



BOARD OF DIRECTORS

March 4, 2016

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President
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Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

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RE: Motion to Intervene and Comments on Application for Preliminary Permit
Mill and Main Hydroelectric Project, FERC docket# P-14722-000

Richard Tardiff
Treasurer
Wayland

Dear Secretary Bose,

Dick Lawrence
Clerk
Hudson

This filing serves as OARS' Motion to Intervene. Thank you for the opportunity to intervene and comment on the above referenced project as specified in your Public Notice dated January 6, 2016, located on the Assabet River in the town of Maynard, Massachusetts. OARS is the watershed organization for the Concord basin, comprising the Sudbury, Assabet and Concord Rivers, a tributary of the Merrimack River which flows to the sea. A non-profit organization founded in 1986, OARS works primarily through science-based advocacy and education to develop a scientific understanding of the causes of river degradation and works with communities to seek effective solutions. OARS has operated an uninterrupted water quality and flow monitoring program on the Assabet River for 24 years. We are very familiar with the dams along the Assabet River, their impacts, and the site of the proposed hydroelectric project and have commented on the project in the past (e.g., Docket # 5018-004, Sept. 10, 2002 and Sept. 12, 2006). OARS was a party to the process of surrender of the Exemption for the same project by Wellesley Rosewood Maynard Mills and are dismayed that the new owner of the property seeks to revive this project.

Don Burn
Westborough

Robert Donelan
Concord

Allan Fierce
Stow

Paul Goldman
Marlborough

Dave Griffin
Maynard

We have reviewed the application submitted by AS Clock Tower Owner, LLC c/o Sarecen Properties and have serious concerns about the requested preliminary permit, several of which are similar to those described in the comments to FERC by the Department of the Interior (March 2, 2016). We provide our comments below.

Brian Kilcoyne
Concord

Martin Moran
Hudson

The Project: The Applicant proposes to redevelop an existing dam, power canal, intake, penstock, powerhouse, turbine/generator units, and tailrace, with some modifications. The project will operate run-of-river and bypass approximately one mile of the Assabet River. The conditions of the surrender of the Exemption (FERC No. 5018) included constructing a weir in the power canal to ensure that no water would enter the mill ponds under low inflow (39 cfs or less) and installing gauging equipment to monitor and verify flow management. It should be noted that the gauging equipment and reporting were not maintained or kept operational by the previous owner.

Pam Rockwell
Concord

Peter Shanahan
Acton

Lisa Vernegaard
Maynard

This application proposes to more than double the generation capacity of the hydroelectric facility, from 125 kW to 290 kW. There is no explanation as to how this will be achieved, whether from more efficient generation equipment or greater utilization of river flow. The latter would be highly problematic.

The section on “Site Hydropower History” claims that the hydroelectric facility has been in place since the mid-1880s. Digital Equipment Corporation modified the old power plant in 1983 and ran it until 1992. However it is not clear that the original hydroelectricity system ever functioned anywhere near capacity or for any extended period of time. Hence the project should not be considered to be the “renewed use” of an existing functional facility in any practical terms, but instead a new use.

Assabet River Condition and Resources: The Assabet River is a severely eutrophic river chronically suffering from low flow (TMDL, 2004). During low flow periods the river is dominated by the treated effluent of upstream wastewater treatment plants in Westborough, Marlborough and Hudson. Many years of nutrient loading have resulted in excessive biomass growth and eutrophication in the impounded sections of the river. When summer river flows become too low, excessive aquatic weed biomass accumulates in the impoundment created by the Ben Smith Dam (see: <http://www.oars3rivers.org/river/waterquality/reports>). Any reduction of flow over the dam exacerbates this problem, eliminating recreational use of the river in the impoundment above the dam (which contains riverside homes with docks and a public boat landing) and creating an unpleasant odor when the vegetation dies and rots. Below the dam, in the “bypass reach”, unless the minimum 39 cfs is allowed to pass through, as required by the surrender of the Exemption, the river will dry up during dry summers and autumns. This would have a deadly effect on aquatic life in that one-mile reach, as well as diminish property values and quality of life for the homeowners that line that section of the river. As noted by the Department of the Interior, the previously-approved minimum flow for the bypass reach under the old FERC agreement may or may not be sufficient to maintain a healthy aquatic community, given the large amount of free-flowing habitat the bypass reach represents (one mile) within an otherwise impounded stretch of the Assabet River.

