

Hartland, VT, Conservation Commission  
PO Box 349  
Hartland, VT 05048

May 15, 2024

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

Dear Ms. Reese,

On behalf of the Hartland, VT, Conservation Commission, I wish to comment on the relicensing of the Wilder Dam (Project # P-1892-030). The Town of Hartland owns a 55-acre parcel of land at Sumner Falls along the Connecticut River, including about a mile of river frontage. This land is a popular recreation area, drawing people from both Vermont and New Hampshire to fish, kayak, canoe, or hike. Sumner Falls is the only public access point between Hartford and Springfield that does not charge a fee for entry. We conducted a traffic survey in the summer of 2021 and found that the site was visited by 40 cars per day during the week and 80 cars per day on the weekend.

In 2022, the Conservation Commission wrote a management plan for the property (see Appendix 1.). This plan outlines steps we need to take to improve the use of the site, including improvements to the access road, parking areas, and park entrance, construction of recreational trails, and improved signage. All activities on the property are affected by the river, and, consequently, by the Wilder Dam and the water levels it generates. Our comments on the relicensing fall into three broad categories: Habitat Protection, Recreation, and Historic and Cultural Considerations. The Sumner Falls property should be a candidate for permanent protection with a conservation easement.

### **Habitat Protection**

In June, 1985, the Nature Conservancy identified ten “significant species” near Sumner Falls, including Jesup’s milk-vetch (one of only two populations in Vermont), dwarf wedge mussel (one of only three viable populations in Vermont), Cobblestone tiger beetle (occurs at only three sites in Vermont), Garber’s sedge (only two populations in Vermont), Siberian leek (three known locations in Vermont), Great St. Johnswort (one of four populations in Vermont), and False dragonhead (fewer than ten locations in Vermont). All of these species occurred along the banks of the river.

The proposed agreement with Great River Hydro will change the flowrates and water levels of the river in Hartland. No one can say how these changes will affect the wildlife along the river, or these significant species. We believe that the dam owners should be responsible for monitoring the impacts of the new water level patterns on threatened plants and animals along the shorelines.

One of the patches of Great St. Johnswort is threatened by invasive Japanese knotweed, but control of the knotweed is difficult because of the inaccessibility of the site (because of the steepness of the bank, access is by boat only). Controlling the knotweed without harming the St. Johnswort will likely require professional expertise. Funding for such a project is beyond the budget of the Town.

Invasive control is an issue along the entire riverbank. Black swallowwort and Japanese knotweed are the worst offenders, but purple loosestrife, wall lettuce, honeysuckle, and Japanese barberry are also present. A comprehensive invasive species management plan is needed.

### **Recreational Opportunities**

As is evident in our management plan (Appendix 1), we are eager to expand the recreational opportunities on the Sumner Falls Recreation Area. We propose to build two new trails, one of which could be made ADA-accessible, although a project like that is far beyond our financial means.

The single access road into the property is badly eroded every spring by heavy rains and snow-melt. The road is gated to keep people off it when it is damaged, but the location of the gate prevents people from using the area in the winter. Moving the gate, adding better signage, and enhancing the parking areas could make this a four-season destination for recreation.

There is currently a portage trail at Sumner Falls for boaters who want to bypass the falls, but it is a dirt track and difficult for boaters with disabilities to navigate. An improved portage trail could make this section of the river more accessible to boaters with varying mobility.

Finally, while many boaters put in at Sumner Falls, there is not a convenient downstream take-out spot in Hartland. The Town owns land downstream that could be used as a take-out, but it would require some development.

All of these improvements are expensive. We believe that the Wilder Dam owners should be required to develop a comprehensive Recreation Plan that contemplates these upgrades. It would be prudent to set up a fund to be used to assist towns in enhancing recreational activities along the river over the course of the license. Alternatively, if some of the profits from the dam operation were shared with towns along the river, we could make the improvements ourselves.

### **Cultural and Historical Considerations**

The area around Sumner Falls has been used by native peoples for thousands of years. Archeological studies in the 1960's radiocarbon-dated the site to be 2750 years old. More recently, Sumner Falls was the site of historic dams, locks, channels, and multiple mills. Evidence of all these activities is still visible on the rocks of the Falls.

