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OF THE LAKE

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April 26, 2005  
FEDERAL ENERGY  
REGULATORY COMMISSION

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
Office of Hydropower Licensing  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Housatonic Project, FERC Project No 2576  
Article 410 Debris Management Plan

Dear Ms. Salas:

This letter is written on behalf of the Friends of the Lake ("FotL"). FotL is a group of approximately 450 concerned citizens who care about lake management, safety and recreational uses of Lake Lillinonah. As the Commission is aware, Lake Lillinonah is a 1900 acre impoundment of water formed by the Shepaug Dam. As such, it is the largest water body within the Housatonic Project and the second largest lake in the State of Connecticut.

We are writing in response to the filing Northeast Generation Company's ("NGC") proposed Debris Management Plan ("DMP") for the Housatonic Project. In accordance with Article 410 of the license issued to NGC, it was to file with the Commission a DMPlan addressing: (1) the method to mechanically remove woody debris using a floating trash skimmer craft; (2) the schedule and frequency of woody debris removal; (3) the location of the disposal area; (4) notification procedures; (5) and the method to evaluate the effectiveness of the woody debris removal program.

**General Comments and Overview**

As a preliminary matter, FotL notes that it has worked closely with the Lake Lillinonah Authority ("LLA") with respect to debris management issues. FotL concurs in LLA's comments on the deficiencies in the DMP as proposed by NGC, reflected in LLA's letter of April 25, 2005, addressed to the Commission. FotL respectfully requests that the Commission consider FotL's brief additional comments set forth herein. However, FotL also respectfully requests that under no circumstances should FotL's comments be used as a reason or an excuse for NGC to defer the start of debris removal activities this year.

As the Commission is aware, there has already been substantial delay in approving a DMP because NGC's sought to minimize its expense by seeking to require that shoreline towns to share in the cost of the implementing the DMP. The Commission properly rejected this request. Having been unsuccessful in

shifting the majority of the costs associated with the DMP to others, it is apparent that NGC continues to seek to defer and to limit its financial commitment by proposing a DMP that unreasonably delays true remediation efforts, leaves key elements vague and non-specific, and omits adequate ongoing evaluation, monitoring and input from stakeholders. For these reasons, FotL respectfully submits that the proposed DMP is materially deficient and should not be accepted without the changes outlined below.

### **Specific Comments**

#### **1. The Extended "Test" Period and Inadequate Resources Devoted to Debris Removal**

Although Article 410 of the license issued to NGC does not provide for an extended "test period," NGC has twice unilaterally proposed extremely limited protracted "test" operations. In its first draft of the DMP, submitted in November 2004, NGC proposed a two-year test period. Its current draft calls for limited "test" operations for the entire 2005 debris removal season. In addition, NGC proposes limiting debris removal operations to May 1 through September 1. The extended test and limited debris removal season are not authorized by Article 410 and should be rejected.

NGC's proposed limited level of operation is not justified by any legitimate need to "test" the equipment. The equipment manufacturer identified by NGC, United Marine International, has put more than 50 units into service over the past decade in numerous locations – including New York Harbor, Baltimore Harbor and the Susquehanna River hydroelectric projects. Thus, the equipment has been tested and its capabilities evaluated in debris removal projects of far greater scope and difficulty than the present projects. Nor is NGC's severely limited startup operation is not justified by any true need to evaluate the scope of the debris problem on these lakes. The problem has been evident and unaddressed for decades. Massive debris fields on Lake Lillinsonah in particular are evident each summer Sunday afternoon, when NGC raises the water level in anticipation of the peak electricity demand and rates on Monday mornings. The level of debris removal operations proposed by NGC will be no more than a figurative "drop in the bucket" in relation to the magnitude of the problem.

Further, at a recent meeting of the LLA, NGC revealed for the first time that its debris removal equipment will not be ready for use until some time in July 2005. This fact is omitted from the DMP draft submitted to the Commission. The net result is that if NGC is permitted to limit operations to two days per week, there will only a handful of debris removal days during 2005. NGC also proposes to divide the use of a single skimmer craft between Lake Lillinsonah and Lake Zoar, water bodies comprising a total of nearly 3,000 acres. The DMP fails to take into account the fact that at 1900 acres, Lake Lillinsonah is more than twice the size of Lake Zoar and suffers from a much more severe woody debris problem. NGC also recently revealed to LLA that its debris removal capacity will be further limited by the fact that it intends to employ only two 35 yard dumpsters on a weekly basis for collection and disposal of debris. As NGC's representative made clear in his presentation to LLA, the driving concern was the cost per dumpster, rather than the level of removal activity needed for an effective debris removal program.

**Proposed Amendment to the DMP:** We respectfully request that NGC be required to amend its DMP to include no more than one month of "test" operations, followed by a plan whose level of activity is responsive to the level of debris in Lake Lillinsonah, rather than artificial constraints imposed by an arbitrary number of days per week of debris removal or an arbitrary limit on the number of dumpsters NGC chooses to employ. In particular, we request a debris removal "season" extended as suggested by LLA, from April 1 through November 1 and a minimum of thirty days of removal activity on Lake Lillinsonah each year.

