

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

In re:

FirstLight MA Hydro LLC) Turners Falls Hydroelectric Project No. 1889-085
Northfield Mountain LLC) Northfield Mountain Project No. 2485-071

**MOTION TO INTERVENE
OF TOWN OF NORTHFIELD, MASSACHUSETTS**

Pursuant to Rules 210, 212, and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.210, 385.212, and 385.214, the Town of Northfield, Massachusetts ("Movant") hereby moves to intervene and request party status in this proceeding.

On April 29, 2016, FirstLight Hydro Generating Company filed a Final License Application for the Turners Falls Project and Northfield Mountain Pumped Storage Project while several relicensing studies were still underway. On December 4, 2020, FirstLight MA Hydro LLC, owner of the Turners Falls Hydroelectric Project and Northfield Mountain LLC, owner of the Northfield Mountain Pumped Storage Project, collectively "FirstLight," filed an Amended Final License Application ("AFLA"). FERC issued a letter of deficiency and additional information request on January 14, 2021 and an additional information request on April 19, 2021.

FirstLight then re-engaged interested parties in separate settlement negotiations starting in late 2021. On March 31, 2023, FirstLight filed a Flows and Fish Passage Settlement Agreement, which also included whitewater releases for recreation. On June 12, 2023, FirstLight filed a Recreation Settlement Agreement.

On February 22, 2024, the Commission issued a Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Fishway Prescriptions, requiring motions to intervene to be filed on or before April 22, 2024.

I. Communications and Service of Process

All communications, pleadings and orders with respect to this proceeding should be sent to the following individuals. In the event of personnel or board member changes, the person in the positions listed below will serve the same role.

Name:	Andrea Llamas, Town Administrator
Address:	Northfield Town Hall, 69 Main Street, Northfield, MA 01360
Phone:	413-498-2901 x.115
Email:	allamas@northfieldma.gov
Name:	Sandra L. Wood, Town Secretary
Address:	Northfield Town Hall, 69 Main Street, Northfield, MA 01360
Phone:	413-498-2901 x.110
Email:	townsec@northfieldma.gov
Name:	Barbara L. Jacque, Selectboard; Chair, Northfield Historical Commission
Address:	Northfield Town Hall, 69 Main Street, Northfield, MA 01360
Phone:	413-498-2901
Email:	BJacque@NorthfieldMA.gov

II. Position of the Town of Northfield

Pursuant to the Commission’s rules, 18 C.F.R. § 385.214(b)(1), requiring a statement of the Town’s position, the Town seeks to have any license issued by FERC conditioned to assure that the Northfield Mountain Pumped Storage Project does not cause erosion. The Town of Northfield is deeply interested in project impacts on erosion upstream of the Turners Falls Dam. Erosion caused by the Pumped Storage Project degrades water quality in violation of state and federal clean water laws, harms fish and wildlife habitat, causes the loss of land along the river including prime agricultural land, threatens important transportation and municipal water and wastewater infrastructure, increases flood risks, and damages important historical and cultural resources. The FERC license for this facility should include conditions that will prevent these harms by erosion from occurring.

As a party to the recreation settlement agreement filed with FERC on June 12, 2023, the Town of Northfield supports the recreation provisions in the settlement agreement and requests FERC to accept the Recreation Management Plan. The recreation settlement agreement satisfies the Town’s recreational interests with regard to the operation of both projects.

In accordance with Section 2.2 of the Recreation Settlement Agreement, though we were not a party to the flows and fish passage settlement agreement, the Town of Northfield has agreed not to oppose any of the terms of the flows and fish passage settlement agreement. The Town has an interest in the Connecticut River being a healthy river ecosystem.

III. Interests of Movant

The Town has ample interest in participating in this matter to justify intervention as required by the Commission’s rules, 18 C.F.R. § 385.214(b)2).