Our Sumner Falls management plan (Appendix 1) calls for the siting of a new trail up to several cellar holes, the remains of housing for mill workers in the 1820's. This trail

could emphasize the historical and cultural significance of Sumner Falls, as it could easily encompass the site where the archaeology was conducted, as well as the area around the dams/mills/locks, and the cellar holes.

As mentioned above under Recreational Opportunities, profit sharing by the dam owners with towns along the river would provide a source of funding for projects to preserve the cultural and historical heritage of the river. We urge FERC to request these funds as a condition for re-licensing.

We appreciate the opportunity to comment on the re-licensing of the Wilder Dam. Please feel free to contact the Commission at [ccommission@hartlandvt.org](mailto:ccommission@hartlandvt.org).

Sincerely,

The Hartland Conservation Commission

Rob Anderegg, Chair  
Tina Barney  
Guy Crosby  
Suzanne Enser  
Doug Hill  
Will Moore  
Jennifer Waite

## **Appendix 1. SUMNER FALLS RECREATION AREA MANAGEMENT PLAN**

Hartland Conservation Commission

Approved by the Hartland Selectboard Feb. 7, 2022

### **Introduction**

This document is the Management Plan for the Sumner Falls Recreation Area located at 404 US Route 5, just north of the Interstate 91 overpass. It has been prepared by the Hartland Conservation Commission with cooperation of the Hartland Selectboard.

This Management Plan (“Plan”) will identify the resources of this property as well as provide for the use and management of the land in a fashion that is consistent with, and advances, the purposes of the parcel’s conservation restrictions. These restrictions are contained in legal documents recorded in the Hartland Land Records.

This Plan was prepared in 2021 and presented to the Selectboard for its approval. It is intended to remain in effect until a subsequent Plan or amendment to this Plan proposes changes. The Sumner Falls Recreation Area Management Plan will be reviewed every 10 years or when conditions require an update to the Plan.

### *Description of the Land*

The Sumner Falls Recreation Area (SPAN # 288-091-11381) is a 55-acre tract of land located 4 miles north of the Windsor/Hartland town line between US Route 5 and the Connecticut River. It bounds the Connecticut River for approximately 0.8 miles but is only easily accessible to the river near its midpoint for a distance of a few hundred yards. The parcel is bordered on the north by White’s dairy farm and on the south by gravel pit. The northern boundary is well marked by a series of white posts; the southwest corner is also marked. A road through the western side of the property leads to a sand and gravel pit owned by Pike Industries, which currently uses the road for hauling sand except during winter months.

The parcel was conveyed to the Town of Hartland by TransCanada in 2010, as part of a divestment by the company of many riverfront holdings it had purchased for potential power dams or flowage rights, part of a settlement agreement for the Fifteen Mile Falls Project to enhance public conservation and recreation values. The land provides convenient access to the Connecticut River for canoeing, kayaking, and fishing, and trails for hiking. Several private companies specializing in canoe and kayak rentals use the land as a put-in and take-out point. A well-marked portage trail extends around the falls. The area of the parcel used for river-oriented recreation totals approximately 2 acres.

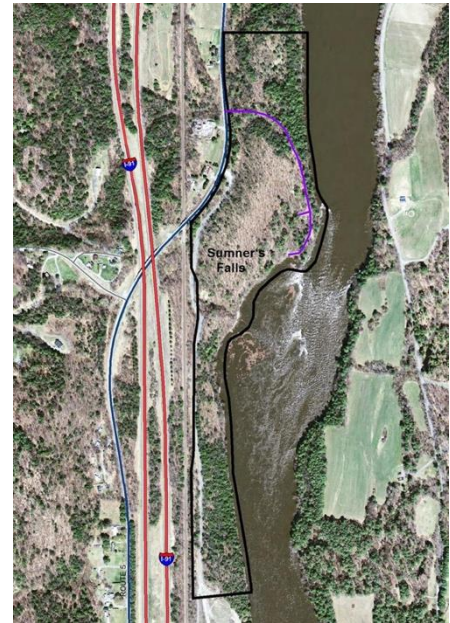


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Access to the parcel from Route 5 is via a gravel road, approximately 0.3 miles in length, which leads to the river. A gate at the start of the access road marks the entrance from Route 5. The road leads to a small picnic area with parking available and a seasonal portable toilet. Beyond the picnic area is an access point to the river, referred to as the “Beach.”



