshire district

Jo Comerford
State Senator
Hampshire, Franklin, Worcester

Natalie Blais
State Representative
1st Franklin District

Mindy Domb
State Representative
3rd Hampshire district

Adam G. Hinds
State Senator
*Berkshire, Hampshire, Franklin,
Hampden*

Anne M. Gobi
State Senator
*Worcester, Hampden,
Hampshire, Middlesex*

Susannah M. Whipps
State Representative
2nd Franklin district