A. Direct Interests

The Town of Northfield is a duly incorporated municipality in the Commonwealth of Massachusetts, with the responsibility to protect the health, safety, and well-being of the community. Northfield is the only town in Massachusetts that spans the Connecticut River; the River is a vital part of the culture, history and economy of the Town. The Connecticut River serves as a central recreational, tourism and natural resource for both the Town's 2,866 residents¹ and visitors. The Connecticut River floodplain continues to be utilized by diversified farms that grow fruits, vegetables, hops, and turf. Northfield draws visitors and residents alike for paddling, birding, fishing, boating, and camping. Town residents regularly use and care about the area of the Connecticut River affected by the presence and operation of the Turners Falls Dam and Northfield Mountain Pumped Storage Project, owned and operated by FirstLight.

Town context and financial interest

The Town of Northfield is directly impacted by operations of Northfield Mountain Pumped Storage Project and indirectly impacted by operations of the Turners Falls Dam, because Northfield Mountain uses the impounded Connecticut River as its lower reservoir. Northfield, therefore, will be directly impacted by the proposed relicensing. Northfield Mountain's Tour and Trail Center and project tailrace are located in Northfield. The Town of Northfield interests include the Prime Agricultural land, recreational amenities, local and regional economies, wetlands, wildlife habitat including aquatic habitat, undeveloped riparian land, agricultural irrigation water, and the many significant archaeological, cultural, and historical sites within our town and the entire project boundary.

FirstLight is the largest taxpayer in the Town of Northfield, accounting for 20% of the total assessed real and personal property taxes levied for Fiscal Year 2023. FirstLight MA Hydro LLC owns 81 parcels encompassing 300 acres of land in Northfield, and Northfield Mountain LLC owns 37 parcels of land totaling 526.9 acres. The two companies own a total of 3.6% of the land area of the Town.² All corporate FirstLight properties in Northfield have a total assessed value of \$132.1 million, according to the town tax assessor.

The Town of Northfield has been an agricultural community since well before the 1700s and continues today in the floodplain on both sides of the Connecticut River. Northfield's 2014 Master Plan identifies agriculture as a significant part of its cultural history that should be preserved.³

¹ U.S. 2020 Census population

² Land area owned by FirstLight available from tax property cards online at <https://northfield.patriotproperties.com/default.asp>. Total acreage of Northfield is 22,616.7 acres according to Northfield's 2021 Open Space and Recreation Plan.

³ A Master Plan for Northfield, 2014.

Starting in the late 1800's, education became a dominant economic force in town, providing recreational and tourism facilities, water and sewer infrastructure, housing, and jobs for students, visitors, and residents. The historic Northfield Seminary School for Girls later became the Northfield Mount Hermon (NMH) School, which vacated the site in 2005 to consolidate with their facilities in Gill. The campus - over 110 acres - is now occupied mostly by Thomas Aquinas College, with The D.L. Moody Center and the C. S. Lewis Study Center as close neighbors. With full enrollment at its original campus, Thomas Aquinas College selected Northfield in 2017 as its first campus outside of Santa Paula, California. Currently at 539 students, it expects to expand its enrollment by 60% over the next 4 years (November 28, 2023 press release). It is the largest customer of water and sewer infrastructure in the Town.

Recreation interests

Recreational amenities associated with the Projects are located within our town and are important to the regional and local economies and quality of life of our residents. Existing recreation facilities owned by FirstLight in Northfield include the Northfield Mountain Tour and Trail Center, which includes a visitor's center and 26 miles of trails that are also in the Town of Erving; the Riverview picnic area that includes the dock for FirstLight's heritage boat tour and a covered pavilion available for rental; Munn's Ferry Boat Camping Area; and Bennett Meadow Wildlife Management Area. Relicensing Study 3.6.1, Recreation Use/User Contact Survey Study Report, found that of 945 survey responses, 69% were from 10 or fewer miles away. Local residents regularly visit and recreate on the Connecticut River.

The state-owned Pauchaug Brook boat ramp is a public boat ramp in Northfield, located within the Project bounds. For this important recreational asset to function, the Project must provide adequate water levels during boating season (late April – early November) for boats to be able to launch into the Connecticut River.

