

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 5379-008 – New Hampshire  
Hadley Falls Hydroelectric Project  
New Hampshire Department of  
Environmental Services

March 28, 2023

VIA FERC Service

Mr. James Gallagher, P.E.  
Chief, Water Resources Engineer  
New Hampshire Department of  
Environmental Services  
29 Hazen Drive, P.O. Box 95  
Concord, NH 03302

Subject: Non-operating status and overdue plan and schedule to restore project operation

Dear Mr. Gallagher:

By letter dated April 7, 2017, the Commission's Division of Hydropower Administration and Compliance required you to file quarterly reports showing your progress toward restoring operation of the Hadley Falls Hydroelectric Project No. 5379.<sup>1</sup> The first generating unit has not operated since 2007 and the second unit has not operated since 2004. In previous letters,<sup>2</sup> we required you to file status reports every four months to ensure you are making progress to restore operation.

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<sup>1</sup> *New Hampshire Water Resources Board and Hydro Dynamics Corporation*, 18 FERC ¶ 62,032 (1982). The project was transferred to the New Hampshire Department of Environmental Services on April 16, 2013.

<sup>2</sup> See Commission letters dated April 7, 2017, September 19, 2017, October 4, 2017, March 7, 2018, July 10, 2018, August 22, 2018, November 28, 2018, and April 2, 2019, and July 13, 2022.

On July 13, 2022, Commission staff issued a letter reminding you that the information you provided in your January 29, 2019 report did not adequately address our requests for a schedule to restore project operation. Therefore, we required you to provide the Commission with a detailed plan and schedule to restore project operation within 30 days from the date of the letter.

On August 12, 2022 and January 26, 2023, you filed responses to our July 13, 2022 letter. In your January 26, 2023 filing, you state that the new owner of the downstream property is SMC Residences at Hadley Falls, LP. You state that, despite efforts to negotiate a new lease for the dam, you have been unable to come to acceptable terms for the purpose of generating hydropower. Should you be unable to come to an agreement in the near future, you state that you are considering the following actions: (1) file a notice of an intent to file a surrender application; (2) confer with Commission staff to determine what would be required in the process of surrendering the license; and (3) engage in planning for either the removal of the spillway or stabilization of the site to allow it to pass the inflow design storm safely, as well as any other required activities that would be required prior to the surrender of the license. You state that to keep the Commission informed on the project you will provide regular progress reports, including the status of negotiations and other activities related to the possible surrender of the license.

Within 60 days of the date of this letter, you must provide to the Commission a detailed plan and schedule, as described above, for either: (1) restoring project operation; or (2) surrendering the project license. You can find examples of surrender applications using the Commission's eLibrary system, <http://www.ferc.gov/docs-filing/elibrary.asp>. Commission staff can also assist you with the application.

Thank you for your attention to this matter. If you have any questions concerning this letter, please contact Jennifer Polardino at [Jennifer.Polardino@ferc.gov](mailto:Jennifer.Polardino@ferc.gov) or (202) 502-6437.

Sincerely,

Shana Wiseman, Chief  
Environmental and Project Review Branch  
Division of Hydropower Administration  
and Compliance

cc:

VIA USPS First-Class Mail

Mr. Daniel Mattaini, P.E.  
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New Hampshire Department of Environmental Services  
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