Connecticut River Conservancy

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July 25, 2019

John Wassam
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston MA 02114

Subject: Revisions to Renewable Energy Portfolio Standards Class I and Class II
225 CMR 14.00 and 225 CMR 15.00

Dear Mr. Wassam,

I am submitting comments on proposed revisions to the Renewable Energy Portfolio Standards on behalf of the Connecticut River Conservancy (CRC), formerly the Connecticut River Watershed Council. CRC is the principal nonprofit environmental advocate for protection, restoration, and sustainable use of the Connecticut River and its watershed. The Massachusetts portion of the Connecticut River watershed makes up about a third of the Commonwealth of Massachusetts. We have many existing and proposed renewable energy projects in the watershed, and these regulations affect the rivers and natural resources in our watershed.

CRC signed on to a comment letter on these proposed revisions that was prepared on behalf of over 70 environmental organizations that opposed the addition of 225 CMR 14.05(1)a(6) section h, which proposes to eliminate the requirement that facilities be re-certified as low impact by the Low Impact Hydropower Institute (LIHI). This change applies to 225 CMR 15.05 as well. In this letter, we re-iterate our opposition and give some specific rationale.

The Connecticut River watershed has over 1,000 dams on the mainstem river and in its tributaries. While some dams are actively used for hydropower, many are no longer in use. Cumulatively, these dams have an enormous effect on the ecology, water quality, and recreational use of the entire river system.

Many of the small hydropower dams in our watershed are jurisdictional under the Federal Energy Regulatory Commission (FERC) and are regulated as being Exempt. They are issued an Exemption in perpetuity that spells out operational requirements. FERC licenses last 30-50 years, and there is an opportunity to weigh in on the facility's impacts once or twice in a lifetime. Each of the major tributaries to the Connecticut River, the Westfield, Chicopee, Deerfield, and Millers Rivers have multiple dams that are jurisdictional under FERC, many of which have been certified by LIHI.

LIHI certification and re-certification are the only regular opportunities for non-regulatory stakeholders to offer suggestions to minimize and mitigate impacts on a public resource (a river). Given the increased revenue that RPS Class I and II brings to a generator, facilities should be required to meet requirements more than once.

We offer a concrete example of the benefit of keeping LIHI re-certification requirements intact. In 2017, the Collins Dam on the Chicopee River went through re-certification through LIHI. Since the time of the original certification in 2012, a local group had been working on increasing and improving paddling opportunities in the Chicopee River, and had received state grant money for a water trail. Through the LIHI comment process during re-certification, CRC and partner organizations Chicopee 4 Rivers Watershed Council and the Appalachian Mountain Club were able to advocate for a short portage trail around this dam, at minimal cost to the owner. This change was not on anyone's radar in 1983 when the FERC Exemption was issued, nor when the facility was originally certified, and it would never have been possible without LIHI requiring that the dam owners engage with the commenters as a result of re-certification.[1] Previous attempts to engage directly with the dam owner had gone nowhere. Having the Chicopee River full of small hydropower dams is anything but "low impact." But, at least, through LIHI certification and re-certification, the owners of these dams have an incentive to go "above and beyond" their FERC Exemption requirements.

CRC recommends that DOER delete section h in Parts 5(1)a(6) of the Class I and II regulations. We would be open to consider eliminating re-certification for very low impact facilities, such as conduit hydropower.

The proposed biomass changes are mostly outside of our expertise, but we would like to voice caution about these changes. Ten years ago, there were three proposed biomass power plants proposed within the greater Connecticut River watershed. Each of them were going to have some impact on rivers because they would have used municipal water or river water directly for cooling. None of the plants have been built, but if the proposed changes are implemented and the plans are revived, the generation facilities and obtaining the fuel will have impacts on watersheds.

Moreover, a study that came out last week concluding that if new forests were established around the world, this would help capture carbon and slow the progress of climate change. (https://www.sciencenews.org/article/planting-trees-could-buy-more-time-fight-climate-change-thought). DOER should ensure that renewable portfolio standards are crafted in a way that not lead to further deforestation, either from biomass harvesting or for solar facilities that involve converting forested land to solar fields.

CRC appreciates the opportunity to provide comments on the proposed changes. I can be reached at adonlon@ctriver.org or (413) 772-2020 x.205.

Sincerely,

Andrea F. Donlon
River Steward

[1] The project owner did meet with partners and the portage trail seemed like it was moving forward, but so far, this trail has not been established.