Shepherd Brook cuts a ravine across the northwest portion of the property. The land is relatively high (400-500 feet above sea level) and then slopes steeply down to the river. South of the falls, the grade is so steep as to make the land nearly inaccessible. With the exception of the Beach, parking, and picnic areas, the land is entirely wooded.

The river is narrowed along this section by numerous ledge outcroppings that create rapids in the river and a small set of falls at the extreme southern end. Canoeists and kayakers must portage around this area and a marked trail is provided for their convenience. Numerous signs are posted directing river travelers to the portage trail. Dams upstream on the Connecticut River, especially the one at Wilder, Vermont, release water to produce electricity, resulting in sudden rises in the water level at Sumner Falls.

**Restricted and Allowed Uses**

A conservation easement on the Sumner Falls Recreation Area, dated June 9, 2008, and held by the New England Forestry Foundation, indicates the property should be maintained as open space and in its predominantly undeveloped state, subject to the retained right of TransCanada to use the parcel for electric generation and transmission-related purposes.

The property must be managed to ensure the protection of areas containing rare and unusual plants and plant communities; to control erosion, sedimentation, and nonpoint pollution sources; to maintain public access to the property for recreational uses, including hunting, fishing, and other activities consistent with resource-management goals set forth in the easement; and to protect areas containing unusual natural features and cultural, historic, and archeological resources. Allowed uses include forestry, education, low-impact public recreation, and agriculture. Regarding agricultural uses,

they cannot be detrimental to scenic and wildlife-habitat values and must utilize conservation practices that control erosion and protect the water quality of adjacent rivers and streams.

The following uses and activities are not allowed:

- Industrial or commercial uses, other than approved hydroelectric projects.
- Residential dwellings, offices, tennis courts, artificial swimming pools, and driveways made of asphalt or other impermeable materials.
- Extraction of soil, gravel, stone walls, sand, rock, or other natural deposits.
- Removal of trees, shrubs, or other vegetation unless done for reasons to protect natural and recreational uses.
- Storage or dumping of soil, fill, trash, vehicle bodies, construction debris, or other waste.
- Subdivision or partition of the property, unless such actions are necessary to carry out the purposes of the easement.

### **Inventory of Rare and Endangered Plants**

#### *Floristic Surveys of Sumner Falls*

The first survey of the shoreline from Sumner Falls to Hart Island was done in 1984. At the time, a dam was proposed for the area and the study was done under the auspices of The Nature Conservancy. Five state-listed plants were identified. Regarding the ecological significance of the site, the report says: “This short stretch of the Connecticut River from Sumner Falls south to Hart Island is one of the last free-flowing segments of this river system. The fact that human disturbance has not been a major influencing factor is reflected in the diversity of rare plant and animal species found within the stretch and, for many of the species, nowhere else in the Connecticut River drainage. The majority of the species were never abundant even when the river and its banks were far less disturbed than they are today. Many of the species have already lost a large extent of their original habitat due primarily to the advent of hydroelectric dams.” The dam ultimately was not built, and The Nature Conservancy did not purchase the property.

Over the years since then there have been sporadic surveys to check on these rare plant species. After the area was granted to the Town of Hartland by TransCanada in 2010, the Hartland Nature Club and Hartland Conservation Commission conducted informal surveys of the property and in 2020 a more formal survey was conducted by Mike Duffy, Elizabeth McClane, and others for the Native Plant Trust. Combining all the surveys, 275 plant species have been identified, 11 of which are “State Listed,” including the five identified in 1984. Four of the species are classified as S1 (very rare – critically imperiled), four as classified as S2 (rare – imperiled) and three as S3 (uncommon – vulnerable). However, 57 plants are classified as invasive and pose a threat to the listed species; of these, one is listed as a state Class A Noxious Weed and seven as state Class B Noxious Weed.