## **2. Inadequate Evaluation and Reporting Protocols**

The proposed DMP combines a facially inadequate level of activity with a generalized data gathering and evaluation protocol that is plainly inadequate to gather sufficient reliable information to evaluate NGC's performance under the DMP. The DMP describes five unidentified sample sites in each lake at which "transect surveys" of undetermined size will be conducted on a twice-annual basis. The DMP does not describe the scientific basis for this methodology. The nature of the debris problem and the timing of appearance and location of debris fields are variable and depend on such factors as water level, currents, and wind. Measurements at five static sites on each water body will not produce a reliable picture of the problem or of the progress towards its solution.

Further, the proposed DMP proposes that there will be NO reporting regarding its effectiveness until **March of 2007, two years from now**. The Plan misleadingly describes the first of annual "debris management reports" as being due "after the first full year of debris removal operations." Plan, p. 5. Yet the Plan also states that the first year of operations will end on **September 1, 2006**. The schedule thus proposed by NGC illogically combines a first year test period with a reporting schedule that defers any formal reporting of the results until **18 months** after the end of the first year "test" operations. NGC thus would effectively defer meaningful remediation and reporting for two years.

**Proposed Amendment to the DMP:** We respectfully request that NGC be directed to amend the DMP to provide for weekly reports of the results of its operations, as well as a summary report within 30 days of the end of each debris removal season, and a plan for the following year's operations to be presented to stakeholders for comments by January 31 of each year. This information should be made available directly to stakeholders and posted on NGC's web site. NGC should be required to evaluate the effectiveness of its efforts and to adjust the means and level of debris removal operations annually, consistent with reaching the goals of removing all floatable debris that is unsightly or poses a hazard to recreational activities. NGC also should be required to solicit and consider, on an annual basis, comments from stakeholders and other observers and users of the lakes regarding the effectiveness of the DMP and progress in reaching its goals.

## **3. Failure to Specify Days and Conditions of Operation**

Of particular concern is NGC's failure to specify the days of operation, while stating that it "anticipates operating skimmer craft during weekdays so as not to interfere with summer recreational use of the project reservoirs." This schedule of operation fails to take into account that fact that NGC also typically "ponds" the reservoirs on summer weekends to enhance generating capacity on Monday mornings when electricity demand and prices are at their peak.

It is this ponding, for NGC's financial gain, that creates massive debris fields and the optimum conditions for efficient debris removal. Activities limited to weekdays will fail to provide reliable data even as a "test" period with respect to the amount of debris or the daily removal capacity of the equipment.

While a desire not to interfere with recreational activities is reasonable, Lake Lillinonah in particular will typically see debris fields of a mile or more near the southeast shore in relatively close proximity to the Shepaug Dam on Sunday afternoons. There is no reasonable possibility of safe recreational activity in these areas, yet this area and time frame provides what is likely to be the best time to efficiently remove large quantities of debris collected in areas relatively close to the proposed removal site at the dam.

**Proposed Amendment to the DMP: We respectfully request that NGC be required to amend the DMP to specify the days of operations and to include Sundays and Mondays as days on which debris removal activities will occur.**

**4. The Failure to Provide Notification of Debris Removal Operations**

One of the elements required by Article 410 is that NGC specify "notification procedures" for its debris removal operations. The draft DMP suggests that limited weekday operations, employing disposal sites at the dams, will not require formal notification. This approach is flawed for the reason that stakeholders, such as FotL and LLA, must be provided notification of the debris removal schedule so that we can fulfill our legitimate roles as observers on behalf of our constituencies. In the case of LLA, its constituency is all of the residents of shoreline towns. We stand ready, along with LLA, to participate in this process and to act as the eyes and ears of the residents and of the Commission with regard to the proper implementation of the DMP. To do so, however, we must be informed of the schedule of activities and the weekly results of the DMP operations as reported by NGC.

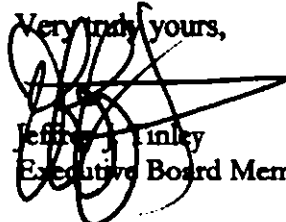
**Proposed Amendment to the DMP: We respectfully request that NGC be required to amend the DMP to provide a schedule of activities for the debris removal season to stakeholders and to post the same on its web site by May 1 of each year.**

**5. The Debris Management Advisory Committee**

NGC also proposes to engage a Debris Management Advisory Committee (DMAC), consisting of an NGC representative of NGC and representatives of the Lake Lillinonah and Lake Zoar Authorities. While NGC is directed to consider the input of the Lake Authorities, it proposes that the DMAC will meet only once each year, with the possibility of additional "special meetings." The authority and purposes of the DMAC should be stated in greater detail and the DMAC should meet with greater frequency (at least at the beginning and end of each season) and be directed to consider the input of other stakeholders.

**Proposed Amendment to the DMP: We respectfully request that the Commission require that NGC amend the DMP to provide for DMAC meetings at the end of each debris removal season and by March 1 of each year, in addition to giving each member of the DMAC the right to call for a meeting on reasonable advance notice.**

We appreciate the Commission's continuing attention and commitment to this issue.

Very truly yours,  
  
Jeffrey J. Inley  
Executive Board Member

Cc: via e-mail:

- All Executive Board Members of FotL
- Curtis Read (Hydro Technologies)
- Carolyn Longstreth (CFE)
- Ann Schiessel (LLA)
- Curt Brunjes (LA)
- Lynn Werner (HVA)
- Chuck Lee (CT-DEP)