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2004 JUN 14 P 3 57

FEDERAL ENERGY
REGULATORY COMMISSION

June 8, 2004

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

Dear Ms. Salas:

I am writing today in regards to the Federal Energy Regulatory Commission's recently released *Final Environmental Impact Statement for Hydropower Relicensing of the Housatonic River Hydroelectric Project* (FERC Project No. 2597-019 and 2576-022). Upon reviewing this document, I am concerned that the FERC has chosen to disregard some of the conditions contained in the August 24, 2000 Water Quality Certificate (WQC) that the State of Connecticut Department of Environmental Protection (DEP) issued for the project in accordance with Section 401 (a)(1) of the federal Clean Water Act.

As you are aware, the Housatonic River Hydroelectric Project consists of five separate hydropower developments located on the Housatonic River in Connecticut. Currently, power is generated at these five locations using what is commonly referred to as a "pond and release" method of river management. In this method, water is gathered behind the five impoundments and then periodically released at certain times of the day to produce electricity. While clearly there are some benefits to using this method including reliable releases of whitewater for recreational boaters and on demand power production during peak usage hours, there are also many troubling environmental and wildlife impacts associated with a pond and release management strategy for the river.

After a thorough evaluation of the impacts that current operating conditions of the five hydropower developments have had on the aquatic, wildlife, and wetlands resources of the Housatonic River, the DEP determined that a return to so-called "run of the river" (ROR) conditions was warranted at the Bulls Bridge and Falls Village hydroelectric developments. These conditions were included in the 401 WQC that the DEP issued for the project in August of 2000 and have been supported by the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Parks Service, several prominent local and national environmental groups, and the majority of constituents I have heard from in recent months. It is also my understanding that under Section 401 (d) of the Clean Water Act, the FERC must incorporate all conditions of the 401 WQC into the final FERC license for the project including the conditions requiring a return to ROR operations at Falls Village and Bulls Bridge developments. However, after a review of the *Final Environmental Impact Statement for Hydropower Relicensing of the Housatonic River Hydroelectric Project*, it appears that the FERC

2004 JUN 15 PM 12:05
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has chosen to disregard the DEP's conditions set forth in the 401 WQC and has instead recommended an alternative management scheme that includes operating the Falls Village and Bulls Bridge hydroelectric developments in a pond and release manner throughout much of the year.

I am disheartened that the FERC has chosen to ignore the conditions that the DEP established in the 401 WQC for the project. These conditions were based on what the State of Connecticut considers to be best for the overall health of the river and the aquatic species and wildlife that depend on the continuous flow of the river to thrive. While I understand the concerns related to recreational boating and power generation on the river, I believe that at this time these concerns do not outweigh the environmental and wildlife benefits that would be realized by a return to ROR conditions at Falls Village and Bulls Bridge.

I respectfully request that the FERC reconsider the decision to omit the conditions specified by the DEP in the 401 WQC that was issued by that agency for the Housatonic project and to recommend a return to ROR conditions at Falls Village and Bulls Bridge. The Housatonic River has endured a long battle to regain its environmental health and any actions that can be taken that will benefit the future health of the river and the species who depend on it should be implemented immediately.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lieberman', written in a cursive style.

JOSEPH I. LIEBERMAN
United States Senator