



*May 20, 2024*

**Via Electronic Filing**

Debbie-Anne Reese, Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E. Room 1-A  
Washington, D.C. 20426

Re: FERC No. 1904, Vernon Dam, Great River Hydro LLC  
FERC No. 1855, Bellows Falls Dam, Great River Hydro LLC  
FERC No. 1892, Wilder Dam, Great River Hydro LLC  
Windham Regional Commission Response to Notice for Solicitation of Comments and  
Preliminary Conditions

Dear Secretary Reese,

The Windham Regional Commission (WRC) is established in Vermont law [24 V.S.A. Chapter 117, Subchapter 3] as a regional planning commission that serves twenty-seven towns in southeastern Vermont. These towns lie within the Connecticut River Watershed. WRC adopted our Regional Plan, which contains goals and policies to guide development in the region, including specific policies regarding hydroelectric facilities, on September 30, 2014 and readopted it on June 29, 2021. The relevant policies from the Regional Plan are excerpted below.

WRC recognizes the positive contributions of hydroelectric dams, including the three operated by Great River Hydro/Hydro Quebec along the lower Connecticut River in Vermont and New Hampshire, including power generation, recreation, municipal tax revenue and, to some extent, flood mitigation. Our Regional Plan also recognizes potential negative impacts of dams, such as ecological impacts, river siltation, fluctuating water levels, disruption of natural flow, increase in water temperatures, decrease in dissolved oxygen and the impedance of aquatic organism passage. There is a need to balance the positive use of the river with these other important values.

Windham Regional has been interested in seeing a balance in the uses of a shared public resource. Please see our attached letter providing comments on TransCanada Hydro Northeast Inc. Preliminary Licensing Proposal for Project Nos. 1892-026, 1855-045 and 1904-073. These comments remain relevant today.

**Excerpts from the 2021 WRC Regional Plan:**

“There are numerous small and large dams constructed on streams and rivers in the Windham Region providing a variety of benefits including power generation, flood control, and recreational opportunities such as swimming and boating; however these structures can have significant negative ecological impacts as they contribute to stream siltation, alter water levels, disrupt natural flow fluctuations, increase water temperature, decrease dissolved oxygen, and impede fish passage. Inspection and effective maintenance of all dams is essential to the protection of public welfare. When considering either licensing of new dams, or relicensing of existing dams, **the WRC will ensure that all of these issues are addressed and given balanced consideration.**” (p. 26)

The Regional Plan also states, “...the following criteria as necessary for any new hydroelectric generator to have acceptable environmental impacts:

- No new dam or other barrier to aquatic organism movement and sediment transport.
- Run-of-river operation.
- Bypass flows necessary to protect aquatic habitat, provide for aquatic organism passage, and support aesthetics.
- Fish passage where appropriate.
- No change in the elevation of an existing impoundment or in water level management.
- No degradation of water quality, particularly with respect to dissolved oxygen, temperature, and turbidity.
- No change in the upstream or downstream flood profile or fluvial erosion hazard.” (p. 116)

These criteria should also be considered in the evaluation of existing dam operations and these impacts should be mitigated.

In addition to environmental impacts, it is a goal of the WRC, “To maintain and enhance recreational opportunities for both residents and visitors in keeping with the carrying capacity of natural resources and public facilities.” (p. 6) One of the stated benefits of dams is the recreational opportunities that they provide.

The policy for the preservation of cultural resources is stated in the regional plan as:

“Protect places of outstanding educational, aesthetic, archeological, or historical value by discouraging development that would adversely affect these cultural resources, including their destruction or alteration, alteration of surroundings, or the introduction of non-harmonious visual or audible elements. Require mitigation of negative impacts in projects that create unavoidable conflicts.” (p. 44)

## Comments and Recommendations

The Wilder, Bellows Falls and Vernon Dams significantly impact the Windham Region. With the Regional Plan and Regional Enhanced Energy Plan as a basis, WRC offers the following comments on FERC Project Numbers 1892, 1855 and 1904:

1. Run of River Operations: WRC is pleased to see the proposed run-of-river-like operations that will minimize water level fluctuations. These proposed changes will likely benefit river dynamics and the biological community of the river, as it more closely resembles natural conditions. However, we do not see adequate scientific evidence in the record about how the existing and proposed dam operations impact water quality, sediment transport and riverbank erosion.

RECOMMENDATION: We ask FERC to require the applicant to develop a multi-decade Riverbank Monitoring and Erosion Control Plan to comprehensively track changes in river bank erosion, erosion rates, and changes in sediment transport as a result of operational changes under the new license.

2. Recreation: Under the public trust doctrine in both NH and VT, the Connecticut River and the lands lying underneath are held in trust by the states for the benefit of all residents. The waters of the Connecticut River are an important recreational resource, and by extension an important community and economic resource, and it is a reasonable expectation that public recreational resources be enhanced and expanded in return for the private gain being derived from the impoundment of and generation of electricity by these public waters. Great River Hydro currently supports many recreation sites and activities along the Connecticut River, however, there are numerous needs to improve existing recreational facilities and access points. Over the course of the next 30 to 50 years, there will undoubtedly be new needs that arise.

RECOMMENDATION: We ask FERC to include in the license a requirement for the licensee to increase funding to the recreational development along the river and develop and implement a Recreational Management Plan that articulates the licensee's responsibility to build and maintain recreational facilities and operate the project in specific ways to provide and enhance recreational activities along the Connecticut River, including improvements to all portages and boat landings, enhanced access to the river for recreation as well as for food/sustenance (e.g., lower income residents, Abenaki), and ADA compliant facility improvements for better access for all users.

