



**Northeast
Generation Services**

The Northeast Utilities System

301 Hammer Mill Road
Rocky Hill, CT 06067

ORIGINAL

FILED
OFFICE OF THE
SECRETARY

2005 JUN -6 P 4: 10

FEDERAL ENERGY
REGULATORY COMMISSION

June 3, 2005

D-22660

VIA OVERNIGHT MAIL

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
Reply Comments Regarding Article 410 Debris Management Plan

Dear Ms. Salas:

An original and eight (8) copies of Northeast Generation Company's ("NGC's") "Reply Comments Regarding Article 410 Debris Management Plan" are enclosed for filing with the Commission. Copies of these comments have been forwarded to the parties noted on the attached service list. On June 10, 2004, the Commission issued a new license for NGC's Housatonic Hydroelectric Project, FERC Project No. 2576. Article 410 of the license order requires that NGC file a plan to remove floating woody debris from Lake Lillinonah and Lake Zoar ("Debris Management Plan" or "DMP") within six months of license issuance. The plan must be prepared in consultation with the U.S. Fish and Wildlife Service, National Park Service, American Whitewater, Trout Unlimited, Lake Lillinonah Authority ("LLA") and Lake Zoar Authority ("LZA"). The plan is to include (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; and (5) the method to evaluate the effectiveness of the woody debris removal program.

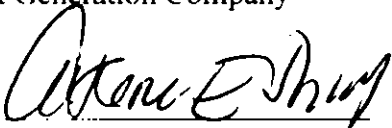
After consultation with multiple parties and circulation of multiple draft plans, on February 15, 2005, NGC filed its proposed Debris Management Plan. On March 4, 2005, the Connecticut Department of Environmental Protection, a state agency not designated as a consulting party, filed comments regarding the DMP. On April 27, 2005, Friends of Lake ("FOI"), a group of concerned citizens that does not have consulting party status, filed comments regarding the proposed plan. On May 2, 2005, the Lake Lillinonah Authority ("LLA"), a Debris Management Plan consulting party as noted above, filed additional comments regarding NGC's proposed plan. The attached Reply Comments are in response to the comments of the CT DEP, the LLA and also address certain comments of the FOI. In responding to the CTDEP and FOL Comments as a matter of courtesy,

NGC waives no rights regarding the CTDEP and FOL's legal right and standing to comment on the DMP.

If you have any questions regarding the above, please let me know. I can be reached directly at (603) 634-2326 or at shivece@nu.com.

Very truly yours,

Northeast Generation Company

By: 

Catherine E. Shively
Senior Counsel
Northeast Utilities Service Company

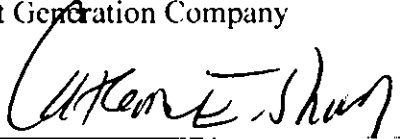
CERTIFICATE OF SERVICE

I hereby certify that I have on this 3rd day of June, 2005, caused Northeast Generation Company's "Reply Comments Regarding Article 410 Debris Management Plan" to be sent by first class mail to the parties on the attached Service List. /

Northeast Generation Company

June 3, 2005

By: _____



Its Attorney
Catherine E. Shively
Senior Counsel
Northeast Utilities Service Company
780 North Commercial Street, P.O. Box 330
Manchester, New Hampshire 03105
(603) 634-2326

SERVICE LIST
HOUSATONIC HYDROELECTRIC PROJECT
FERC PROJECT NO. 2576
D-22660

Melissa Grader
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
N.E. Field Office
c/o CT River Coordinator's office
103 East Plumtree Road
Sunderland, MA 01375

Stephen Butcher
Trout Unlimited
260 Highmeadow Lane
Middletown, CT 06457

Brian J. Emerick
Office of Environmental Review
State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT06106-5127

Len McDermott
Trout Unlimited
P. O. Box 205
Naugatuck, CT 06770

Ann Schiessl, Chairman
Lake Lillinonah Authority
22 Hidden Brook Drive
Brookfield, CT 06804-13306

Howie Saad
Lake Zoar Authority
242 Route 34
Monroe, CT 06468

Kevin Mendik
U. S. Department of the Interior
National Park Service
15 State Street
Boston, MA 02114-3502

American Whitewater
482 Electric Avenue
Bigfork, MT 59911-3641

Trout Unlimited
1500 Wilson Blvd., Suite 310
Arlington, VA 22209-2404

Jeffrey J. Tinley
Executive Board Member
Friends Of The Lake
P. O. Box 403
Bridgewater, CT 06752

