

CITY OF HOLYOKE GAS & ELECTRIC DEPARTMENT

**COMPREHENSIVE RECREATION AND LAND MANAGEMENT
PLAN**

**LAND MANAGEMENT PLAN
PERMITTING PROGRAM**

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Appendix A - Project Location Map

1. Introduction

The City of Holyoke Gas & Electric Department (HG&E) owns and operates the 43.8 megawatt Holyoke Project (FERC No. 2004) at mile 80 of the Connecticut River. The main Project works are located within the City of Holyoke and the Town of South Hadley, Massachusetts. The Project impounds a 2,290 acre headpond reservoir that extends approximately 25 miles upstream of the Holyoke dam.

Pursuant to the license issued by the Federal Energy Regulatory Commission (FERC) for the Holyoke Project (FERC Project No. 2004) [88 FERC ¶ 61,186 (1999); as amended 111 FERC ¶ 61,106 (2005) (hereinafter FERC License)], HG&E is required to manage and permit certain uses and activities on the lands and waters located within the boundary of the Holyoke Project as described in the FERC License (hereinafter Project Boundary).¹ In particular, under Article 418 of the 1999 FERC License Order, HG&E is required to prepare and implement a Recreation Plan that provides for, among other things, recreational use including strategies for minimizing conflicting uses, resource protection, and periodic assessment of recreational use and needs. In addition, under that Article HG&E is to prepare and implement a Land Management Plan that addresses the conservation easements required under the FERC License and addresses strategies for open space, public access, preservation of wildlife habitat on lands around the Project Impoundment, and management practices on private lands around the Project Impoundment (as defined below). Further under Article 418, HG&E is to prepare and implement a Buffer Zone Management Plan that addresses allowable uses within the specified buffer zone and delineates the shore land protective buffer zone area.

In addition, HG&E has certain obligations under the Water Quality Certification issued on March 19, 2001, by the Massachusetts Department of Environmental Protection (MADEP) relative to the use of such lands and waters within the Project Boundary (hereinafter 401 Certificate). Specifically, under Condition 19 of the 401 Certificate, HG&E is to prepare and implement a Riparian Management Plan to address the protection of water quality and designated uses in the Project Boundary.

Based on the requirements in the 1999 FERC License Order and the 401 Certificate, HG&E filed its Comprehensive Recreation and Land Management Plan in April 2003 (CRLMP), including a Recreation Plan, Land Management Plan, and Buffer Zone and Riparian Management Plan. In Section 3.4.2 of the CRLMP, HG&E proposed to institute a permit program to fulfill its responsibilities under the FERC License and the 401 Certificate for monitoring and managing certain activities within the Project Boundary. The FERC approved the CRLMP (that incorporates a proposed Permitting Program) by order issued March 31, 2004 (106 FERC ¶ 62,243). The CRLMP approved by FERC incorporates input from several consultation meetings with the Project stakeholders, including the MADEP.

2. The Permitting Program

¹ The use of the term Project Boundary in this document includes the lands and waters included in the Project License (as specifically defined in Ordering paragraph (E)) as currently in effect or hereafter modified by FERC.

This document explains the manner in which HG&E will implement the Permitting Program under the FERC License and the 401 Certificate with respect to certain recreational and land uses within the Project Boundary. FERC directs that HG&E shall implement this responsibility to assure the ability to continue operations of the Project, satisfy the needs of the recreating public, and protect the environmental resources found within the Project Boundary. Permits specifically targeted for the leases of Cove Island camp site properties are covered by separate documents that were implemented in 2004, and have not been included as part of this Permitting Program.

