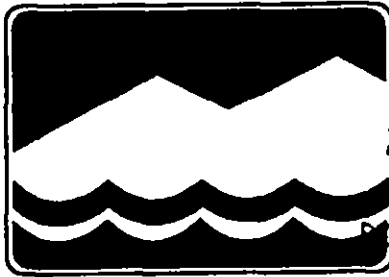


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FEDERAL ENERGY  
REGULATORY COMMISSION

Lake Lillinonah Authority

April 25, 2005

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 submitted on behalf of the Lake Lillinonah Authority (“LLA”), a stakeholder and intervenor with respect to the Housatonic Project. We are writing because we do not believe that the February 15 Debris Management Plan (“DMP”) submitted by Northeast Generating Company (“NGC”) followed the directions set forth in Article 410 and because we believe that the DMP is materially deficient in several important respects.

First, Article 410 mandated that NGC respond to “specific” items from LLA’s December 7 comment letter as attached to NGC.s draft plan. Secondly, we believe that LLA has the right to comment on the revised plan because the initial draft plan was focuses on NGC’s resistance to its funding obligation and discussed debris management only in terms of proposing a two-year “test” period.

As a result, there was virtually no substance to NGC.s initial draft and its second draft, currently before the Commission, was not submitted to stakeholders for comment prior to being submitted to the Commission. This procedure did not comply with Article 410, which required a minimum 30-day period for “comments and recommendations on the completed DMP after it has been prepared.” License, Article 410. Further, Article 410 obligated NGC to comment include in its DMP “specific descriptions of how the

**entities comments and recommendations are accommodated by the plan.” *Id.***  
(emphasis added)

In contrast to the requirements of Article 410 that NGC provide specific descriptions of how its DMP accommodated LLA’s comments, NGC replied to our December 7, 2004 letter with the following general statement:

Comment 1:

LLA is reluctant to agree to a plan lacking clearly defined objectives and means in which to obtain desired goals. NGC will evaluate the effectiveness of the plan based on transect surveys, debris removed and NGC/NGS Form 80 recreational report surveys. LLA disagrees with the "shared cost" approach.

Response:

The final plan has been modified in accordance with the clarification received from FERC.

Although LLA’s comments were directed to NGC’s skeletal November 7, 2004 plan (and never was given the opportunity to comment on the February 15, 2005 plan), **LLA, offered substantially more comment than that above.** We believe that **NEG is obligated to furnish specific comments** which include the following key elements of our December 7, 2004 letter.

#1. Because the water level is a function of power production we believe wood debris is a byproduct of the power plant. Furthermore, we know that at lower lake levels the volume of floating wood debris is greatly reduced. We believe that if NGC chooses to it could mitigate the need for the cost of clean-up by limiting water fluctuations.

All lakes (man made or natural) with wooded shorelines have a natural balance between the shoreline and the tree line where fallen trees, logs, branches, sticks and twigs become lodged in the shoreline and do not float away from the shoreline. Lake Lillinonah has a “natural” shoreline as well that has been developed over the nearly 50 years of the lake’s life. This water level could scientifically be determined, but to date this level has not been established. The Lake Lillinonah Authority believed that with FERC’s expertise in the management of the nation’s reservoirs that this concept was fundamental and therefore, did not submit a “study” in the intervenor stages of the process to document our observed conclusion (public comments and letters discussing the issue were submitted). We believe that establishment of the concept of “natural” water level is essential to our current reply.

#2) We believe that revenues are derived from water levels higher than the natural water level of Lake Lillionah. We at The Lake Lillionah Authority believe that NGC has acknowledged that there is a correlation between water level and the amount of wood debris. We also believe that FERC has acknowledged that the licensee wants to raise the water level beyond the “natural” shoreline for financial benefit.

#3) NGC now is requesting that operations to 198.3 to “maximize energy production”. Further NGC states that this increase could work because the DMP would be successful in controlling waterborne debris. Essentially NGS is alluding to an acknowledgement of a “cause and effect” between water levels and wood debris.

#4) The Operating Manual specifically requires that inspectors “should note whether the face of the dam and the shores of the reservoir are being kept free of floatable debris and dead trees.” Operating Manual, p. 3-5, ¶ 4 (emphasis added). The Operating Manual thus sensibly focuses on “floatable” debris on the shoreline, rather than only such debris as may be actually floating depending upon the elevation of the lake or reservoir

#5) We are troubled by the fact that the plan as proposed does not establish a level of expectation regarding satisfactory wood debris removal. We at The Lake Lillionah Authority propose that this expectation be set at the following: Lake Lillionah will be operated and maintained in a manner that allows for pleasurable boating that is virtually free from visual wood debris or surface clutter. A level of acceptance shall be the determination of The Lake Lillionah Authority and a weekly report from May through September shall be submitted to the DMC. An annual report due by November 1, shall be compiled by the DMC that includes weekly observations, determination of the cause of unsatisfactory events, and plans to improve or maintain the level of wood debris for the next year.