D-22660

UNITED STATES OF AMERICA
before the
FEDERAL ENERGY REGULATORY COMMISSION

Northeast Generating Company) FERC Project
Housatonic Hydroelectric Project) No. 2576

Northeast Generating Company
Reply Comments Regarding Article 410 Debris Management Plan

On February 17, 2005, after consultation and meetings, Northeast Generating Company ("NGC") filed its final proposed Debris Management Plan ("DMP") pursuant to Article 410 of its new license. In response to NGC's filing, comments were filed by the Connecticut Department of Environmental Protection ("CT DEP"), the Lake Lillinonah Authority ("LLA"), a consulting party, and also by Friends of the Lake ("FOL"), a group of concerned citizens not designated as a consulting party. In response to these comments, NGC says:

1. CT DEP Comment re: Retention of Woody Debris. NGC's failure to incorporate a requirement to consult with the CT DEP regarding the retention of woody debris was an oversight and NGC will incorporate the commitment in Appendix A referenced by the CT DEP in the body of the final plan.

2. LLA and FOL Comments Generally. It is clear that LLA and FOL and NGC have a fundamental difference of opinion regarding the DMP. The LLA and FOL propose the appropriate debris removal standard is a lake that is "virtually free from visual wood debris or surface clutter". NGC's position is that such a standard is impossible to obtain and unreasonable. NGC's DMP provides for continuing annual seasonal debris removal activities. NGC anticipates that over time this effort will improve recreational access and boating safety as it has on the Susquehanna River and in the Chesapeake Bay, but that a lake "virtually free from visual wood debris or surface clutter" is impossible to attain at any reasonable cost in the area of the Housatonic River known as Lake Lillinonah.

3. LLA's Comments Nos. 1, 2, 3 and 4 (pp. 2 and 3). LLA comments regarding the relationship between water level and floating debris and its suggestion that debris could be limited by limiting water level fluctuations to a so-called "natural" water level have been superseded by the issuance of the new FERC license and state 401 water quality certificate, and to the extent that they are not simply a repeat of arguments made prior to license issuance, are untimely. The new license and 401 water quality certificate authorize continued operation of the project for daily and weekly peaking and allow drawdowns of 4.5 feet (198.3 to 193.8 feet). There is no requirement to establish a so-called "natural" water level or to limit water fluctuations. This is an argument the LLA made during the relicensing process, lost and did not raise on rehearing.

4. LLA's Comment No. 5 (p. 3). LLA proposal that the appropriate debris removal standard is a lake that is "virtually free from visual wood debris or surface clutter" is unreasonable. No riverine reservoir in the country is "virtually free from visual wood debris" and such a standard is not reasonably achievable. Debris is constantly being added to the river via natural processes and it is impossible to remove it all. The purpose of the Article 410 debris removal plan is not the impossible task of making the river "virtually free from visual wood debris or surface clutter", but to improve recreational access and boater safety.

5. LLA Comment No. 5 (p. 3)/FOL Comment 2(p.3). LLA suggests (i) that the LLA should be responsible for determining whether NGC is complying with the requirements of the Article 410 debris management plan; (ii) that NGC should submit a weekly report to the Debris Management Advisory Committee ("DMAC") during the period May through September, and (ii) that the DMAC should compile an annual report due on November 1st 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. As a consulting party, the LLA is entitled to consult and comment with respect to the DMP, and the FERC is responsible for approving the DMP and ultimately determining if NGC is in compliance with the approved plan. NGC has proposed the filing of an annual report with the DMC and the FERC, and believes that a weekly reporting requirement requested by the LLA is overly time consuming, costly and burdensome, and provides limited, if any, benefits over the filing of annual reports, and that any limited benefits provided by weekly reports are far outweighed by the cost of preparing, reviewing, filing and serving such weekly reports. NGC's proposed debris management plan provides for the filing of an annual report by NGC on or before March 1st. Because the LLA and other consulting parties will be served with the annual report and can comment on the report if necessary, the filing of an additional annual report by the DMAC is unnecessary.

6. LLA Comment No. 6 (p. 3). The FERC has the authority to approve, review compliance and enforce the DMP.

7. LLA Comment No. 7 (p. 3). Shoreline debris that floats at elevated water levels is included in the debris management plan.

