



# Nor'East Chapter Trout Unlimited

## SEPTEMBER 2015 NEWSLETTER

*Protecting, conserving and restoring Massachusetts' Northshore coldwater fisheries and their watersheds.*

### Greetings from the President

As we head into October, autumn leaves are starting to turn and will soon be falling around us, brook and brown trout are starting to feel their autumn spawning urge, along with salmon along the coast and in the Great Lakes. Steelhead will soon be coming upriver into the Great Lakes tributaries, and the striped bass are packing their bags and heading down the Atlantic coast into warmer climes for the cold months to come. The seasons turn, and so must we...

We heard about false albacore and bonito fishing at our September meeting from Elliot Jenkins of Greasy Beaks Fly Fishing in a fascinating presentation; on Monday, October 5<sup>th</sup>, after a great dinner provided once again by Mike O'Neill, we will hear about Montana fishing on the Missouri and Big Horn Rivers from Rick Little of Shad Creek Fly. Our November meeting will include an update on the Kinder Morgan Northeast Direct (NED) Pipeline project from Jim Cutler of the Pipeline Awareness Network of the Northeast (PLAN-NE). Our meeting in early December will be a fellowship event, with fly tying and good conversation along with some good local tips and tricks from the experts.

The planning process for our Annual Banquet on 19 March 2016 is now well underway. All of us need to keep our eyes out for appropriate auction gifts and we need to sell ads for the Banquet booklet as well! We'll need help from everyone in this group effort. We also are asking people to step forward to prepare and serve the banquet itself; cooks, kitchen helpers and servers are needed for this important event. We also need help with the effort to publicize this event more effectively than we have in the past; without better attendance, we cannot fund as many of our cold water conservation efforts, of which we have several in process or in the planning stages that we will report on soon at our meetings!

As always, our meetings occur on the first Monday of each month. We'll see you on October 5<sup>th</sup> at the IRWA headquarters. Come at 6:00PM for a great meal for a donation of just \$5.00, the best deal anywhere! The meeting starts at 7:00PM. We'll have a great raffle, as always. Don't miss out! Thank you for your attention and participation.

Fred Jennings  
NETU President



### Upcoming Events

**Oct 5** Rick Little owner of Shad Creek Flies, will speak on fishing on the Missouri and Bighorn Rivers in Montana.

**Oct 24** Fly casting demonstration at the Ipswich Art Show, 1-3pm. Volunteers needed, contact Kenny Washburn.

**Nov 2** Jim Cutler of the Pipeline Awareness Network will speak on the proposed Natural Gas pipeline across Northern Mass. He spoke to the Boston Chapter on this topic and was well received.

**Dec 7** This months meeting will be our annual holiday pizza party and fly-tying get-together. You don't have to be a fly tier to come. We'll have pizza for all, so bring an appetite and your own holiday cheer.

### MARK YOUR CALENDAR:

The Nor'East TU Annual Banquet will again be held at the Ipswich Masonic Hall on **March 19, 2016.**

**Have you renewed your TU membership?**

**Do it today at [www.tu.org](http://www.tu.org)**

## NETU FLY CASTING DEMONSTRATION

On October 24, 2015, Ipswich is hosting their 6th (7th?) Art Show and Illumination Day. There is an Art show at the Ipswich Town Hall from noontime on, and an evening of music and illumination on the river and along multiple paths..This is a family event that draws in thousands to Ipswich.

NETU has been offered time to hold a fly casting demonstration on the town hall field adjacent to the art show. Barta Hathaway, Ipswich Cultural Council Chair, is very enthusiastic and supportive of this.

My suggestion is that we have a minimum of 3 instructors and preferably 6 instructors and that the demonstration is held at 1, 2, and 3 PM start times, with instruction for no more than 30 minutes, followed by individual instructions (putting rods in their hands) for any remaining time.

At a minimum, we would have 3 instructors and hold one demonstration only. Ideally, we would have 6 instructors and 3 sessions.

The Ipswich River Watershed Association would like to assist by having a booth, table, or display in the same area, which would complement our demonstration.

Contact Kenny Washburn if you are interested in helping out.  
[kenwashburn1@gmail.com](mailto:kenwashburn1@gmail.com), or (781) 718-7766.