Recreation activities and opportunities are prevalent on the Connecticut River in this relatively populated area (700,000 plus inhabitants) of central Massachusetts. The Holyoke Project impoundment provides significant recreational opportunities, especially boating. Because the FERC License and 401 Certificate require HG&E to monitor and manage certain activities on the Project Impoundment and otherwise in the Project Boundary, in its CRLMP HG&E proposed the implementation of a Permitting Program. However, the MADEP already implements several permitting programs relative to activities on the Connecticut River in the Project Boundary, including Chapter 91, M.G.L. Massachusetts Chapter 91, Section 10, the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Water Management Act, M.G.L. Massachusetts Chapter 21G. Therefore, to avoid duplication, HG&E has developed its Permitting Program to coordinate with the MADEP permit programs under Massachusetts Chapter 91 and the Water Management Act. For example, MADEP has indicated that they will include in all permits/licenses a condition that approval must be obtained from HG&E. This Permitting Program provides HG&E with the responsibility to monitor and manage lands and waters within the Project Boundary consistent with the requirements of the FERC License and the Massachusetts 401 Certificate.

3. Definitions for the purpose of this Permitting Program

Chapter 91 Permits/Licenses – Permits/Licenses issued by MADEP for activities in the Project Boundary that are also within or adjacent to waterways in the Commonwealth of Massachusetts subject to the standards and conditions defined by the Massachusetts Public Waterfront Act, Chapter 91, Section 10.

Commercial Boating – A location designating land and waters within the Project Boundary where boats are moored, launched, and retrieved. In addition, this identified location incorporates services such as storage of watercraft, convenience retailing, petroleum dispensing, and other activities typically associated with commercial marinas. Commercial marinas, for the purposes of this Permitting Program, encompass greater than 10 individual boat slips, are managed for economic purposes and are not typically associated with residential uses.

Dock – Any combination of structure or auxiliary structures, including ramp(s) within the waters in the Project Boundary that allows access for boating of any type on the Connecticut River.

Dock Expansion – The modification of an Existing Dock that results in a greater than ten percent increase in number of boat slips, decking square footage, or any increase in the extension of an

existing facility into the River beyond its original footprint as of the effective date of the Permitting Program.

Environmentally Sensitive Areas – For the purposes of this Permitting Program, environmentally sensitive areas are defined as those lands within the Project Boundary that are or become subject to a Conservation Restriction and lands that have been identified as MADEP Wetland Inventory mapped wetlands, Federal Emergency Management Agency (FEMA) mapped 100 Year floodplains, and habitat for threatened and endangered species as mapped by the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

Existing Dock and Ramp – Any combination of structure or structures within the waters in the Project Boundary on the effective date of the Permitting Program that allows boating of any type on the Connecticut River.

HG&E Authorization – The written authorization by HG&E approving the construction of any Dock, Dock expansion, Ramp or Water Withdrawal. HG&E Authorization is required prior to beginning any construction or excavation of any Dock, Dock expansion, Ramp or Water Withdrawal inside the Project Boundary of the HG&E Holyoke Project, FERC No. 2004.

Project Boundary – The lands and waters identified by the FERC License and all subsequent amending orders to said license for the Holyoke Project. Appendix A includes a Project Location Map to be used as a general reference for the Project Boundary.

Project Impoundment – Waters of the Connecticut River and its tributaries located up river of the Holyoke Dam and located within the Project Boundary of FERC Project No. 2004

Ramp – An inclined surface constructed of concrete, timber, or asphalt which provides direct and unimpeded access to the Connecticut River, and upon which boats or other personal watercraft are launched into and retrieved from the water.

Residential Boating – A location designating land and waters within the Project Boundary where boats can be moored, launched, and/or retrieved. This classification provides access to lands/waters within the Project Boundary for certain residential property owners including off-water lots, multi-family dwellings, and individual residential properties. This classification includes a Dock or Dock complex that encompasses no more than 10 individual boat slips.

Water Withdrawal – Individual point source withdrawal of water from the Connecticut River within the Project Boundary that exceeds an average of 100,000 gallons per day throughout a calendar year and are subject to regulation by the Massachusetts Water Resources Commission and permitted under the Water Management Act, M.G.L. Massachusetts Chapter 21G.