8. LLA Comment No. 1 (p. 4). NGC's position is that an inventory of shoreline debris potentially "floatable" at higher water levels debris would be costly, unscientific, result in a gross estimate only and contribute nothing to the actual removal of debris. Either the debris floats, in which case it can be removed, or it doesn't, in which case it is not a problem. The LLA's conclusion that the level of removal activity provided by the plan is insufficient to be effective is premature and the apparent expectation of the LLA that NGC can or will immediately "clean" Lake Lillinonah so as to make it "virtually free from visual wood debris or surface clutter" is unreasonable. NGC's reasonable expectation is that removal of debris in accordance with the proposed DMP will result in steady and continuing improvement over time, and if for some reason this does not occur, the proposed plan can be changed as necessary.

9. LLA Comment No. 2 (p.4). The DMP does not include a goal of annual wood removal because (i) NGC has no experience with skimmer craft operation on Lake Lillinsonah, (ii) has no data regarding what constitutes a reasonable amount of debris removal given the unique circumstances of Lake Lillinsonah; and (iii) does not believe that extrapolation based on other, very different and non-comparable environments is appropriate. NGC has repeatedly indicated that operation of the skimmer craft and disposal options require testing to determine the reasonable capability of the skimmer craft on Lake Lillinsonah. During initial testing NGC will be utilizing two 35 cubic foot dumpsters for debris disposal at a significant cost. Permanent, less costly disposal options will be evaluated and implemented following initial testing, evaluation and, most importantly, permitting.

10. LLA Comment No. 3 (p.4). At this time insufficient data exists re: skimmer capability on Lake Lillinsonah, debris offload and sorting time and final disposal options to reasonably estimate a timeframe for marked improvement in floating wood volume. However, as noted above, it is unreasonable to expect that NGC will immediately "clean" Lake Lillinsonah so as to make it "virtually free from visual wood debris or surface clutter". NGC anticipates that improvement will be steady, but that substantial improvement could take several years to achieve and believes this is reasonable under all the circumstances.

11. LLA Comment No. 4 (p. 4). Implementation of the proposed DMP should result in steady improvement over time. It is unreasonable to expect that NGC will immediately "clean" Lake Lillinsonah so as to make it "virtually free from visual wood debris or surface clutter". If steady improvement does not occur, increased removal efforts may be necessary and appropriate.

12. LLA Comment No. 5 (p. 4)/FOL Comment Nos. 1 and 2. The proposed debris removal season of May 1st to September 1st is reasonable in that it begins when the ice is out and water conditions have stabilized following the spring freshet, and it ends on or about Labor Day weekend, which is the traditional end of the recreational boating season in New England. The proposed schedule of two days per week on Lake Lillinsonah and two days per week on Lake Zoar is reasonable as it splits debris removal time equally between the two lakes and allows for skimmer craft maintenance and repair, mandatory employee safety and other training and other administrative activities. The proposed schedule provides for approximately 20 days of removal activity on Lake Lillinsonah. If it turns out that there is no debris to be removed on the days on which operation is scheduled, a condition which NGC believes is unlikely to occur, it may be necessary to conduct debris removal operations on weekends. However, to limit operation of the large and not readily maneuverable skimmer craft during peak boating times, as well as to limit the difficulties and expense associated with employee availability and supervision on weekends, NGC prefers and has initially proposed weekday operations and believes this proposal to be reasonable unless and until is proven otherwise. NGC will work with the LLA regarding this issue as the situation is further defined.

13. LLA Comment No. 6 (p. 5). In the course of removal operations, the skimmer craft will have to travel between the launching area, areas of debris and the disposal area: it cannot remain stationary. As noted in Response 12 above, NGC prefers not to operate the skimmer craft during peak weekend boating hours unless necessary for a variety of logical reasons. While Sunday afternoon may be a good time to collect floating debris, it is not the only time debris can be collected.

14. LLA Comment No. 7 (p. 5). NGC has proposed transect surveys and will locate transects and conduct surveys consistently in accordance with scientific methodology to the extent possible to reasonably measure and evaluate debris removal progress. NGC has also proposed (i) tracking the amount and type of debris removed and (ii) conducting additional visual surveys in connection with its recreational report surveys. NGC does not believe that unspecified, uncontrolled and potentially unscientific human surveys from other unidentified organizations will add useful information to the proposed effectiveness evaluation.