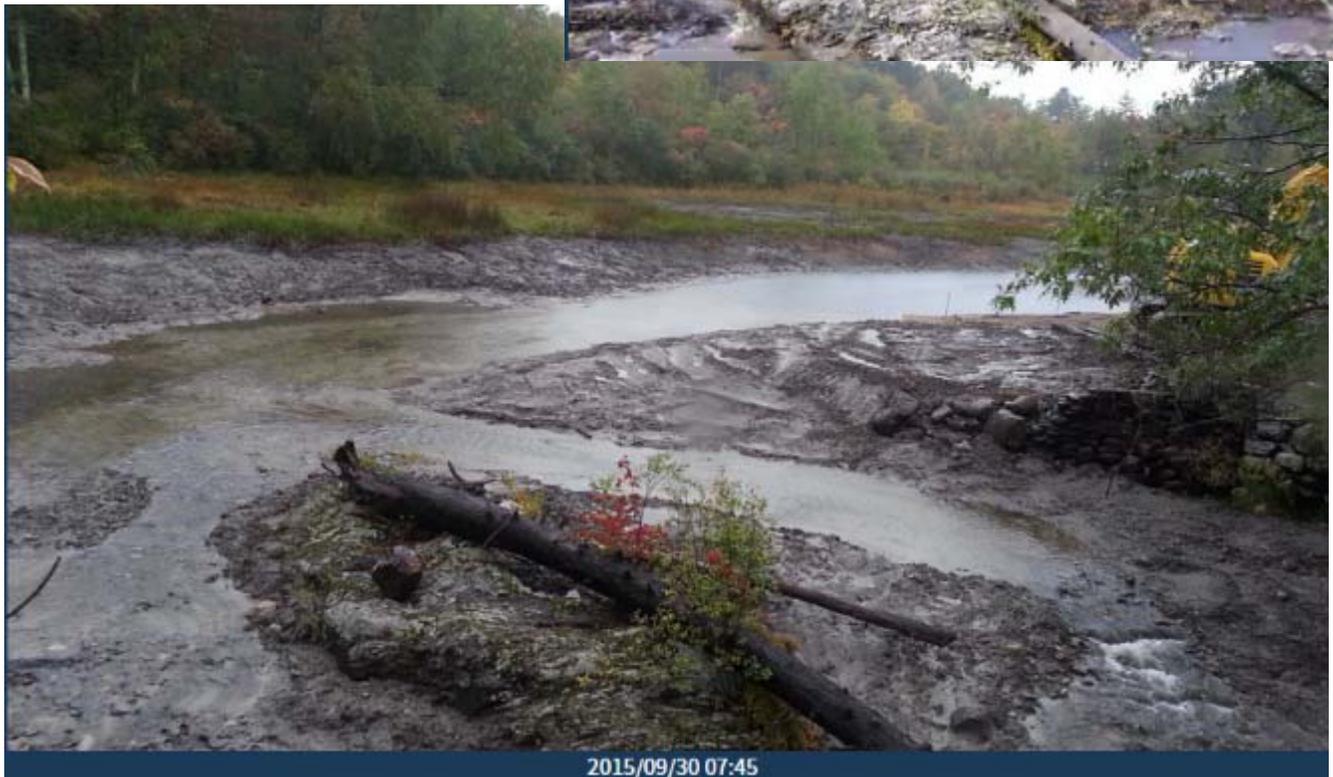
## MILLER TURNER DAM REMOVAL PROJECT

The Miller Turner dam removal project on the Nissitissit River in Pepperell, MA seems to be progressing rapidly. On September 18, 2015 there was a restoration kick-off at the site, Niki Tsongas was speaking as well as other state and local officials. The demolition of the dam began on September 22, 2015 and seems to be rapidly nearing completion.

The Squan-a-Tissit Chapter has installed a web base camera at the site which is recording the restoration in time lapse as well as a live streaming the day of the breach of the dam.

