



May 22, 2024

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, D.C. 20426

Subject: Comments and Recommendations from American Rivers for the Great River Hydro, LLC Application Ready for Environmental Analysis for the Wilder Dam Project No. 1892-030, Bellows Falls Project No. 1855-050, Vernon Dam Project No. 1904-078

Dear Acting-Secretary Reese,

The following comments and recommendations are provided by American Rivers and respond to the proposed license terms in the Amended Final License Application for these three projects. American Rivers, Inc. is a national non-profit organization whose purpose is the protection and restoration of rivers and their tributary streams throughout the nation. Since 1973, American Rivers has helped protect and restore more than 150,000 miles of rivers through advocacy, science, and on-the-ground projects with local partners. Annually American Rivers engages in more than 20 hydropower relicensings across the country. American Rivers has regional programs across the country including the Northeast, and more than 100,000 supporters, members, and volunteers nationwide. The Northeast Regional Program covers the New England States and New York and is based in Holyoke, MA. American Rivers' staff and volunteers work to enhance river flows and increase river connectivity to benefit biodiversity, protect floodplains and wetlands, and restore rivers providing climate change refugia. Members of American Rivers enjoy and are sustained by the resources of the Connecticut River at these two project sites including for angling, boating, swimming, hiking, and wildlife viewing.

American Rivers recognizes that hydropower plays a role in the renewable energy markets and contributes to our need to eliminate fossil fuels and reach our climate mitigation targets. However, these benefits must be considered against the significant impacts that hydropower creates for rivers. The operational changes and requirements described below and by many other stakeholders are responsible requirements that do not adversely impact the ability of the owners to make a reasonable return.

American Rivers supports much of what is proposed in the applicant's final application including the negotiated changes to the operation of these projects. These operational changes were developed in close collaboration with stakeholders and represent a reasonable balance between generation and restoring a flow regime that is better for river health. However, there are significant shortcomings that require both FERC and the state of New Hampshire and Vermont's attention through their water quality certification process.

Failure to provide sufficient details or resources for required plans

The effort to engage stakeholders in the development of an operations plan was however not matched regarding other important elements of the applicant's proposal including the failure to provide details for what types of new recreation and historic properties protections, mitigations, or enhancements would be made. Had Great River Hydro provided information on protection, mitigation, or enhancements at earlier stages of the process including in the preliminary license proposal the public would have an opportunity to engage and provide comment. Leaving the development of these plans to after the issuance of a license renewal eliminates an opportunity for the public to meaningfully influence desired outcomes. It appears from the application that Great River Hydro intends to expend \$737,000 (Wilder), \$941,000 (Bellows Falls), and \$665,000 (Vernon) over a 40-year term at existing recreation facilities with limited information on what these funds would support. It is clear from the public engagement in this process and a significantly changed recreation economy since this license was last issued that there is need and benefit to be gained from a more robust investment in recreation infrastructure by Great River Hydro. This required investment will complement the significant work underway by both Vermont and New Hampshire to support and enhance the outdoor recreation economy.

Recreation investments should include better maintenance, signage, and marketing information about existing river access locations; improvements to portages at each project site; new access ramps and shoreside angler opportunities; and additional primitive camp sites associated with the Connecticut River Paddlers' Trail (which Great River Hydro does financially support with annual donations). Recreation infrastructure enhancements should include ADA accessibility elements wherever feasible.

The facts surrounding the absence of a meaningful and sufficient recreation plan are similar to the requirements for a historic properties management plan. Despite having over a decade to develop a proposed plan and including something in their final application it appears that there is only a designated dollar amount, \$600,000 to be spent over the life of the license with only general descriptions of what it would be applied toward. There is not sufficient detail provided to adequately consider this a valid plan.

RECOMMENDATION: Within two years of license issuance develop a robust recreation and historic properties management plan based on public input and consultation with Abenaki representatives that identifies robust protection, mitigation, and enhancement projects and investments. Both plans should be accompanied by ongoing advisory and monitoring frameworks.

Timing of fish passage improvements

American Rivers understands that the proposed schedule for implementation of fish passage improvements were developed in consultation with resource agencies. The schedule is predicated on several considerations including the timing to establish downstream passage improvements first and needs for monitoring and evaluation. While we understand the need to pay more attention to safe, timely, and effective downstream passage improvements as well as post-construction monitoring, we do not see why these need to be designed, tested, and monitored on a schedule distinct from any needed upstream improvements. We also do not understand the lengthy timeframes between deployment of passage improvements, particularly noting the ten-year interval between deploying eel passage at Vernon and then Wilder. A total of 17 years to fully deploy safe, timely, and effective fish passage for eel is not supportable

technically or ecologically. In short, it appears technically feasible to do two things at once at each of these facilities. This position is similar to what American Rivers and others have noted about the schedule for fish passage improvements at the FirstLight facilities located at Turners Falls and Northfield Mountain Pumped Storage projects.

American Rivers takes note of the recently adopted eel management plan by the Connecticut River Atlantic Salmon Commission¹ which includes the following eel passage performance criteria that were adopted following the completion of the proposed passage plan. Great River Hydro had noted that any eel passage design would need to be responsive to performance criteria adopted as part of a management plan.