15. LLA Comment No. 8 (p. 5)/FOL Comment 2 (p.3). As noted above in Response 14, NGC has proposed transect surveys and will locate transects and conduct surveys consistently in accordance with scientific methodology to the extent possible to reasonably measure and evaluate debris removal progress. NGC has no objection to surveying on Sunday afternoon and agrees to do so. NGC is unwilling to commit to surveying any particular area at precisely 4:00 PM – multiple transects will be surveyed and until the survey is designed it is impossible to state what area will be surveyed during what time period. NGC does not believe there is a need for weekly evaluations or posting such evaluations on a web site. As noted in above in Response 5, NGC has proposed the filing of an annual report with the DMAC and the FERC. and believes that a weekly reporting requirement requested by the LLA is overly time consuming, costly and burdensome, and provides limited, if any, benefits over the filing of annual reports and that any limited benefits provided by weekly reports are far outweighed by the cost of preparing, reviewing, filing and serving such weekly reports. NGC's proposal to begin reporting in March 2007, after the first full season of sustained debris removal operations is reasonable given the long term nature of its debris removal obligation.

16. LLA Comment No. 9 (p. 5)/FOL Comment 5 (p. 4). The proposed DMAC is an advisory committee charged with general monitoring and communication with respect to the DMP. As an advisory body, the DMAC should not have or require voting, voting power or decision making authority. In addition to requiring an annual meeting, the DMP also provides that the DMAC may hold special meetings to identify and resolve issues relative to the DMP. If requested by DMAC members, NGC will schedule special DMAC meetings to address major issues that arise.

17. LLA Comment No. 10 (p. 5). The alternating removal schedule between Lake Lillinonah and Lake Zoar is an initial proposal only and can be amended in the event that effectiveness evaluations support a different allocation of debris removal activity.

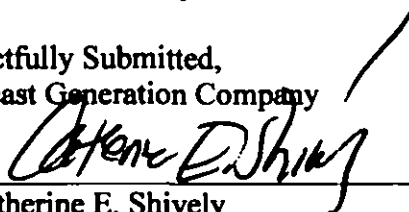
18. LLA Closing Comment (p. 5). NGC's new license and the state 401 water quality certificate provide for continued operation of the project for daily and weekly peaking and allow drawdowns of 4.5 feet (198.3 to 193.8 feet). Rehearing of the license is required to modify this economically significant condition. It cannot be modified via DMP comments or action and the LLA cannot be legally authorized to set water elevations.

19. FOL Comment 1 (p.2). FOL argues that the test period proposed by NGC is unreasonable and should be disallowed. NGC has purchased a used skimmer, is currently having it refurbished and anticipates delivery in mid to late July. As in the case of a new skimmer, the refurbished skimmer will have to be operated, skimming and transfer components tested, and any "bugs" worked out. Initial operator training is required, and operators must become familiar with skimmer launch and removal protocol, with the safe operating and handling characteristics of the skimmer – both loaded and unloaded; operation and troubleshooting of both the skimming equipment and the conveyor equipment used to transfer debris from the skimmer to shoreline disposal facilities, and the best techniques for effectively skimming debris on Lake Lillinonah. Some operational knowledge can be obtained from the manufacturer and other skimmer operators, but the navigational and operational issues encountered on a meandering 800 to 1,000 foot wide river are reasonably anticipated to be substantially different than those encountered in the dredged and marked channels of Baltimore Harbor and New York Harbor, or in the Susquehanna River at the head of the Chesapeake Bay. See, License Application, Volume 6 of 9, Exhibit G, Shepaug Development, Sheets 1 through 8 for a map of the Housatonic River at "Lake" Lillinonah. Under these circumstances, NGC's proposal for a testing period does not represent unreasonable delay of true remediation, it reflects the reality of the situation. However, NGC is willing to provide verbal feedback to the LLA regarding progress throughout the operating season.

20. FOL Comment 4 (p. 4). Upon commencement of regular debris removal operations in 2006, on or before May 1st of each year, NGC will provide the DMAC a proposed schedule indicating days and areas of skimmer operation.

Respectfully Submitted,
Northeast Generation Company

June 3, 2005

By: 
Catherine E. Shively
Senior Counsel
Northeast Utilities Service Company
780 North Commercial Street P.O. Box 330
Manchester, New Hampshire 03105
(603) 634-2326