Here is a public access link to the web camera,

<http://webapp.senserasystems.com/public/millieturner/M68567604012>



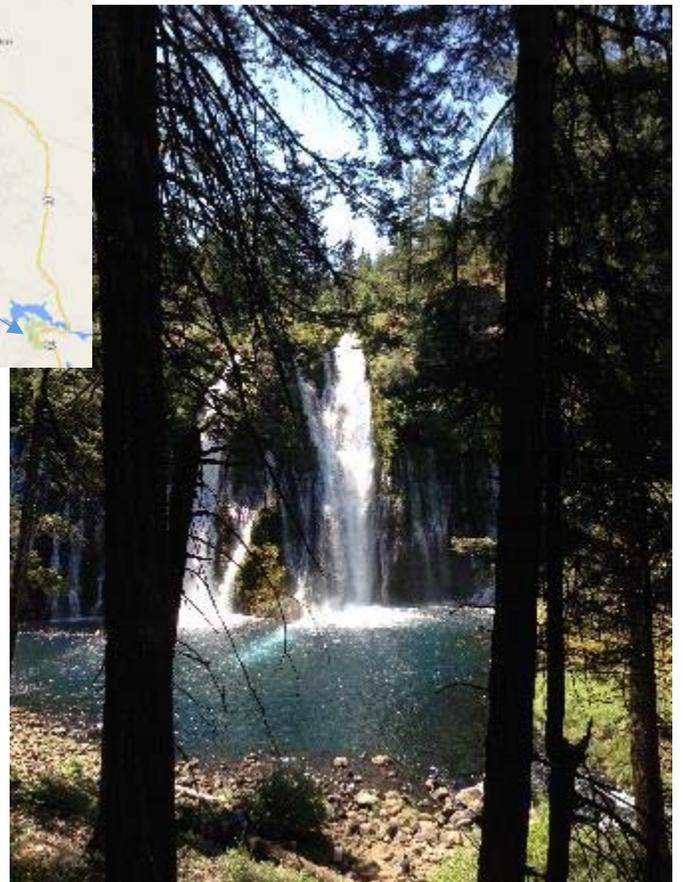
## FLY FISHING THE MCCLOUD AREA IN CALIFORNIA

I was lucky enough to be invited by friends this summer to join them in the McCloud area in California for some fly fishing and camping. McCloud is a small town at the foot of Mt Shasta at an elevation of around 3,000ft. Temperatures were high during the day (90F) but cooler at night. However the proloner drought in California made fishing a bit iffy. Fortunately nearby Burney Falls brought some relief: hiking down into the pool the temperature dropped from well in the 90's to the high 50's. The falls natural evaporative



cooling effect causes a big temperature drop and at the bottom the river water was actually cold! The fishing was actually very good in the lower river sections and the pool at the bottom of the falls. If you have the opportunity to go: talk to the people at McCloud Fly Fishing Adventures: they can tell what the best places to go are in the area. The scenery is phenomenal even if the fishing can be slow because of the low water levels. But who knows? Word has it that the upcoming El Niño might bring some relief to the area.

Peter Vandermeulen





BURNEY FALLS, CA

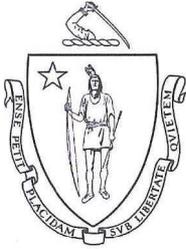
MEDICINE LAKE, CA




**Nor'East Chapter**

*To conserve, protect and restore Massachusetts' northshore coldwater fisheries and their watersheds.*

— [www.tunoreast.org](http://www.tunoreast.org) —



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September 21, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 02426

Re: **Tennessee Gas Pipeline Company, L.L.C., Docket No. PF 14-22-000  
Northeast Energy Direct Project; Consideration of AGO study prior to  
advancement of pipeline project**

Dear Secretary Bose:

I write to provide the Federal Energy Regulatory Commission (“Commission”) with a status update on the Massachusetts regulatory review of the precedent agreements between Boston Gas Company d/b/a National Grid; Bay State Gas Company d/b/a Columbia Gas of Massachusetts; and The Berkshire Gas Company (collectively the “Companies”) and Tennessee Gas Pipeline Company (“Tennessee”) for transportation service on Tennessee’s Northeast Energy Direct (“NED”) project—a 188 mile, 30-inch pipeline designed to provide up to 1.3 billion cubic feet per day (“Bcf/day”) of transportation service from Wright, New York, to Dracut, Massachusetts.<sup>1</sup>

As you are aware, in April 2015, the Companies filed petitions with the Massachusetts Department of Public Utilities (“Department”) seeking approval of their precedent agreements. Since the beginning of these cases, the Attorney General’s Office (“AGO”) has urged the Department not to make decisions without knowing all the facts. We asked for a transparent process and a procedural schedule that would have allowed time for the parties and the public to meaningfully consider, analyze, and testify about the Companies’ petitions. Instead, the Department expedited the procedural schedule in a manner that did not reflect the precedent agreement’s lasting consequences for Massachusetts ratepayers.<sup>2</sup> The Department also limited

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<sup>1</sup> On July 16, 2015, Tennessee’s parent company, Kinder Morgan, announced that the NED project would be scaled back to provide up to 1.3 Bcf/day, rather than the 2.2 Bcf/day originally proposed and presented to the Department.

