

# City of Lowell - Law Department

375 Merrimack Street, 3<sup>rd</sup> Floor • Lowell MA 01852-5909  
Tel: 978.674.4050 • Fax: 978.453.1510 • [www.lowellma.gov](http://www.lowellma.gov)

November 16, 2018

City Manager Eileen M. Donoghue  
Mayor William Samaras  
And  
Members of the City Council

Christine P. O'Connor  
*City Solicitor*

Rachel M. Brown  
*1<sup>st</sup> Assistant City Solicitor*

Gary D. Gordon  
John Richard Hucksam, Jr.  
Adam LaGrassa  
Hannah Pappenheim  
Elliott J. Veloso  
*Assistant City Solicitors*

RE: Motion Responses regarding Pawtucket Dam

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

I write in response to two motions relative to the Pawtucket Dam

C. Kennedy – Req. City Mgr have Law Dept draw up a resolution calling for a height capacity reduction of Pawtucketville dam from 50 feet to 48 feet.

C. Elliott - Req. City Mgr. Work with Appropriate State and Federal Agencies to have an additional river gauge installed above the Pawtucket Dam, to use as a basis for a more appropriate dam height with Enel; and

The first concerns the development of a protocol during high water events. The motion requests that the trigger be changed from 50 to 48 feet. In 2014 a Settlement Agreement was reached between the City of Lowell and Enel in the licensing of hydroelectric project on the Pawtucket Dam. Pursuant to the terms of the settlement the parties agreed to a protocol. The protocol mandates that when the NOAA Flood Stage prediction website indicates an expected river level at or above the action stage level of 50.0 ft. the crest gates will be lowered to the crest of the dam and remain in that position until such times as the USGS Gage indicates a river flow level of 50 feet or less. This protocol was submitted to and approved by FERC as part of Enel's Crestgate System at the Pawtucket Dam. It is a conditioned based, preemptive protocol to regulate dam operations and flowage of water during anticipated high water events. This protocol remains part of a binding agreement between the parties in their settlement prior litigation.

In response to the second motion, we have requested Enel to install an additional river gauge at the Pawtucket Dam. I will update the Council as to such efforts.

Very truly yours,



Christine P. O'Connor  
City Solicitor

Motionresp/pawtucketdam

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Megan Bearegard, Esq. Associate General Counsel  
Enel Green Power North America, Inc.  
100 Brickstone Square, Suite 300  
Andover, MA 01810

Re: Pawtucket Dam City of Lowell

Dear Attorney Bearegard:

I write on behalf of the City Council relative to a motion regarding the installation of an additional river gauge at the Pawtucket Dam.

I am available to discuss further. Thanks for your consideration in this matter.

Very truly yours,



Christine P. O'Connor  
City Solicitor

[Motionresponse/pawtucketdam](mailto:Motionresponse/pawtucketdam)

cc: Eileen Donoghue, City Manager