Water Withdrawal Permit – Permit issued by MADEP for an individual point source withdrawal of water from the Connecticut River within the Project Boundary that exceeds an average of 100,000 gallons per day throughout a calendar year pursuant to the Water Management Act, M.G.L. Massachusetts Chapter 21G.

4. GIS Mapping of Project

To assist in the overall management of the Permitting Program, HG&E proposes to maintain a set of GIS maps for the entire Holyoke Project Impoundment that identifies existing Docks, Ramps and Water Withdrawals. The use of these maps in conjunction with the Permitting Program will facilitate HG&E's management of the Recreational and Commercial Boating and Water Withdrawals within the Project Boundary.

- A. Existing Mapping. Currently HG&E maintains a set of GIS maps for the entire Project that documents the presence of all physical features, including all boating facilities, within and contiguous to the Project Boundary. This mapping shall be maintained, as modified and amended, for the term of the FERC license, and all annual licenses issued under the Federal Power Act until a new license for the Holyoke Project is issued.
- B. Annual Update. Each year, based on the data obtained from the Permitting Program, HG&E will update the authorized changes within and contiguous to the FERC Project Boundary. The data upon which the updates will be based include:
 - i. Annual survey of Project. Once per year (in September so that facilities constructed the previous recreational season are included), HG&E personnel will survey the entire Project headpond to verify that HG&E Authorized Docks, Ramps and Water Withdrawals comply with each new HG&E Authorization issued. The survey will also be used to update the GIS mapping maintained by HG&E.
 - ii. HG&E Authorization. Every HG&E Authorization issued subsequent to the previous update will be field verified to confirm that the Dock, Ramp or Water Withdrawal has been constructed. If construction has commenced at the time of the annual inspection, the Dock, Ramp or Water Withdrawal will be identified on the GIS map update.
 - iii. Massachusetts Chapter 91 and Water Withdrawal Permit issuances. An annual review of Permits/Licenses issued under this regulatory program will be completed with MADEP. Permits/Licenses that have been issued and Dock, Ramp or Water Withdrawal that have been constructed will be incorporated onto the GIS mapping and will also be included in HG&E's report to FERC.
 - iv. Water Withdrawal locations. All new Water Withdrawals that have been authorized by HG&E and installed by an applicant within the last year will be noted on the updated GIS mapping.

5. Permitting Requirements

A. Permit Reviews and Management

- i. Residential and Commercial Docks & Ramps – HG&E Authorization. Prior to commencing any Dock or Ramp construction (including new construction or

modification/expansion) within the Project Boundary, an applicant must submit to HG&E an application for permission for this work. The HG&E Application form will be available by contacting HG&E directly and will be available on HG&E's website (www.hged.com). This application must be submitted concurrently with the Applicants' submittal of a Chapter 91 Application to the State of Massachusetts (reflecting their Chapter 91 Permit/License requirements). Upon receipt of the Massachusetts Chapter 91 Permit/License and all other applicable permits/licenses, the applicant must forward a copy of said permits/licenses to HG&E. Following receipt of all of the above documents and permits, HG&E shall issue to applicant an approval or denial of the proposed Dock or Ramp construction. Applicant must receive written approval from HG&E prior to commencing any Dock or Ramp construction.

- ii. Water Withdrawals – HG&E Authorization. Prior to commencing any Water Withdrawal construction within the Project Boundary, an applicant must submit to HG&E an application for permission for this work (including new construction or modification/expansion). The HG&E Application will be available by contacting HG&E directly and will be available on HG&E's website (www.hged.com). The HG&E Application must be submitted concurrently with the Applicants' submittal of a Water Management Act Application to the State of Massachusetts. Upon receipt of the Massachusetts Withdrawal Permit and all other applicable permits/licenses, the applicant must forward a copy of said permits/licenses to HG&E. Following receipt of all of the above documents and permits/licenses, HG&E shall issue to applicant an approval or denial of the proposed Water Withdrawal construction. Applicant must receive written approval from HG&E prior to commencing any Water Withdrawal construction.

