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VIA ELECTRONIC FILING

August 13, 2021

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Derby Dam Hydroelectric Project - FERC No. P-6066-038-Connecticut
FirstLight Power Services LLC Comments on Joint Agency and Public Meeting
and Pre-Application Document
18 C.F.R. §16.8(b)(5)

Dear Secretary Bose,

On February 26, 2021, McCallum Enterprises I, Limited Partnership (MELP) filed a notice of intent to file an application for new license (NOI), a pre-application document (PAD), and a request to use the Traditional Licensing Process (TLP) for relicensing the Derby Dam Hydroelectric Project (Derby Project) with the Federal Energy Regulatory Commission (FERC) (MELP 2021A). On April 27, 2021, FERC issued authorization to use the TLP (FERC 2021). Subsequently, MELP conducted a joint agency and public meeting (JAM) and site visit pursuant to 18 C.F.R. §16.8(b)(3) (MELP 2021B).

FirstLight Power Services LLC (FirstLight) submits these comments as an interested party in the relicensing of the Derby Project as agent for FirstLight CT Housatonic LLC, the licensee for the Housatonic River Project (FERC Project No. 2576). The Stevenson Development of the Housatonic River Project is the next dam upstream of Derby Dam on the Housatonic River.

In the PAD, MELP referenced a Connecticut Department of Energy and Environmental Protection (DEEP) draft restoration plan including anadromous fish species passage goals, and in the JAM, MELP stated that they were not aware of a final diadromous fish restoration plan for the Housatonic River. MELP further noted that the plan is critical for finalizing fish passage design for Derby Dam. Additionally, in the PAD,

Ms. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
August 13, 2021



MELP referenced a FirstLight submittal to FERC which noted that consultations with agencies resulted in the anticipation that “... *substantial clarity to the development of Housatonic River diadromous fish restoration plans would be gained by the end of 2022.*”

The submittal referenced by MELP was a request by FirstLight for an extension of time to file upstream and downstream fish passage plans and designs for the Stevenson Development (FirstLight 2020). Fish passage facilities at the Housatonic Project are predicated on a phased approach to diadromous fish restoration such that “...the timing of fish passage implementation at the three Housatonic River Project developments [upstream of the Derby Project] will depend upon the growth of migratory and riverine fish populations in the Housatonic River...The first milestone will be achieving fish passage at the Derby Dam” (Appendix B in FERC 2004). In granting the extension, FERC recognized that “successful installation of anadromous fish passage facilities at the Stevenson development is contingent upon the successful passage of anadromous fish and eel at the Derby Project.” (FERC 2020).

The reference to the anticipated clarity with regards to development of Housatonic River diadromous fish restoration plans was not to the development of a final restoration plan to be developed by DEEP, as MELP suggests. Rather, the reference was to the anticipated resolution of Derby Dam fish passage plans by the end of 2022, which FirstLight, DEEP, and the U.S. Fish and Wildlife Service believed would likely be clear by that time, and which are necessary to develop fish passage plans and designs for the Stevenson Development.

To the extent that the MELP PAD and statements in the JAM suggest that the Derby Project fish passage plans are contingent on the filing of a final Housatonic River Diadromous Fish Restoration Plan by CT DEEP—or to FirstLight’s development of plans for the Stevenson Development—by the end of 2022, MELP misconstrues the timing of the development of such plans. If MELP anticipates developing fish passage plans as part of the relicensing process, such that the plans would be submitted after its new license is issued in 2026 or later, it significantly impacts the timing of plans for the Stevenson Development of the Housatonic Project. Accordingly, FirstLight seeks clarity regarding the timing of MELP’s development of and, subsequently, completion of fish passage plans for the Derby Project.

If you have any questions regarding this report, please contact me at (413) 659-4416.

Sincerely,

FIRSTLIGHT POWER SERVICES LLC
as agent for FIRSTLIGHT CT HYDRO LLC

A handwritten signature in black ink that reads "Alan J. Douglass".

Alan Douglass
Manager, Regulatory Compliance

Ms. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
August 13, 2021



References:

- FERC (Federal Energy Regulatory Commission). 2004. Order Issuing New License, Housatonic River Project (No. 2576-022) and Falls Village Project (No. 2597-019). Issued June 23, 2004 [107 FERC ¶ 61,305].
- FERC. 2020. Order granting extension of time and amending fish passage and monitoring schedules under Article 401, FirstLight CT Housatonic, LLC Project No. 2576-047. Issued July 29, 2020.
- FERC. 2021. Authorization to use the traditional licensing process for Project No. 6066-038 – Connecticut, the Derby Dam Hydroelectric Project, McCallum Enterprises I Limited Partnership and Shelton Canal Company. Issued April 27, 2021.
- FirstLight. 2020. Housatonic River Project – FERC Project No. 2576, Stevenson Development, request for extension of time, Article 401, upstream and downstream American Eel and anadromous fish passage. Submitted July 20, 2020.
- MELP (McCallum Enterprises I, Limited Partnership). 2021A. Notice of intent to file an application for new license, request for approval to use the Traditional Licensing Process, and Pre-Application Document for the Derby Dam Hydroelectric Project (FERC Project No. P-6066). Filed February 26, 2021.
- MELP. 2021B. Filing of written transcript and Power Point presentation of Joint Meeting. Derby Dam Hydroelectric Project (FERC No, 6066). Filed June 29, 2021.

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