#6) The Lake Lillionah Authority needs to know what power it has to require lake cleaning? This is particularly important in light of a 40 year license.

#7) We believe that shoreline debris that floats at elevated water levels must be included in the debris management plan.

**The following are LLA's comments on new information furnished in the February 15, 2005 draft DMP that was not included in the November 7, 2004 draft DMP:**

- #1) The revised plan does not address the magnitude of the debris problem/ It does not include an inventory of shoreline debris that is "floatable" at higher water levels and it does not call for a sufficient level of debris removal activity to be effective in addressing the debris problem
- #2) The plan does not include a goal of annual wood removal. We have been told verbally by a representative of NGC that 70 yds. per week during an abbreviated removal "season" is the current mind set. In relation to the magnitude of the debris problem, this level of removal is plainly inadequate. In a recent presentation to LLA, NGC focused on the cost "per dumpster" of disposing of debris, rather than the level of activity required to make meaningful progress in solving the debris problem.
- #3) The plan does not set a timeframe for improvement in reducing the floating wood volume. Given the limitation of 70 yds per week, if conditions improve at all, it clearly will take many years.
- #4) The plan does not set a level of expectation for pleasure boaters. Our instinct is that the 70 yds per week would leave Lake Lillinonah in troubled conditions at elevated water levels for at least ten years. We believe that the only way to improve conditions is to either greatly increase efforts to remove "floatable" debris or to keep water levels below "natural" levels. How many more years do boaters need to endure the effects caused by ponding water on weekends?
- #5) The plan calls for a schedule of two days per week from May 1 to September 1 for cleaning floating debris. Debris removal days should only be at elevated water levels to be effective. Currently, we believe, cleaning on Thursday & Friday would yield no debris; whereas, cleaning on Sunday & Monday would fill the 70 yd dumpster in a few minutes. We believe at a minimum Sunday and Monday should be designated cleaning days. We believe that the overall goal is to remove wood volume, so why not begin on April 1 and end on November 1. We need a goal with a timeframe; a level of expectation; and an inventory of "floatable debris" to establish a schedule of debris removal.

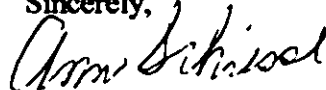
- #6) We disagree with the conclusion that weekends should not be days for cleaning. Sunday afternoon is the best day to collect floating debris. Boaters viewing the cleaning process will respond with an improved attitude toward Lake Lillinonah. Boaters currently avoid areas with heavy debris fields, so the safety issue will be mitigated.
- #7) We believe that the proposed use of transect surveys to evaluate pre-determined locations of debris fields is not adequate and that human surveys from other organizations should supplement the instruments.
- #8) The evaluation method as described does not indicate which days are to be evaluated. We strongly recommend that Sunday afternoon at 4:00 pm be the basis of evaluation. We believe that this evaluation should be weekly and weekly reports should be provided to LLA or posted on NGC's web site. NGC's proposed DMP calls for **no reporting** of the results of its activities until **March 2007**. This is not acceptable. LLA needs to be a partner in this process, both for the contributions that it can make and to fulfill its legitimate role as a monitor of NGC's activities.
- #9) The draft DMP offers no guidelines on the Debris Management Committee's decision making authority. It fails to indicate what "power" LLA has in the voting process. Meeting only annually is not enough.
- #10) The draft DMP calls for alternating the two-day per week removal schedule between Lake Zoar (975 acres) and Lake Lillinonah (1900 acres). We disagree with this schedule and believe that the frequency should be based upon the need to meet improvement goals.

Unless the DMP is changed to address these concerns and to include the power to the Lake Lillinonah Authority necessary to influence the requirements of the licensee to meet our intended results, The Lake Lillinonah Authority is reluctant to accept this plan.

We believe that the root problem of floating wood debris on Lake Lillinonah is weekend ponding by NGC for financial benefit. NGC should be obligated to keep Lake Lillinonah safe and navigational during these elevated water periods. To furnish The Lake Lillinonah Authority with power and to install an incentive for an expeditious clean-up, maximum water elevations should be set by The Lake Lillinonah Authority. Increases in elevation should be considered after demonstrating safe and enjoyable conditions at the higher elevation.

Thank you for reviewing our comments.

Sincerely,



Ann Schiessl  
Chairman

cc- Isis Johnson-FERC  
Robert Gates- NEG