

EXHIBIT No.
COM-04

Power struggle: 'What you have here is a fish-killing machine with no positive benefit'

BY MICHAEL PUFFER REPUBLICAN-AMERICAN September 25, 2021



SEYMOUR, CT. — Kevin Zak, head of the Naugatuck River Revival Group, at the Kinneytown Dam in Seymour Friday. Federal agencies are chastising the owner of the Kinneytown Dam in Seymour for flouting orders to fix a fish ladder. Advocates say the dam is killing fish trying to get upstream to spawn. Steven Valenti Republican-American

SEYMOUR — After buying power plants in several states in December, a company called Hydroland touted plans to create “green energy parks.”

Small hydro plants would be upgraded with modern technology, helping fuel a transition to environmentally friendly power, according to the company’s public statement.

Connecticut environmental activists and local government officials, however, say Hydroland hasn’t complied with demands to fix a faulty fish ladder and dam that are blocking migrations of key fish species into the Naugatuck River.

“What you have there is a fish-killing machine with no positive benefit because it’s not generating any power,” said Rick Dunne, executive director of the Naugatuck Valley Council of Governments, which represents 19 area cities and towns and allied last year with environmentalists on the issue.

Dunne is talking about the Kinneytown Dam in Seymour and two small associated power plants.

One plant, at the dam in Seymour, has not generated power for about a year, according to environmental advocates. The other plant, downstream in Ansonia, is designed to receive water diverted from the dam into a canal. That second unit has been inoperable since 2010, according to federal authorities.

A coalition of environmental groups; Naugatuck Valley cities and towns and federal lawmakers has applied mounting pressure to Hydroland.

Hydroland spokesman Fred Niehaus refutes allegations the company has been unresponsive. He said the company has plans for a "major" restoration of the Kinneytown hydro facilities, both in Seymour and Ansonia. Niehaus said the company has submitted plans to the Federal Energy Regulatory Commission to fix the dam, the lower hydropower facility, as well as gates and an associated canal that feed water to that lower powerhouse. He could not say when the repairs would be undertaken.

"We feel good about this project," Niehaus said Saturday. "We feel good about what we and FERC have moved through and gotten approval on and are moving forward on. While it may not resolve every issue we think it's a good step forward because the company is committed to upgrading this and the other facilities we acquired."

Dunne said his agency is apprised of all FERC filings involving Hydroland, and he is unaware of any approved plan. "It's kind of shocking to hear that because it's not the case," Dunne said about Niehaus' comments. "I can tell you with absolute certainty FERC has not accepted any plans."

SEYMOUR, CT. — Photo of the Kinneytown Dam in Seymour Friday. Federal agencies are chastising the owner of the Kinneytown Dam in Seymour for flouting orders to fix a fish ladder. Advocates say the dam is killing fish trying to get upstream to spawn. Steven Valenti Republican-American

The state's restoration plan for the Naugatuck River aims to return historic runs of hundreds of thousands of "anadromous" fish, species that live in salt water but breed in fresh water.

In some rivers, spring breeding runs of shad see fleets of fish about 2 feet in length powering their way upstream. In some waterways, herring runs produce clouds of fish so thick they darken the water through which they pass. These are impressive spectacles, supplying food for osprey, egrets, eagles, larger fish and other predators.

Many millions of dollars have been spent upgrading sewage treatment plants along the Naugatuck River, building a fish passage at another upstream dam and dismantling other upstream dams. For local officials and environmentalists, a solution to the Kinneytown Dam is the next step to capitalizing on these investments.

"What it does is it restores the natural environment that has been cut off by these dams," Dunne said. "Now bait fish don't swim up the river and don't spawn. That means the fish that is available in the ocean is impacted by the lack of baitfish who are unable to procreate in the streams and tributaries. If you care about being able to fish and not paying \$25 per pound for fish, you should support this attempt to restore the fishery."

A year ago, the U.S. Fish and Wildlife service petitioned the Federal Energy Regulatory Commission to order the Ansonia plant back into operation. That was identified as a step to help the upstream Kinneytown fish ladder work better.

Hydroland engineer Donald Emel Jr., in a March 1 letter to FERC, proposed a progression of repairs, beginning this past spring with adding boards to the dam to minimize water flowing over it, which attracts fish to its base rather than an associated fish ladder.