Regarding fish passage, there is a significant American eel (*Anguilla rostrata*) population in the Assabet River. Of all the fish species that once migrated from the sea into the Assabet River the American eel has been the sole species that has been able to persist in the Assabet watershed. Restoration efforts are currently underway in the Merrimack River watershed (including the Concord basin) to help bring this species back to its former prominence. This catadromous fish migrates to the Atlantic Ocean to breed when mature. Operation of hydroelectricity turbines in the Assabet River or any diversions from it may create a lethal hazard to these fish as they migrate downstream. As noted by the Department of the Interior, “The configuration of the site represents a near worst-case scenario for fish moving downstream” and there may be “substantial risk of impingement and/or entrainment of aquatic species at, and associated with, the project.”

The future of the Ben Smith dam itself, upon which this project would depend to impound the river, is not clear. The clear ecological benefits of removing it are described in the *Assabet River Sediment and Dam Removal Study* (June 2008, USACE, p. ES-2): “Modeling results indicated that the potential removal of Ben Smith dam would contribute to achievement of water quality goals through reductions in sediment phosphorus flux because the biomass growth and settling that ultimately drives the sediment flux would decrease with dam removal.”

Justification for Project: This application proposes to more than double the generation capacity, from 125 kW to 290 kW of the hydroelectric facility. The project is estimated to generate 1,241,000 kWh per year; we do not know what this estimate is based on given the extremely variable low flows of the Assabet River for

several months of the year. The “Draft Environmental Assessment” (Sept. 17, 2003) prepared for the surrender of the Exemption states that the generation was only 800,000 kWh per year (p. 17). But even if the 1,241,000 kWh per year figure is possible, it represents only 6% of the estimated typical annual consumption of the Mill and Main building complex, according to the Application. In addition, the electricity is unlikely to be generated during times of peak demand on the electrical grid—during the hot summer months. Thus benefits to the electrical grid due to peak demand reduction would be minimal or non-existent. It should be noted that the former owner requested that the Order approving the surrender of the Exemption be rescinded. This they did after applying for a \$500,000 grant from the Commonwealth (which they were granted) which would have defrayed a significant proportion of the expense of redevelopment of an otherwise uneconomic project using public funds. FERC declined to rescind Exemption and required a new Preliminary Permit Application instead. In sum, it is clear that the benefit of energy production by this project is minimal and outweighed by the likely negative environmental impact on the one-mile bypass reach and beyond. There are other sources of electricity that are far more environmentally benign and a sounder economic investment.

Public Resources: The Assabet River is widely enjoyed as a public recreational resource for boating, fishing and wildlife. Starting in Concord, downstream of the project site, the Assabet River is federally-designated as a Wild and Scenic River. Considerable federal, state and local resources have been invested in restoring the health of the river. Any aspect of this project that negatively affects the outstanding resource values of the wild and scenic segment will be a concern, including the ability of migratory fish to access their breeding areas, as well as any diminution in riverine habitat or water quality upstream of the Wild and Scenic segment.

In conclusion, OARS feels that the harm and cost of the proposed project far outweigh any likely benefits either to the applicant or the public. The further study that would be required to advance this project under a FERC preliminary permit would result in an investment of scarce resources by all parties concerned, for which there is little appetite. For these reasons OARS recommends that this Preliminary Permit be denied.

Thank you for the opportunity to comment on this application.

Yours sincerely,



Alison Field-Juma
Executive Director

CC: Kurt W. Saraceno, Saracen Properties
Andrew L. Raddant, DOI
Ralph Abele, EPA
Melissa Grader, USF&WS
Sarah Bursky, NPS
Caleb Slater, MassWildlife,
Robert Kubit, MassDEP
Linda Hansen, Maynard Conservation Commission
Dave Griffin, Maynard