One of the top recommendations in Northfield's 2014 Master Plan was to preserve and enhance access to the Connecticut River, noting that there are not enough access locations or areas where the public can even view the river.⁴ Northfield's 2021 Open Space and Recreation Plan included the following river-related items in its 7-year action plan:

- Facilitate the building of a canoe/kayak launch ramp at Bennett Meadows Wildlife Management Area.
- Propose accessible river-front walkways and river-viewing stations.
- Advocate to improve the shoreline access just north of the boat ramp at Pauchaug Brook for kayak/canoe launching.
- Increase access for swimming in the Connecticut River, working toward a riverside park (such as West River Park in Brattleboro).

Land uses along the Connecticut River

⁴ A Master Plan for Northfield, 2014.

FirstLight has acquired most, but not all, of the river shoreline in Northfield. Much adjacent land is in agricultural use; some of these farms use the Connecticut River for irrigation water. Shortly after Northfield Mountain Pumped Storage became operational, landowners and farmers on both sides of the river began complaining of bank erosion from project operations. Landowners have described losing up to 30 feet of land to erosion over the last 50 years. Terraces and beaches have been replaced by steep eroding banks. Under the existing license, the town's conservation commission has issued Wetlands Protection Act permits for FirstLight's riverbank restoration projects that were aimed to prevent additional erosion and loss of farmland.

In Northfield, the 100-year floodplain covers about 2,283 acres, or approximately 10 percent of the town, including an estimated 20 acres of developed residential land, less than 1 acre each of industrial use and commercial use, and 3.6 acres of public/institutional. Much of the floodplain consists of agricultural land or forest. The north end of town near the State boat ramp and the Lower Farms area along the Connecticut River are the most flood prone areas in Northfield.⁵

The Emergency Action Plan for Northfield Mountain Pumped Storage Project produced by FirstLight Power Resources includes inundation maps for the Northfield Main Dam and the Northwest Dike of the Northfield Mountain Reservoir in Erving. Both the dam and the dike are classified as Significant Hazard Potential by the Massachusetts Department of Conservation and Recreation (DCR) Office of Dam Safety. According to inundation maps for the Northwest Dike, floodplain areas in Northfield along Four Mile Brook and the Connecticut River would be impacted by a dike failure. Upon failure, a small area of residential development would be affected. Residents would have from 18 to 50 minutes to respond to potential flooding. In Northfield's Hazard Mitigation Plan, the town is listed as having a "high" vulnerability from dam failure.⁶

Infrastructure interests

The Northfield Wastewater Treatment Plant is designed to treat up to 275,000 gallons per day and provides sewer collection and treatment for about 300 customers in the Town of Northfield. Treated effluent is discharged into the Connecticut River. Customers include businesses, residents, and vital Town functions (Town Hall, Fire Station, Library, Northfield Elementary School). As noted earlier, Thomas Aquinas College is the largest customer, currently at 539 students, and expects to expand its enrollment by 60% over the next 4 years.

Northfield, the only town in Massachusetts split by the Connecticut River, has three bridges:

- (1) State Route 10 is a state highway bridge,
- (2) A railroad bridge north of Route 10, and

⁵ Northfield and Warwick Community Resilience Building and Hazard Mitigation Regional Plan, 2021.

⁶ Northfield and Warwick Community Resilience Building and Hazard Mitigation Regional Plan, 2021.

- (3) The closed Schell Memorial Bridge, located north of the railroad bridge and just south of the Pauchaug Boat Ramp.

The Schell Memorial Bridge, owned by the Town of Northfield, was a vital connection for vehicle and pedestrian traffic between East and West Northfield (and into Vermont) from 1903 to 1985. The replacement of the bridge is a long-standing priority of the Town and is essential to its recreation and public safety emergency plans. The shovel-ready multi-modal transportation replacement project is designed to be part of the state's Connecticut River Greenway State Park and to have two parks on either end, one of which is part of the Recreation Settlement. The Town is diligently working to obtain federal funding to match \$25M from the Massachusetts Department of Transportation. Grant applications from the Town list a cost estimate of \$10.4M for demolition and clean-up if a catastrophic collapse event occurs to the current bridge.