#### *Rare Plant Species*

The state-listed species are:

- Bristly Rose (*Rosa acicularis*) S1 – endangered
- Elk Sedge (*Carex garberi*) S1 – threatened
- Few-flowered Spikesedge (*Eleocharis quinqueflora*) S2 – threatened (needs further identification)
- Siberian Chives (*Allium schoenoprasum*) S1
- Great St. John’s-wort (*Hypericum ascyron*) S2 – threatened
- False Dragonhead, Obedient Plant (*Physostegia virginiana*) S2 – threatened
- Northern Tubercled Bog-orchid (*Platanthera flava*) S2 – threatened
- Creeping Selaginella (*Selaginella apoda*) S3
- Shining Ladies Tresses (*Spiranthes lucida*) S3
- Sticky False Asphodel (*Triantha glutinosa*) S1 – threatened
- Poke Milkweed (*Asclepias exaltata*) S3

### *Management of Invasive Plant Species*

Although there are many non-native and invasive species, these eight noxious weed species are the most important to manage:

- Japanese Barberry (*Berberis thunbergii*)
- Burning Bush (*Euonymus alatus*)
- Glossy Buckthorn (*Frangula alnus*)
- Morrow’s Honeysuckle (*Lonicera morrowii*)
- Dodder (*Cuscuta* sp)
- Black Swallow-wort (*Cynanchum nigrum*)
- Japanese Knotweed (*Fallopia japonica*)
- Purple Loosestrife (*Lythrum salicaria*)

There are extensive areas of Japanese Knotweed (*Fallopia japonica*) crowding out rare species on the river’s shore, so its control should be top priority.

### **Historic and Cultural Significance**

Archaeological investigations have shown that the area around Sumner Falls was occupied by the Abenaki people as early as 800 A.D. [R.D. Mathewson, III, “Western Abenaki of the Upper Connecticut River Basin”]. European settlers began to arrive in the 1760’s.

David Sumner, for whom Sumner Falls is named, apparently came to Hartland to join his brother, James Sumner, who had begun business and land transactions there in 1805. David Sumner added to the development and prosperity of the area by connecting the Vermont and New Hampshire lumber industries with markets to the south near large urban areas. His most significant contribution was in maintaining, enlarging, and

collecting tolls from a canal and lock system, first chartered by the Vermont legislature in 1794. By providing a means to negotiate the falls, the river became an unobstructed waterway for the transportation of logs, shingles, and lumber from the northern forests to such places as Springfield, Massachusetts, and Hartford and Middletown, Connecticut. Bridges were built in 1821 and in 1841 at the same location, eventually carried off in floods. Afterward, David Sumner maintained ferry transportation between the towns on both sides of the river. After the railroad arrived c.1850, and as roads improved, river transportation declined in importance. In 1856, the canal, its two locks, and a lumber mill built by Sumner were carried away by flooding. Remains of the locks can still be seen.

In the late 1800s to early 1900s, loggers along the northern headwaters of the Connecticut River would cut timber in winter and drag them to tributaries to await the spring thaw. Once the river was clear of ice, loggers would “drive” the logs down the river to sawmills in Massachusetts in what was the longest log drive in New England. Many loggers lost their lives in the rapids, including 19-year-old Charles A. Barber, who in 1895 was buried next to the river by his fellow drivers, a site commemorated by a fenced-off grave site and engraved slab placed by the Hartland Historical Society. For years people living along the river have claimed to see phantom loggers wearing turn-of-the-century clothing floating down the river, only to disappear shortly after passing Sumner Falls. Other phantom loggers have been encountered walking on trails along the river.

In addition to the canals, dams, locks, and ferries, a total of four mills have occupied the site at Sumner Falls. When these were operating, there were nearby buildings for housing workers and for storing goods. Cellar holes for some of these buildings can be seen on the property today.

### **Current Usage**

The Sumner Falls land is currently used almost exclusively for recreation. Throughout the fishing season, people fish from the banks or put watercraft in and fish on the water. Numerous canoe and kayak outfitters use the Beach as a site to put in or take out boats, sometimes a dozen or more at a time. A portage trail bypasses the falls, and boaters often pull out, traverse the trail, and then put in again below the rapids to continue their journey downstream. More adventuresome canoeists and kayakers will run the rapids if the water level is high enough.