<sup>2</sup> For example, in D.P.U. 15-48, the Department approved the Attorney General’s request to hire an expert on May 26, but required the Attorney General to file expert testimony on June 5, only eight business days later. Eight days simply was not sufficient for the Attorney General to comply with reasonable procurement practices and have the selected expert review case materials and draft testimony. The Department provided other intervenors with even less time to file testimony. Indeed, one intervenor was required to submit testimony before receiving a confidential

the evidence presented in the case by denying full intervention status to two entities whose members include legislators, municipalities and landowners.

The AGO urged the Department, in these proceedings and other related Department proceedings, to consider the interrelationship of gas and electric markets in Massachusetts and to conduct a factual analysis of future demand and cost-effective energy and efficiency resources before making any decisions regarding additional gas capacity investments. Consistent with this request, the AGO asked the Department for a stay in the proceedings to allow the Department the opportunity to consider evidence presented in related Department proceedings concerning gas capacity. The Department rejected the AGO's stay request and continued its accelerated schedule.

As you are also aware, in July, the AGO commissioned a regional study by The Analysis Group. That study is underway and will be completed by October 31, 2015. A key focus of the study is whether more natural gas capacity is needed to maintain electric reliability. In light of the pending study and its relevancy to the precedent agreements, the AGO asked the Department to reconsider and stay the precedent agreement proceedings to allow consideration of the study results. The Department denied this request.

On August 31, 2015, over the AGO's objection, the Department approved all three precedent agreements. The AGO believes the Department and Massachusetts ratepayers would have benefited from a more thorough process and we are considering how to best participate in the state court appeals of the Department's approvals filed by the Conservation Law Foundation and Pipe Line Awareness Network for the Northeast.

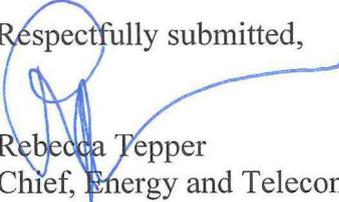
As the state's Ratepayer Advocate, the AGO believes the Department's decision makes it more important than ever that the Commission conduct a comprehensive and meaningful examination of the need for and alternatives to the NED project. It is imperative that the Commission consider these issues, as well as the results of our study, before allowing the project to move forward. This letter provides notice to the Commission that the AGO will continue to actively participate in Docket No. PF 14-22-000, including filing detailed scoping comments by the October 16, 2015 deadline, and will file the AGO's study when released, together with commentary on the study's implications for the Commission's decision.

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copy of the full petition or answers to its discovery. Despite two requests to extend the deadline from June 5 to June 12, the Department declined to amend the schedule.

The Office of the Attorney General thanks the Commission for its efforts thus far to listen to the concerns of Massachusetts residents and we urge the Commission to continue to reach out to the public and Massachusetts stakeholders. It is vitally important that any decision about the NED project be the product of a thorough and transparent process and be based on accurate data and a realistic assessment of need.

Respectfully submitted,



Rebecca Tepper  
Chief, Energy and Telecommunications Division  
Office of Massachusetts Attorney General

**Frederic B. Jennings Jr., Ph.D.**  
**Center for Ecological Economic and Ethical Education**  
**Post Office Box 946, Ipswich, MA 01938-0946**  
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**TESTIMONY FOR FERC SCOPING OF ITS EIS ON THE NED PIPELINE PROPOSAL, FERC Docket PF14-22-000**

My name is Fred Jennings and I live in Ipswich, MA. I am currently the elected president of both the Greater Boston chapter and the Nor'East (MA) Chapter of Trout Unlimited (representing a total of about 1500 concerned MA citizens), and am an avid fly angler for trout and other species. I hold a Ph.D. in economics and consider myself, among other things, an ecological economist. I am president and founder of the Center for Ecological Economic and Ethical Education.

I have several concerns about this pipeline project that I'd like to raise here. First, is it necessary? Second, is it being conducted in a legal manner? Third, and perhaps most importantly, what will be its impact on MA's brook trout?