3. Fish Passage: WRC is pleased to see the proposed fish passage improvements included in the application materials.

RECOMMENDATION: We ask FERC to require the shortest practicable timeline, ideally less than 10 years, to implement the currently proposed fish passage improvements to minimize continuing negative impacts on migratory fish species, and that FERC require the licensee to remove the Bellows Falls Salmon Dam at or before installation of the new low-flow turbine in the dam.

4. Historic Properties Management Plan. Long before European settlement, Abenaki people inhabited this area, and there are significant sites along the Connecticut River that ought to be protected.

RECOMMENDATION: We ask FERC to include a license article requiring a Historic Properties Management Plan be filed within two years of the license issuance, and that this plan must be constructed with significant input from the four recognized bands of Abenaki people in Vermont.

5. New Mitigation and Enhancement Fund. As the largest financial beneficiary of the use of public waters, there should be a continued commitment and support of Great River Hydro to support the communities, non-profits, and other interested parties work to improve habitat, water quality, hazard mitigation and recreation along the Connecticut River. A Mitigation Enhancement Fund (MEF), funded by the Hydroelectric company, would provide a mechanism to support improvements along the river.

RECOMMENDATION: In addition to specific required mitigation measures outlined in the license to address recreation, invasive species, protection of wildlife habitat and riparian areas, and erosion, etc., we ask FERC to include in the license a requirement to establish an adequate mechanism (i.e., a Mitigation and Enhancement Fund as suggested by the Connecticut River Joint Commissions) that can support a wide variety of projects that improve the lower portion of the Connecticut River watershed in NH and VT, such as erosion mitigation and habitat enhancement. We also support using the MEF for projects that benefit recreation, land acquisition/conservation, improved access to the river and similar projects.

Thank you for your consideration.

Sincerely,



Chris Campany  
WRC Executive Director

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E. Room 1-A  
Washington, DC 20426

RE: Comments on TransCanada Hydro Northeast Inc. Preliminary Licensing Proposal for Project Nos. 1892-026, 1855-045 and 1904-073

March 1, 2017

Dear Secretary Bose:

These comments are jointly submitted by the Southern Windsor County Regional Planning Commission and the Windham Regional Commission in Vermont.

TransCanada is using the Integrated Licensing Process (ILP) for the relicensing of the three projects located on the Connecticut River: the Wilder, Bellows Falls, and Vernon Hydroelectric Projects. The Integrated Licensing Process is intended to streamline the Federal Energy Regulatory Commission (FERC) licensing process. The three projects exist by virtue of their use of the public waters of the Connecticut River and all of the waters that flow into the River from within its watershed. The duly-adopted regional plans of each of the Vermont and New Hampshire regional planning commissions whose jurisdictions lie within the project areas (Southern Windsor County Regional Planning Commission, Southwest Region Planning Commission, Two Rivers-Ottawaquechee Regional Commission, Upper Valley Lake Sunapee Regional Planning Commission, Windham Regional Commission, ) address these water resources, including the benefits and impacts of the TransCanada hydropower facilities which are the focus of this ILP process.

The Southern Windsor County Regional Planning Commission and the Windham Regional Commission are writing to express our shared position that TransCanada's proposal that no changes be made to the projects, their operations or maintenance, or to existing environmental measures, is untenable and inconsistent with the goals, objectives and policies of our respective regional plans. Among the aspects of the "no action" scenario proposed by TransCanada that concerns us is the proposal that no changes be made to recreational opportunities and facilities. The waters of the Connecticut River are an important recreational resource, and by extension an important community and economic resource, and it is a reasonable expectation that public recreational resources be enhanced and expanded in return for the private gain being derived from the impoundment of and generation of electricity by these public waters.

Under the Federal Power Act (FPA) Section 4(e), on deciding whether to issue a license, the Commission must give equal consideration to developmental and environmental values. Environmental values

include: fish and wildlife resources, including their spawning grounds and habitat, visual resources, cultural resources, recreational opportunities, and other aspects of environmental quality.

Under FPA Section 10(a), the Commission must ensure that the project to be licensed is best adapted to a comprehensive plan for developing the waterway for beneficial public purposes. In making this judgment, the Commission considers comprehensive plans (including those that are resource-specific) prepared by federal and state entities, and the recommendations of federal and state resource agencies, Indian tribes, and the public.

The Preliminary Licensing Proposals (PLPs) filed by TransCanada propose no changes to the Wilder, Bellows Falls or Vernon Project facilities, their operations or maintenance, or to existing environmental measures. As a result, TransCanada's proposal is identical to what would be referred to as the no-action alternative. The PLP also states that in the event that FERC, federal or state agencies, or the public provide proposals for alternatives to the Projects' facilities, operations, maintenance and/or environmental measures, TransCanada will evaluate those proposals or develop a modified proposal of its own in the Final License Applications (FLAs) or during the course of FERC's post-filing environmental analysis, as appropriate.

We ask that FERC require TransCanada to formally solicit from the aforementioned regional commissions their recommendations for improvements to existing recreation facilities and the development of new recreation opportunities and supporting infrastructure. These recommendations should form the basis for a modified proposal.

We also support the development of a Mitigation and Enhancement Fund (MEF) that can support a wide variety of projects that improve the lower portion of the Connecticut River watershed in NH and VT, such as erosion mitigation and habitat enhancement. We also support using the MEF for projects that benefit recreation, such as land acquisition/conservation, improved access to the river and similar projects.

Sincerely,

Tom Kennedy, Executive Director, Southern Windsor County Regional Planning Commission

Chris Campany, Executive Director, Windham Regional Commission



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