

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of:) FERC Project No. 1892-030
Great River Hydro, LLC) FERC Project No. 1855-050
Wilder, Bellows Falls, and Vernon projects) FERC Project No. 1904-078

MOTION FOR LEAVE TO INTERVENE
OF TOWN OF VERNON

Pursuant to Rules 210, 212, and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.210, 385.212, and 385.214, the Town of Vernon ("Movant") hereby moves to intervene and request party status in this proceeding.

On May 1, 2017, Great River Hydro, LLC filed a Final License Application for the Wilder, Bellows Falls, and Vernon Hydroelectric Projects (Accession numbers 20170501-5425, 20170501-5430). On December 7, 2020, Great River filed an amended final license application (AFLA) with the Federal Energy Regulatory Commission (FERC) (Accession number 20201207-5219). On June 8, 2023, Great River Hydro filed a Revised Final License Application (Accession number 20230608-5102). On February 22, 2024 FERC issued a Notice of application accepted for filing, soliciting motions to intervene and protests, ready for environmental analysis, and soliciting comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions requiring motions to intervene to be filed within 60 days, thus on or before April 22, 2024 (Accession numbers 20240222-3015, 20240222-3017, and 20240222-3023).

I. Communications and Service of Process

All communications, pleadings and orders with respect to this proceeding should be sent to the following individuals:

Shelly Banford, Town Administrator

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Vernon, VT 05354
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Sandra Harris, Selectboard Chair

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Jim Pinkerton, Planning Commission, Chair

Vernon Town Hall

567 Governor Hunt Rd.

Vernon, VT 05354

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II. Position of the Town of Vernon

Pursuant to the Commission's rules, 18 C.F.R. § 385.214(b)(1), requiring a statement of the Town's position, the Town seeks to have any license issued by FERC conditioned to assure that the Vernon Project does not cause erosion, and provides for expansion of recreation. Erosion caused by the Vernon Dam degrades water quality in violation of state and federal clean water laws, harms fish and wildlife habitat, causes the loss of land along the river including the loss of prime agricultural land, increases flood risks, and damages important historical and cultural resources. The FERC license for this facility should include conditions that will prevent these harms by erosion from occurring. Great River Hydro owns 223 forested acres of land in Vernon and an additional 34 acres for recreation. This utility and its land is 11.25% of the Town of Vernon's tax base.

Potential other conditions:

- Assurance that the recreational commitment improvements will be implemented in a timely manner as proposed in Document Accession #20210330-5038 Table D-1 of the Proposed Environmental Measures filed on March 30, 2021:
 - Governor Hunt Road Picnic and Boat Launching area
 - Portage trail
 - Vernon Glen Recreation Area
 - Stebbins Island Camping Area
 - Public access for fishing
 - Boat launch facility
 - Potable water supply
 - Public rest rooms
 - Fish ladder and viewing area
 - Public Park infrastructure
 - Public safety

- Vernon would also like to request the lease of the property where the discharge structure is located be transferred to the Town of Vernon after the decommissioning to be utilized for a boat launch above the dam.

These positions may evolve based on the course of this proceeding.

III. Interests of Movant

The Town has ample interest in participating in this matter to justify intervention as required by the Commission's rules, 18 C.F.R. § 385.214(b)2).

A. Direct Interests

The Town of Vernon is a duly incorporated municipality in the State of Vermont, with the responsibility to protect the health, safety, and well-being of the community. The Connecticut River runs north to south along the full length of the eastern boarder of Vernon and is a vital part of the culture, history and economy of the Town. The River serves as a vital recreational, tourism and natural resource for both Town residents and visitors. Town residents regularly use and care about the area of the Connecticut River affected by the presence and operation of the Bellows Falls, Vernon dams owned and operated by Great River Hydro. The Vernon Dam is adjacent to the Village Center along with a boat launch and beach located just below the dam.

Erosion caused by the Vernon Station has negatively impacts recreational resources, particularly activities such as canoeing, recreational fishing, boat usage on the river, swimming, and the picnicking area. This erosion also contributes to the diminishment of prime farmland, aquatic and riparian habitat for rare and endangered species and decline in water quality. Such impacts would significantly affect the quality of life, economic well-being, and access to a clean environment for the Town's residents.

Following decommissioning of the Vermont Yankee site, the town expects to obtain control of the site for redevelopment purposes, and wishes to maximize opportunities on the site for multiple uses including industrial, commercial, power-generation, battery storage, recreation and housing.

For these reasons, the Town has a direct and substantial interest in the outcome of the relicensing process for the Bellows Falls, Vernon projects.

B. Public Interest

The Town's responsibility to protect the interests of its residents and respond to any potential adverse impacts to its residents associated with the relicensing of the referenced projects is, by its very nature, in the public interest. Vernon is not just responsible for protecting its direct interests but also those of its residents and the public throughout the course of this relicensing.

The operations of the Vernon Project directly affect the public interest as the erosion created:

- a. contributes to the loss of prime farmland
- b. causes diminishment of aquatic and riparian habitat for rare and endangered species
- c. creates a decline in water quality
- d. adds obstacles to recreation

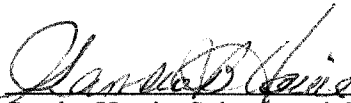
Such impacts significantly affect the quality of life, economic well-being, and access to a clean environment for the Town's residents.

The Town has long demonstrated its interest in both matters through several years of active participation in proceedings before the Commission and negotiations with the Applicant involving both Bellows Falls, Vernon project Projects. That participation has included: participation in the 1979 FERC relicensing proceedings, submission of numerous letters, most recently a comment letter to FERC relating to the relicensing of the Vernon Hydroelectric Dam, Vernon facilitated a study completed by Stevens Associates for the redevelopment of the Vermont Yankee site to include additional recreation along the Connecticut River. For all these reasons, the Town has a strong interest in the effective management and stewardship of lands within the Connecticut River watershed affected by the referenced projects.

IV. Conclusion

Granting intervenor status to the Town will allow the Town to present an important perspective and relevant information for the Commission's consideration. The Town is coordinating with other municipalities in Windham County with the support of the Windham Regional Planning Commission and will, except where interests diverge, endeavor to coordinate the Town's participation with Windham Regional Planning Commission and other similarly situated communities to minimize duplication and ensure the efficient presentation of relevant information to the Commission.

For these reasons, the Town respectfully requests that the Commission grant this Motion to Intervene as a party with full rights to participate in all further proceedings.



Sandra Harris, Selectboard Chair
Vernon Town Hall
567 Governor Hunt Rd.
Vernon, VT 05354

April 16, 2024

Date



VERNON, VERMONT

April 16, 2024

United States of America
Federal Energy Regulation Commission

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	P-1904-078

Attached please find the submission of Vernon's Motion For Leave To Intervene Of Town Of Vernon.

Respectfully Submitted By:
Vernon's Selectboard, Planning Commission and Town Administrator

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