B. Permit Issuance and Conditions

- i. Upon documentation of all requirements for Dock or Ramp Authorization and Water Withdrawal Authorization by HG&E as outlined in the above section, HG&E will issue a written notification within 30 days of receipt to the applicant indicating HG&E's approval or denial of the application. Notification of approval shall be considered authorization to undertake the activities proposed in the application filed with HG&E to the extent approved by HG&E, MADEP and all other applicable land use permits and further conditioned in the HG&E Authorization. Under no circumstances may any construction or modification of an activity described above begin until authorization has been granted by HG&E.
- ii. All Residential and Commercial Docks that possess current Chapter 91 Permits/Licenses and Water Withdrawals that possess Water Withdrawal Permits on the date of the FERC Order approving this Permitting Program and are included on the current GIS mapping will be deemed approved by HG&E.

- iii. Any modifications to the Existing Docks, Existing Ramps or Water Withdrawals must receive approval from HG&E, using the process described above, as well as obtain all other applicable state and federal permits/licenses.
- iv. All Authorizations granted by HG&E shall contain certain uniform conditions, and any special conditions required to ensure HG&E's compliance with the requirements of its FERC License. These conditions may include, but are not limited to, a requirement to provide notice of commencement and completion of construction, the ability to withdraw any previously granted Authorization, the ability to require removal of any Dock, Ramp or Water Withdrawal, stipulations, or post-construction requirements if appropriate, and a requirement that a consumptive use fee may be established for a water withdrawal that impacts HG&E operation of the Project.

6. Monitoring and Enforcement

Monitoring of MADEP permitted/licensed and HG&E authorized Docks, Ramps and Water Withdrawals will be completed by HG&E once every September for the term of the FERC License. The review will encompass an evaluation of HG&E Authorizations and Permits/Licenses that have been issued in the previous 12 months from the date of the first day of the month when the survey occurs.

If an HG&E Authorized Dock, Ramp or Water Withdrawal violates any condition of the HG&E Authorization, HG&E shall take any lawful action necessary to correct the violation. For the purpose of enforcing an Authorization issued under this Permitting Program, HG&E may, if necessary, revoke the Authorization to use and occupy the lands and waters within the Project Boundary and may require the removal of any noncomplying Docks, Ramps or Water Withdrawals. HG&E will take any lawful action necessary to enforce compliance with the Program within the Project Boundary, up to and including the removal of the facilities or termination of the water withdrawal activities.

If HG&E has reason to believe that any MADEP Chapter 91 and Water Withdrawal permitted/licensed and HG&E Authorized Docks, Ramps and Water Withdrawals are in violation of state requirements, HG&E will contact the appropriate state agency and report the conditions observed during HG&E's monitoring.

7. Reporting

On or before January 31 of each year after FERC issues approval of this Permitting Program, HG&E will submit to FERC an annual report covering all HG&E Authorizations of the previous year and including the following information:

- A. Number of Residential and Commercial Docks and Ramps and Water Withdrawal Authorizations issued by HG&E within the past year.
- B. Confirmation of annual permitting field inspection and documentation.

- C. Confirmation that activities have been constructed in accordance with the conditions of the HG&E Authorization issued.
- D. Description of any violation identified, and actions taken to remedy the violation.
- E. Revised set of GIS maps documenting the location of Docks, Ramps and Water Withdrawals installed pursuant to MADEP Chapter 91 and MADEP's Water Management Act, and HG&E Authorizations issued within the past year.
- F. If any changes have been identified to the Massachusetts Chapter 91 or Water Management Act programs, HG&E will notify FERC of the specific changes. HG&E will also report to FERC on whether these changes will require a modification to HG&E Permitting Program and, if a change is necessary, HG&E's schedule for submitting such proposed revisions.

8. Implementation Schedule

HG&E intends to commence this Permitting Program as outlined in this document upon approval from FERC that this Program fulfills HG&E's responsibilities under the CRLMP and the FERC License. HG&E will implement this Permitting Program through the term of the FERC License and any annual license thereafter until a new license is issued for the Holyoke Project.