Visitors regularly use the picnic table near the parking area, and a second table may be merited. The Town of Hartland maintains a seasonal port-a-potty on site, and trash receptacles are provided and emptied on a regular basis.

A traffic survey [see Appendix] conducted from June 24 to July 7, 2021, measured the volume of traffic on the road to the falls. Average weekday traffic was 40 cars; average weekend traffic was 80 cars.

Although the parcel comprises 55 acres, only the access road and about 2 acres, primarily around the Beach, are used to any great extent. The absence of trails on the



rest of the property discourages people from exploring the remaining area. In winter, a gate across the access road is closed, preventing cars from entering. Although there is room for one or two cars outside the gate, if there is snow on the ground, plowed drifts remove any parking space. Consequently, very few people hike, ski, or snowshoe the parcel in winter.

## **Management Goals/Objectives**

### **HIGH PRIORITY PROJECTS**

*To be conducted within 1-2 years, requiring minimal new funding and commitment of public and volunteer resources.*

#### **Design a new entrance sign.**

Design and install a welcoming sign for visitors that provides key information on hours of operation, safety issues, and rules of use. Include a scannable graphic that connects visitors to an electronic map and other information about the site.

#### **Improve safety.**

Strive to improve public safety concerns by showing the site is well maintained and valued by the town as an important recreational and educational resource. Ask the Town Constable to visit the park regularly and report on safety issues. Identify volunteer "Sumner Falls Stewards" for the site.

#### **Improve the Beach.**

Continue the excellent town work of clearing debris following the spring run-off. Install a fishing line receptacle for waste line, hooks. Explore options for a longer-term solution to erosion issues.

#### **Enhance conservation.**

Develop a long-term plan for controlling invasive plant species. Hold two public workdays each year for cleanup activities (Green-Up Day in May and Source-to-Sea in September). Locate and monitor rare and endangered species with help from the Native Plant Trust. Continue the historical practice of performing regular water testing at the site.

#### **Maintain forest health.**

Walk the property with the County Forester or a consulting forester to solicit recommendations on how to maintain the parcel's forest health.

### **MEDIUM PRIORITY PROJECTS**

*To be conducted within 2-6 years, requiring modest amounts of new public and private funding as well as volunteer commitments.*

#### **Conduct a land survey.**

Engage a licensed land surveyor to do a detailed survey and mark the property boundaries clearly.

**Emphasize the historical and cultural background.**

Work with the Hartland Historical Society and others to develop internet-available oral and written reports on the history and archaeology of the falls, including the history of indigenous peoples. Create electronic maps that show the location of mills, canal, and dam. Install a sign indicating the New Hampshire boundary which discusses the Supreme Court case establishing the border.

**Improve trails.**

Create a comprehensive plan for improving the site's trail system with the goal of increasing recreational, educational, and nature-related opportunities. Evaluate the locations and types of trails (including ADA-compliant trails); cost of building and maintaining the new system; possible funding sources; and how the project can be phased in over time.

**Encourage new recreational and educational opportunities.**

Partner with educational, recreation, and conservation organizations to create new opportunities that increase use of the site. Create a Quest or Geocache on the site.

**Publicize Sumner Falls Recreation Area.**

Create a marketing plan to encourage use of the park. Include neighboring communities (Cornish, Plainfield, Windsor, Hartford) and also recreation businesses in targeted marketing campaigns.

**Improve the parking and picnic areas.**

Make parking areas bigger and better delineate them with rail fences. Investigate steps necessary to provide year-round parking, including gating, road improvements and maintenance, and winter plowing. Maintain seasonal garbage/recycling receptacles and portable toilets. Develop a defined picnic space and install additional tables. Install bicycle racks. Enforce parking rules, including no parking on the Beach except for handicapped-accessible spaces. Provide dog-waste bag station. Add signs to identify poison ivy near picnic and parking areas.

**OVERALL GOAL**

*To be accomplished within 5-10 years, requiring significant new public, private, and volunteer resources.*

Operate the Sumner Falls Recreation Area as a four-season public resource, with improved parking, trails, and educational opportunities.



Document Content(s)

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