



September 12, 2006

Magalie R. Salas
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington DC 20426

Re: OAR comments on the Motion Requesting FERC to Rescind the Order Accepting Surrender of Exemption; Wellesley Rosewood Maynard Mills, P-5018-004

Dear Secretary Salas,

The Organization for the Assabet River is the watershed organization for the Assabet River. Our mission is to preserve, protect and enhance the Assabet River, its tributaries and watershed. The Assabet River is a severely eutrophied river chronically suffering from low flow. OAR has been a party to the process of surrender of the above cited Exemption by Wellesley Rosewood Maynard Mills (WRMM) over the past five years.

We would like to convey our deep concern regarding the above Motion to Rescind, filed August 28, 2006, in terms of its content and lack of proper procedures. The 15 day comment-period allowed for motions is inadequate to address a proposal of this complexity, so our comments can only be summary in nature.

OAR strongly recommends that the Motion to Rescind be denied and that WRMM be required to submit a new Application for Exemption. This is because the proposed project is likely to have a far greater impact on the Assabet River than the project permitted by the original Exemption in 1983 and therefore demands a thorough review. No hydropower system has been operated at this site for over 10 years; hence restoring the Exemption would not restore the *status quo*, as claimed, but represent a major diversion of water from this severely eutrophied river which can ill afford to lose flow. The impact of the bypass reach of the Assabet River receiving only the minimum flow of 39 cfs for 10 out of 12 months, as proposed by the applicant, needs careful evaluation.

In addition, the physical and regulatory context of the project has changed significantly since 1983, requiring reassessment of the project's potential impacts. There have been many changes in the scientific understanding of the importance of variable flow regimes in maintaining habitat,¹ changes to the relevant regulations and permits on the river, and changes in approaches

¹ Richter, Brian, et al. 1997. How much water does a river need? *Freshwater Biology* 37, 231-249.

to water quality management. The TMDL for the Assabet River, under the Clean Water Act, and a major study of dam removal and sediment remediation on the Assabet River currently being conducted by the Army Corps of Engineers need to be taken into consideration when assessing the environmental impact of resuming hydropower production at this site. Further, the downstream impacts on the section of the Assabet that are Designated as Federally-protected Wild and Scenic River need to be evaluated.

We also strenuously object to the inclusion of significant modifications to the project in the Motion. The applicant states (p. 10, footnote 9) that pre-filing consultations are only required if the “change in the installed capacity...would significantly modify the flow regime associated with the project”. They claim that they only propose a “minor change”. In fact, the current structure allows only 70 cfs to flow through their system (Exhibit 1, p. 19), while they propose to modify this structure to serve an installed capacity of 200 cfs. The operating range of the turbine approved under the original Exemption was only 64-128 cfs. Again this is significantly below the requested amendment to allow 200 cfs to be diverted to the Mill Pond system. For this reason we believe that the proposed diversion of *all flow* between 39 cfs and 239 cfs from the Assabet River represents a *major* change in the flow regime associated with the project.

We trust that FERC will insure that the applicant’s proposed revival of hydropower generation at this site receives full consideration and consultation as provided for under the Application for Exemption process.

Thank you for your consideration of our concerns.

Yours sincerely,



Suzanne Flint
Acting Executive Director

cc: US Fish and Wildlife Service
MA Div. Fisheries and Wildlife
Maynard Conservation Commission
Mass. Historical Commission
USEPA
Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council, National Park Service
Mass. Department of Environmental Protection