**First, is it necessary?** The proponents of this pipeline claim that it is needed to meet local energy demand, yet they are also explicitly proposing a reversal of flow of natural gas into Canada – Nova Scotia specifically – to export it to Europe and elsewhere for a far greater profit than local sales would bring them, while the costs of construction of this pipeline project are to be fully borne by local rate-payers. In July, MA Attorney General Maura Healey announced that her office will undertake a study to assess long term energy needs and alternatives. According to the attorney general's press release, "a key focus of the study will be the question of whether more natural gas is needed in the region, and if so, how much more capacity is needed." The announcement goes on to say that in prior studies assessing energy needs, "none have answered the precise question of how much additional gas is needed in the New England region and whether that gas can be supplied by LNG or [whether] additional pipeline capacity is needed." Two reports from the Greenfield Recorder on 20 Aug 2015<sup>1</sup> suggest the NED pipeline project is not needed in this state. These alleged needs should be validated.

Furthermore, are there alternatives? Current alternative proposals include upgrading the Algonquin pipeline to increase capacity to a level adequate to meet the region's alleged energy needs with little or no adverse environmental impact in Massachusetts, and no impact on environmentally sensitive areas in western Massachusetts. The NED pipeline project is a new route that will be very destructive to local ecologies and watersheds, with a proposed 100-foot right-of-way for construction and a permanent right-of-way of 50 feet in width for the entire length of the pipeline, to be maintained with pesticides, mowing and other intrusive means, plus large intermittent boosting facilities along the entire route. If there are alternatives less destructive to our valuable environmental resources, those alternatives should be pursued.

**Second, is this proposal being conducted in a legal manner?** I am neither a professional attorney nor an expert on MA environmental law. However, it is my understanding that protected conservation lands, at least those designated as Article 97 lands, cannot be turned over to private interests without a two-thirds vote of the MA legislature. Yet this pipeline plan is sited to cross Article 97 lands and through other areas strongly protected by conservation restrictions as well as sensitive wetlands and watersheds. These siting decisions have been made by intention, to cross through realms of lower population density so there will likely be fewer landowners to object to the project. Yet no provisions have been made (to my knowledge) for such legislative approval. Such a flouting of the State Constitution is unconscionable.

**Third, and perhaps most importantly, what will be the impact on MA's remnant populations of native brook trout?**

The proposed course of this pipeline involves many stream crossings, which can be engineered in multiple and diverse ways, all of which impose some major risk to the watersheds involved in these crossings. One hundred years ago, much of New England, and certainly all of the Berkshire region and Pioneer Valley, had healthy brook trout streams. Today, after decades of land development, brook trout have entirely disappeared from 7% of their historical habitat, have been greatly reduced in another 28% of this habitat, and reproducing populations are unknown in another 42% of their historical habitat. (<http://www.mass.gov/eea/agencies/dfg/dfw/fish-wildlife-plants/fish/trout-information.html>)

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<sup>1</sup> "Study says a new pipeline is not necessary, lays out alternatives," by Tom Relihan, Recorder Staff, Thursday, August 20, 2015 (published in print: Friday, August 21, 2015), and "Former DPU chair says pipeline not needed," by Richie Davis, Recorder Staff, Thursday, August 20, 2015 (published in print: Friday, August 21, 2015).

Furthermore, according to the 2006 *Eastern Brook Trout Joint Venture Report* on the status and threats to the species, analysis reveals that in only 5% of the wild and native brook trout's historical habitat does a fully sustaining brook trout population exist, with a reduced but sustaining level in 9% of this historical habitat. (<http://easternbrooktrout.org/>) Virtually all of these intact populations reside in the western part of the state where the NED project will be located. This is another important argument in favor of finding alternatives to this ecologically destructive proposal. But if it is indeed pursued, then someone must speak for the trout to assure all stream crossings will be built for minimum impact.

Here are some of the issues that should be addressed in FERC's Environmental Impact Study (EIS) with regard to the proper protection of these few remnant wild and native trout populations in our Massachusetts watersheds:

- A full evaluation of the potential impacts on native and wild trout populations and their watersheds is needed, especially with regard to the effects on water temperature and trout reproduction of silting and land clearance. This should include the impact which deforestation of thousands of acres will have on water temperatures in the affected watersheds (i.e., Hoosic, Housatonic, Westfield, Deerfield, Millers, and Connecticut Watersheds) at the level of first order tributaries through to the large rivers. In addition, approximately 15 different direct negative effects from sedimentation have been demonstrated to impact trout and salmon, ranging from stress, altered behavior, reductions in available invertebrate prey, reductions in growth and direct mortality. There must be an assessment of the quality and turbidity impacts of any proposed efforts to mitigate the potential for erosion and sedimentation effects from construction of the NED pipeline on MA trout streams' water quality and aquatic life.
- The FERC EIS should include a detailed analysis of alternative routes and construction methods that avoid or minimize impacts to native and wild trout populations and their watersheds, including smaller rights-of-way (e.g., 50 foot rather than 75 foot and 150 foot rights of way), which might be made feasible by using alternative construction methods, a careful study of which should be conducted as part of the approval process.
- Complete stream restoration plans must be made for each stream crossing, based on the best available science, that work to restore these streams and streambeds to their original status with harmful long-term impacts avoided. Stream crossing methods should be determined on a site-by-site basis founded on a study of field conditions and stream characteristics at each crossing, and with an accounting of potential flood conditions. These analyses should be based upon actual field conditions and not just a desktop analysis. The wet crossing method should not be used for any crossings on native and wild trout streams. If dry crossing methods are specified, then the type of dry crossing method should be identified as each type of dry crossing has unique impacts that must be identified in the EIS so that appropriate mitigation measures can be included therein. Also, adequate information about stream characteristics should be collected at each proposed stream crossing, which should include, at the very least: proximity to the nearest confluence up and downstream; stream discharge, channel gradient, channel sinuosity, stream substrate, cross-sectional surveys, channel debris; sediment storage, and stream order; information about bed and bank stability, scour depth and depth of pools; and a scour depth analysis to determine the potential for vertical or lateral adjustment of each stream. Any stream not previously assessed by the Massachusetts Division of Fisheries and Wildlife for fish bearing status should have this status determined and have careful protections set in place for all species of fish therein. Further, all stream crossing installations must be able to handle a certain percentage of the 10-year, 50-year or 100-year stormflow, based upon site specific conditions at each stream crossing. This is the only way to limit potential flooding impacts. A critical shear stress analysis for all sites with any definable risk of bed scour is needed to ensure that the stream bed remains stable under flow conditions associated with 100-year storm events and that the pipeline company is using the best engineering practices to assure that stability. No crossing should compromise channel stability.
- The FERC EIS should insist on geotechnical feasibility studies for each stream crossing to determine if horizontal directional drilling, Direct Pipe™ or other conventional bore methods are appropriate and feasible in each case, and the depth that the pipe is buried beneath the stream must be determined on a site-by-site basis, based upon the potential for vertical or lateral adjustment of the stream. Also Kinder Morgan should be required to observe the setback requirements for vegetation cutting promulgated by the Massachusetts Rivers Act.

The impact of this pipeline proposal should not be allowed to destroy what few are left of MA's remnant and surviving populations of native and wild brook trout, just so one big private company can make a profit exporting natural gas for a short period of time. There is an enormous effort underway by many governmental and non-profit NGOs to bring back

these special native species of wild brook trout to our state waters throughout the northeastern United States. This NED pipeline proposal should make every effort not to undermine these ongoing efforts and must protect these watersheds!

In sum, I've asked three questions. First, is this pipeline necessary, if its primary purpose is for one large energy company to profit by piping natural gas to Canada for export to Europe in order to get a much better price than is available in the domestic U.S. market, while local rate-payers foot the bill for this project's construction? Second, is this NED pipeline proposal being conducted legally, if it flouts the provisions for protecting conservation land as specified very clearly in our State Constitution? Third, are the few remaining remnant native brook trout habitats in this state being properly and duly protected in this proposal, along with the watersheds they need to survive, or will what is left of our wild native brook trout be extirpated by this ill-conceived project? Who will stand up to speak for our trout and their watersheds?

Given the fact that the Massachusetts attorney general seeks time to understand the needs and alternatives more thoroughly, and the fact that there are several proposed alternatives to this ecologically destructive pipeline project, I respectfully request that FERC reject the NED project, or at least extend the comments period to allow the results of our attorney general's study of need to be fully and properly accounted for in this decision, despite Kinder Morgan's attempts to fast-track this project.

Because this construction project is clearly adverse to trout habitat and will contribute to its long term degradation if not the potential extirpation of wild and native trout populations in this state, your diligence in ensuring that the effects of this pipeline are mitigated, remediated, or eliminated is of critical importance. Consequently, I would respectfully request that FERC vote to reject this NED pipeline proposal and take "no action" thereon.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederic B. Jennings Jr.", written in a cursive style with a large, sweeping flourish at the end.

Frederic B. Jennings Jr., Ph.D.