Indigenous, archaeological, and historical interests

According to FirstLight's Response to FERC letter of Deficiency and Additional Information Requests filed with FERC on March 15, 2021, there are 59 archaeological resources identified in the area of potential effect in Northfield. The upper Connecticut River valley in Northfield has been used and inhabited by Native American groups for settlement, resource procurement and transportation from about 12,000 years ago through the historical period. Significant historic and archaeological resources are highly likely to be present within undeveloped archaeologically sensitive areas in proximity to the Connecticut River and other freshwater sources. These areas can provide important information for understanding Native American and settler-colonist history.

For these reasons, the Town has a direct and substantial interest in the outcome of the relicensing process for the Northfield Pumped Storage Project and the Turners Falls Project.

B. Public Interest

The Town's responsibility to protect the interests of its residents and respond to any potential adverse impacts to its residents associated with the relicensing of the referenced projects is, by its very nature, in the public interest. The Town of Northfield is not just responsible for protecting its direct interests but also those of its residents and the public throughout the course of this relicensing.

The operations of the Turners Falls Dam and Northfield Pumped Storage Project affect the public interest by operating recreation facilities in Northfield along the Connecticut River, causing erosion and contributing to the loss of prime farmland, diminishment of aquatic and riparian habitat for rare and endangered species and decline in water quality. Such impacts would significantly affect the quality of life, economic well-being, and access to a clean environment for the Town's residents.

The Town has demonstrated its interest in both projects through several years of active participation in proceedings before the Commission and negotiations with the Applicant involving both Turners Falls (P-

1889) and the Northfield Pump Storage Project (P-2485). The Town has engaged in the relicensing process for both projects since 2013. In 2020, the Town of Northfield submitted a letter to FERC saying that residents had voted unanimously at its 2019 Annual Town Meeting to request FERC to require via license articles the following requirements:

- 1) modify project operations of both facilities to minimize peaking,
- 2) monitor water levels,
- 3) develop a shoreline adaptive management plan,
- 4) commit funding for riverbank restoration on the Connecticut River and its tributaries,
- 5) commit funding for protective archaeological mitigation and preservation efforts, and
- 6) commit funding to compensate landowners for property damage from project-induced erosion.⁷


Most recently, in June of 2023, the Town of Northfield signed on as a party to a recreation settlement agreement to both licenses.

For all these reasons, the Town has a strong interest in the effective management and stewardship of lands within the Connecticut River watershed affected by the referenced projects.

IV. Conclusion

Granting intervenor status to the Town of Northfield will allow the Town to present an important perspective and relevant information for the Commission's consideration. The Town is coordinating with other municipalities in Franklin County with the support of the Franklin Regional Council of Governments (FRCOG) and will, except where interests diverge, endeavor to coordinate the Town's participation with FRCOG and other similarly situated communities to minimize duplication and ensure the efficient presentation of relevant information to the Commission.

For these reasons, the Town respectfully requests that the Commission grant this Motion to Intervene as a party with full rights to participate in all further proceedings.



Alexander R. Meisner
Select Board Chair
Town of Northfield
69 Main Street
Northfield, MA 01360

4/2/2024

Date

⁷ Letter from the Town of Northfield Selectboard to FERC dated September 14, 2020. Accession Number 20201002-0007.

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DECLARATION OF ANDREA LLAMAS

I, Andrea Llamas, pursuant to 28 U.S.C. § 1746, hereby state that I am over the age of 18 and am in all respects competent and qualified to make this Declaration.