Hydroland proposed to repair gates to the canal to control the level of the impoundment above the dam. Under Emel's proposal, the Ansonia powerhouse would be fixed in 2022 and 2023.

FERC responded with a letter in April ordering Hydroland to immediately add boards to reduce spill over the dam, begin operating the Seymour power plant, measures to prevent fish strandings and to make adjustments to the fish ladder.

In May, the Connecticut Department of Energy and Environmental Protection reported to FERC that none of the required measures were undertaken.

Kevin Zak, founder of the Naugatuck River Revival Group, and other environmentalists say schools of shad, herring and alewives get stranded behind the dam. Zak has also filmed salmon, sea-run trout, striped bass and other fish below the dam.

SEYMOUR, CT. –Kevin Zak, head of the Naugatuck River Revival Group, at the Kinneytown Dam in Seymour Friday. Federal agencies are chastising the owner of the Kinneytown Dam in Seymour for flouting orders to fix a fish ladder. Advocates say the dam is killing fish trying to get upstream to spawn. Steven Valenti Republican-American

In late spring of 2019 and again in 2020, Zak, a nephew and friends rescued dozens of sea lampreys that got caught in shrinking pools of water, hauling them in five-gallon buckets up the bank and to the other side of the dam.

“It’s really sad what’s taking place there, and that it’s been allowed to go on for so long,” Zak said.

Zak also complained that Hydroland and the Kinneytown facility’s prior owner, Enel Green Power North America, failed to maintain a “boat barrier” line of buoys across the river to keep boaters from accidentally going over the dam.

Hydroland purchased 13 hydroelectric facilities across several states, including the Kinneytown facilities, in December.

According to the company website, Hydroland CEO Cory Lagerstrom founded a financial services firm and is an expert in private and venture equity investment management.

Hydroland Chief Operating Officer Tim Carlsen had been a partner at a Washington-based venture capital firm. According to Carlsen’s LinkedIn profile, he cofounded Hydroland in 2018. Hydroland has offices in Washington, Colorado, Kansas and New York.

On Aug. 26, the Federal Energy Regulatory Commission issued a letter chastising Hydroland for not performing the short-term fixes ordered in April. The letter also noted Hydroland missed an Aug. 1 deadline to update the agency on plans for long-term solutions.

FERC's letter gave Hydroland another 15 days to report progress to aid the fall fish migration. Plans for more permanent fixes are due Jan. 31.

Niehaus said river flows in spring were too powerful to perform some of the planned improvements. Work was also set back by the loss of a key engineer, he said.

"It's really not reticence," Niehaus said. "It's just a manpower issue, getting people back onboard to get this moved up."

State plans for the Naugatuck River aim to restore spring spawning runs of more than 22,000 shad and 220,000 river herring.

Yet, the Kinneytown fish ladder passed a yearly average of 12.5 American shad, blueback herring and alewife between April 1 and June for the past 20 years, according to an analysis by Save the Sound, the Naugatuck River Revival Group and Queens College.

SEYMOUR, CT. — Kevin Zak, head of the Naugatuck River Revival Group, at the Kinneytown Dam in Seymour Friday. Steven Valenti Republican-American

The study was submitted to the Federal Energy Regulatory Commission earlier this month, part of mounting pressure on Hydroland.

"Basically, my conclusions were there is a very narrow band of river flows where fish can actually use the ladder," said biologist Bill Lucey said of the study. "Needless to say, not a lot of fish we are looking at restoring in the river are making it past the ladder. What's there doesn't really work."

On Aug. 24, the Connecticut Department of Energy and Environmental Protection petitioned FERC to be included as an intervener in the ongoing review of the Kinneytown hydroelectric facilities.

Waterbury Mayor Neil M. O'Leary, also chairman of the Naugatuck Valley Council of Governments, said restoring fish migrations to the Naugatuck River will improve riverside recreation and provide an associated

economic boost.

"We are putting millions and millions of dollars into economic development projects all along the Naugatuck and Housatonic Rivers," O'Leary said. "Once we get our river-walk done and our fishing locations in, this could be a beautiful story."

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