



October 27, 2020

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: P-6985-005: Kinneytown Hydroelectric Project; Comments by Interested Persons

Secretary Bose:

The Naugatuck Valley Council of Governments (NVCOG) is a political subdivision of the state of Connecticut consisting of nineteen member municipalities in the west central part of the state. Our membership includes eight municipalities through which the Naugatuck River flows, along with many surrounding communities. Our governing board, consisting of the chief elected officials of those 19 municipalities, was dismayed to learn earlier this year that the fish ladder at Kinneytown Dam on the Naugatuck River in Seymour is currently not operating effectively and directed staff to immediately add this issue to our current work plan, charging us with investigating the matter and developing recommendations to the board and regulators, while continually updating them with regard to the performance at the Kinneytown Hydroelectric Project (KHP), operated by Kinneytown Hydro Co. Inc. (KHC). We are aware of the letter from the Fish and Wildlife Service (FWS) to FERC dated September 29, 2020 regarding the lack of fish passage at the KHP fish ladder, and a subsequent letter from FERC dated October 9, 2020, requesting information from KHC regarding the operation of the KHP in relation to the operation of the fish ladder at the facility. I am writing this letter to make you aware of NVCOG's interest in the swift resolution of the issues discussed in those letters that are currently preventing safe, timely and effective fish passage at Kinneytown Dam.

There has been substantial public investment made over the previous decades to remove barriers to fish passage along the Naugatuck River upstream from Kinneytown Dam, including the recently completed Tingue Bypass Channel in Seymour. This investment was done with the understanding that fish passage at the Dam was being addressed with an effective fish ladder. It is our understanding that fish passage for migratory fish is not occurring in a safe, timely and effective manner at Kinneytown Dam, and that this situation has been ongoing for several years. We are very concerned that the returns on the investments made all along the River are not being realized if fish are not able to access the miles of habitat above Kinneytown Dam.

While the fish counts included in the FWS letter to FERC clearly show that fish are not currently using the fish ladder, it does not show the full extent of the issue. Our agency's planners have reviewed photographic, video, and testimonial evidence collected by local residents and grassroots organizations concerned with the health of the river. That evidence indicates that there are large schools of several species of fish regularly being attracted to the dam rather than the ladder, becoming stranded in small pools below the dam, and even dying while trying to scale the dam itself. Comparing counts of fish passing the dam currently with counts of fish passing the dam when the fish ladder was reportedly functioning as designed, as the table in the FWS Letter to FERC does, fails to consider those fish currently being prevented from passing the dam.

The video and photographic evidence was also concerning from a dam safety perspective, showing the entire facility in disrepair, and the dam itself in dire condition. The dam has large cracks throughout, exposing rebar, with water freely flowing from the downstream face of the dam. Recent development along the river downstream, including recreational development of O'Sullivan's Island and the Naugatuck River Greenway Trail presents additional risk to life and property should the dam fail. We noted that FERC had recently received and reviewed the 2019 Dam Safety Surveillance and Monitoring Report. While we are not privy to the content of that report, we implore FERC to review it critically and, if necessary, go into the field to confirm that the latest inspection report is in fact based on current conditions.

In recent months I have personally visited the location and have been greatly disturbed by the condition of the entire KHP facility which gives the appearance of total abandonment. The fish ladder has been regularly blocked with debris on the impoundment side and does not appear to function effectively as any kind of passage for migratory fish. I am also deeply concerned by the complete abandonment of the diversion channel and the Ansonia plant, which is open to the elements, has been vandalized, and is a clear hazard to the public who apparently enter the site from the adjacent neighborhood. Earlier this year, there was news coverage of a dog stranded on a floating pile of trash within the KHP canal to Ansonia that needed to be rescued by local Emergency Services: https://valley.newhavenindependent.org/archives/entry/officials_eye_trash-clogged_canal_in_seymour/. As recently as September the canal was once again filled with trash. I raise this issue with the FERC because it demonstrates the total lack of attention or investment in this facility by KHC that is not only dangerous to aquatic resources, but to the neighboring and downstream public as well.

The Naugatuck River is a very important resource to our communities. Local officials believe that a fully restored river, including the recreational and sport fishing that will result, constitute a key goal in supporting environmental quality and recreational development in this region. The NVCOG and municipalities have worked tirelessly to create opportunities for people to interact with and enjoy the River, including through a coordinated effort to improve access with the continued development of the Naugatuck River Greenway. Those efforts have been made possible by the dramatic improvement in water quality and wildlife habitat that past restoration work has won. The ultimate success of those and future efforts will rely on continued improvement, including the return of migratory fish.

We are aware that providing effective fish passage is a condition of the FERC license to operate the Kinneytown Dam facility, along with several other requirements that must be met in order to maintain the KHP facility's exemption. NVCOG seeks to participate in the proceedings and processes subsequent to the Commission's inquiries and may decide to intervene at an appropriate time. The municipal chief elected officials of the NVCOG remain committed to the return of migratory fish to the Naugatuck River and tributaries, and to downstream safety, and look forward to engaging in this process to ensure the future health of the River.

Sincerely,



Rick Dunne
Executive Director

CC Via E-Mail:

Neil O'Leary, Chairman, NVCOG

NVCOG Board

Elinor Carbone, Mayor, Torrington

Denise Raap, First Selectman, Litchfield

Michael Criss, First Selectman, Harwinton

Rick Lynn, Executive Director, NHCOG

Peter Aarrestad, Fisheries Division Director, CT DEEP

Melissa Grader, FWS New England Division

Andrew Tittler, FWS New England Division

Timothy Wildman, CT DEEP Fisheries Division

Conrad St. Pierre, Kinneytown Hydro Co., Inc.

Service List