1. I am the Town Administrator for the Town of Northfield ("Town") and in that role supervise and collaborate with a staff of 15 people with responsibility for managing the public resources of the Town, including roads, water and wastewater, recreation, public safety and infrastructure, and associated Town property. As Town Administrator, I am also directly involved in the Town's exercise of responsibilities for the general health, safety and well-being of the Town's residents, including regulating local land use, preventing and responding to natural disasters, protecting local natural resources, and developing and implementing a vision for the economic development of the Town.
2. In fulfilling my responsibilities, I have become familiar with the Town's history, culture, and natural resources, infrastructure, and real property ownership through personal observation and also through information obtained from Town staff, expert consultants, other public officials at the local, regional, state, tribal and federal levels, and reviewing public documents or reports and publications prepared by experts.
3. As stated in more detail in the Town's Motion to Intervene in the above-referenced matter relating to the Federal Energy Regulatory Commission ("FERC") licensing of the Turners Fall Hydroelectric Project and the Northfield Mountain Pumped Storage Project ("Projects"), the Town has a direct interest in and acts on behalf of its residents for the following:
 - a. The economic well-being of the Town, including managing the Town budget and income derived from real and personal property taxes.
 - b. Recreation facilities in town, which are important to the Town's economic vitality and the quality of life for Northfield residents.
 - c. Land uses along the Connecticut River, including residents who live, work, and farm along River.

- d. Continued use and upkeep of the Town's infrastructure, in particular the Northfield Wastewater Treatment Plant, from which treated effluent is discharged into the Connecticut River. The plant is designed to treat up to 275,000 gallons per day and provides sewer collection and treatment for about 300 customers in the Town of Northfield. Customers include businesses, vital Town functions (Town Hall, Fire Station, Library, Northfield Elementary School), as well as Thomas Aquinas College, the largest customer. Currently at 539 students, the College expects to expand its enrollment by 60% over the next 4 years (November 28, 2023 press release).
 - e. Infrastructure also involving the Connecticut River is the Town-owned Schell Memorial Bridge. Once a vital connection for vehicle and pedestrian traffic between East and West Northfield (and into Vermont), its replacement is a long-standing priority of the Town for its recreation and public safety emergency plans. The shovel-ready multi-modal transportation replacement project is designed to be part of the state's Connecticut River Greenway State Park and to have two parks on either end, one of which is part of the Recreation Settlement. The Town is diligently working to obtain federal funding to match \$25M from the Massachusetts Department of Transportation. Grant applications from the Town list a cost estimate of \$10.4M for demolition and clean-up if a catastrophic collapse event occurs to the current bridge.
 - f. Businesses and educational institutions who rely on the Town's infrastructure.
 - g. Hazard mitigation and emergency preparedness in the event of operational or infrastructure failure of high hazard dams.
 - h. Preserving the environment, including water quality, fish habitat, and riparian habitat and health.
 - i. Preserving and honoring indigenous cultural and sacred sites and the Town's 350 years of history.
4. As stated in more detail in the Town's Motion to Intervene in the above-referenced matter, the Town acts on behalf of its residents and members of the public who visit the Town in furtherance of the public interest in access to a clean and healthy environment, access to recreation facilities, economic well-being, continued use of farmland and soils classified as prime farmland soils, and protection of a clean and healthy Connecticut River for people and aquatic life.. The Town has long demonstrated its interest in protecting the public interest through several years of active participation in proceedings before FERC and negotiations with the applicant involving both Projects.

In addition, residents voted unanimously at its 2019 Annual Town Meeting to authorize the Selectboard to request FERC to require license articles to minimize peaking, monitor water levels, develop a shoreline adaptive management plan, commit funding for riverbank restoration on the Connecticut River and its tributaries, commit funding for protective archaeological mitigation and preservation efforts, and commit funding to compensate landowners for property damage from project-induced erosion.¹

5. As Town Administrator, I represent the Town of Northfield in negotiations, including that which led to the recreation settlement agreement with FirstLight. I actively consult with the Northfield Selectboard, who serve as the Chief Executive Officers of the Town relative to the settlement agreement; the Selectboard considers and sign all documents and agreements on behalf of the Town.
6. I participated in the development of the Town's Motion to Intervene in the above-referenced matter, have reviewed the facts stated in Section III titled "Interests of the Movant" and, based on my personal knowledge as Town Administrator, attest that these facts are true and correct.

I state, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

April 2, 2024
Date



Andrea Llamas
Northfield Town Administrator

¹ Letter from the Town of Northfield Selectboard to FERC dated September 14, 2020. Accession Number 20201002-0007.