“1.2.1 Achieve upstream passage performance of 95% (internal structure passage) based upon fish present at the entrance of the fishway (or dedicated eelway) for all size classes present. 1.2.2 Achieve downstream passage performance of no more than 5% through project mortality and debilitating injury that needs to be assessed on project level basis, and a time to pass of 24 hours or less for fish actively migrating within 1 km of a project facility. 1.2.3 Address project-specific fishway attraction, entry, internal passage efficiency, and delay as suitable information is available. 1.2.4 Address project specific downstream bypass route attraction, entry, passage efficiency, and delay, as suitable information is available.”

RECOMMENDATION: Accelerate implementation of fish passage improvements to be completed within seven years of license issuance.

Requirements for monitoring & reporting on fish passage

The work to restore migratory fish populations requires valid and on-going monitoring of the number and type of species passing hydropower projects. This data is used by resource agencies and the public to gauge trends in populations and develop and maintain management plans that include relevant and feasible actions. It is routinely the obligation of project owners to collect and transmit this information to resource agencies during the spring migration season. Hydropower facilities on the Connecticut River in Holyoke and Turners Falls have been collecting and reporting passage data for the duration of their licenses. Currently the three projects under relicensing have relied on the Vermont Fish & Wildlife (VFW) Department to fund and manage the collection of fish passage data. Presently the ability of VFW to manage this responsibility is tested due to competing and higher priorities. This should not be the responsibility of a state resource agency.

RECOMMENDATION: Require Great River Hydro to fund and implement fish passage monitoring and reporting at each of these three facilities.

Removal of salmon dam below Bellows Falls

American Rivers appreciates Great River Hydro's engagement in considering and developing strategies that can mitigate environmental impacts and support additional ways to generate. This includes evaluation of new turbine technology that reduces mortality and injuries and the establishment of a low-flow turbine at Bellows Falls. Part of the improvements to the river below Bellows Falls will include the removal of the salmon barrier dam which all parties agree is no

¹ In the docket at accession number 20230630-5046. Connecticut River Eel Management Plan. Approved by CRASC on June 8, 2023.

longer necessary. Great River Hydro agrees that this structure is no longer necessary and is supportive of its removal, however they oppose having to fund that work. Removal of the salmon dam is clearly the responsibility of the project owner and should be included in their license conditions.

As a general matter American Rivers appreciates the financial implications of the relicensing process as well as the costs associated with new requirements. However it is worth noting the significant opportunities available to hydropower companies for public funding to implement projects or obtain premiums from the renewable portfolio standards. These opportunities include the Hydropower Incentives Program funded by the Bipartisan Infrastructure bill and administered by the Department of Energy's Grid Deployment Office which makes many environmental and energy improvements eligible for grant funds. It is likely that once these improvements are in place these facilities would qualify under the Low Impact Hydropower Institute's (LIHI) certification program which provides financial returns through the renewable energy credit markets. Great River Hydro currently benefits from the substantial revenue premium from three facilities it owns being certified by LIHI.

RECOMMENDATION: Require the applicant to fund and remove the salmon barrier dam.

Decommissioning

It is vital that the FERC begin to implement the very reasonable license requirement that project owners maintain the financial assurance that they can decommission a dam. It is now commonplace for permitting agencies that are authorizing renewable energy projects such as solar or wind energy to maintain the financial assurances to decommission and remove these projects upon the end of their useful life. Similarly, the FERC has required that the owners of nuclear power stations maintain the financial capacity to decommission and remove these projects. The 1995 policy statement on decommissioning² notes *inter alia* that "[I]n issuing future licenses, the Commission may require that funding for decommissioning be provided in certain circumstances." We maintain that all licenses as well as property transfers should require this commonsense requirement and that it includes the financial capacity to not only decommission but remove the dam itself. Consideration of removal at the time of decommissioning should be mandatory and not solely at the suggestion of the project owner. At the time of decommissioning the FERC may adjudicate the basis for removal using its regulations, but the project owner should demonstrate the financial capacity to decommission AND remove regardless of how the FERC eventually rules on removal. There are too many decommissioned non-functional dams that remain in our rivers that continue to impair river health and function.

RECOMMENDATION: Under the FERC's existing 1995 policy the licenses should be conditioned for the current and future owners of these projects be required to maintain financial assurances sufficient to accomplish decommissioning and removal of the dams.

License term

As with the companion relicensings for the two projects owned by FirstLight MA Hydro, LLC these projects have been operating under a series of license extensions. These three facilities

² Federal Energy Regulatory Commission, Project Decommissioning at Relicensing; Policy Statement, *Federal Register*, January 4, 1995, Vol. 60, No. 2, <https://www.govinfo.gov/content/pkg/FR-1995-01-04/pdf/95-63.pdf>

have been operating since 2018 under the prior license conditions and considering the time to complete the state water quality certificate process this will amount to an eight year license extension. While we understand and appreciate the interest in securing as long a possible license term, the extent and rate of change in technology and renewable energy markets argues for a shorter license term.

RECOMMENDATION: Issue a 30-year license for these projects.

In conclusion, American Rivers appreciates the opportunity to provide these comments and looks forward to the issuance of fair and thorough licenses that balance the needs of the river, the public, and our needs in a changing energy environment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Fisk', is centered on the page.

Andrew Fisk, Ph.D.
Northeast Regional Director

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