

From: Comstock, Gregg
To: John Ragonese
Cc: Crocker, Jeff; Diers, Ted
Subject: RE: Meeting with GRH to discuss future LC Relicensing 401 Application
Date: Wednesday, September 22, 2021 8:25:51 AM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.png](#)

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Good morning John:

The following is in response to your email of 9/10/21 and is intended to provide Great River Hydro LLC (GRH) with guidance for filing Clean Water Act Section 401 water quality certification requests (i.e., certification requests) and requests for a meeting prior to filing a certification request (i.e., pre-filing meeting requests) for the Wilder (No. 1892), Bellows Falls (No. 1855) and Vernon (No. 1904) hydroelectric projects located on the Connecticut River. Efforts to relicense these three projects with the Federal Energy Regulatory Commission's (FERC) are well underway and we understand that GRH may be filing certification requests with the New Hampshire Department of Environmental Services (NHDES) in the near future.

As you may recall, federal regulations for pre-filing meeting requests and certification requests may be found in [40 CFR 121](#).

NHDES general guidance for submitting these requests are [here](#) ; additional details are provided below.

As stated in [40 CFR 121.4 \(a\)](#), pre-filing meeting requests must be submitted to NHDES at least 30 days prior to submitting a certification request. Pre-filing meeting requests for the three projects, submitted as specified below, may be submitted together (i.e., one pre-filing request email which covers all three projects), or via separate emails (one request email for each project). Please note that according to [40 CFR 121.4 \(b\)](#), NHDES is not obligated to grant or respond to the pre-filing meeting request and, that at this time, we do not believe a pre-filing meeting will be necessary for these projects given the guidance provided herein, and our involvement with these projects throughout the FERC relicensing process over the past several years. If, after reading this email and, after you submit the pre-filing meeting request, you would like to meet, please let me know.

When you submit a certification request (at least 30 days after the pre-filing request), please fill out and submit the NHDES water quality certification application, which is [here](#). Please note that the pollutant loading analysis specified in the NHDES certification application is not needed for FERC hydropower projects. In addition to the information in the NHDES application, federal regulation ([40 CFR 121.5\(b\)](#)) requires certification requests to include the following, which we recommend you submit as an **addendum** to the NHDES application.

§ 121.5 Certification request.

- (a) A certification request shall be submitted to the certifying authority and to the Federal agency concurrently.
- (b) A certification request for an individual license or permit shall:
- (1) Identify the project proponent(s) and a point of contact;
 - (2) Identify the proposed project;
 - (3) Identify the applicable federal license or permit;
 - (4) Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;
 - (5) Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
 - (6) Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;
 - (7) Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
 - (8) Contain the following statement: 'The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief'; and
 - (9) Contain the following statement: 'The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.'

Definitions are provided in [40 CFR 121.1](#). Please note the definition of a certification request is "...a written, signed, and dated communication that satisfies the requirements of [§ 121.5\(b\)](#) or [\(c\)](#)." For these projects, 40 CFR 121.5(b) applies.

Water quality certifications typically include conditions to ensure the proposed activity will not cause violations of State surface water quality standards, which include criteria to protect designated uses such as aquatic life and recreation. Much of the information needed for certification requests for hydropower projects can typically be found in the documents prepared as part of the FERC application process (e.g., Final License Application (FLA), final study reports, response to requests from FERC for additional information after the FLA was submitted, etc.). If documents (such as those prepared during the FERC application process) are referenced in the certification request, please provide the documents (or links) and the pages where the information can be found. We understand that discussions are ongoing with the fishery agencies regarding fish passage and recommend that the certification request include a summary of these discussions as well as what GRH proposes.

Because each project is different, and because of the many documents that have been prepared for each project as part of the FERC relicensing process, NHDES recommends that a separate certification request be prepared and submitted for each project (rather than combining all three in one request).

Please note that after the certification request is received, NHDES may request additional information as we conduct our technical review.

Pre-filing meeting requests and certification requests should be sent by email to Gregg Comstock at william.g.comstock@des.nh.gov. According to [40 CFR 121.5\(a\)](#), a copy of the certification requests should also be sent concurrently to the federal agency (i.e., to FERC for hydropower projects).

When submitting the requests to NHDES, please include the following in the subject line of the request: "Request for 401 Pre-filing meeting" or "Request for 401 WQC". Also, please mail a hard copy of the signature pages (for both the NHDES application and the addendum addressing 40 CFR 121.5(b) mentioned above) that includes wet signatures and dates to:

NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095
Attention: Gregg Comstock, P.E.
Watershed Management Bureau
401 Certification Program

We will let you know if we need hard copies of any other parts of the certification request.

Please let us know when you expect to submit the certification requests. It is our current understanding that the certification requests will be submitted within 60 days of the date when FERC issues notice that the applications is accepted and ready for environmental analysis.

I hope this information is helpful John. Should you have any questions, please let me know. It is our understanding that you will be receiving similar guidance from VTANR in the near future.

Regards,
Gregg

Gregg Comstock, P.E.
Supervisor, Water Quality Planning Section
Watershed Management Bureau
Water Division, NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
Email: gregg.comstock@des.nh.gov
Phone: (603) 271-2983 (it is best to contact me by email)

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Please consider the environment before printing this email.

From: John Ragonese <jragonese@greatriverhydro.com>

Sent: Friday, September 10, 2021 3:31 PM

To: Diers, Ted <THEODORE.E.DIERS@des.nh.gov>; Comstock, Gregg

<WILLIAM.G.COMSTOCK@des.nh.gov>; Crocker, Jeff <jeff.crocker@vermont.gov>

Cc: Joel Detty <jdetty@normandeau.com>; Harry Stewart <hstewart@normandeau.com>; Rick Simmons <rsimmons@normandeau.com>; Jennifer Griffin <jgriffin@greatriverhydro.com>

Subject: Meeting with GRH to discuss future LC Relicensing 401 Application

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Ted,

Following up with our conversation a week or so ago regarding meeting to discuss 401 application for GRGH's CT River projects undergoing relicensing. I would like to set up a meeting sooner than later, supporting your suggestion. Our consultant Normandeau has just been hired to support development of the applications.

Couple questions or ideas to facilitate this.

Happy to conduct this via Zoom or we can meet informally at our Wilder Station and include both States. We have an outside tent setup so we do not have to meet indoors and talk thru masks and while the weather is good it would make sense to utilize that space. Inside meeting will require masks be worn.

From your perspectives, would this meeting represent the initial pre-filing meeting under CWA Section 401 rule 40 CFR Part 121.4(a) or is that expected to be another meeting held at least 30-days in advance of filing applications?

Please let me know if you want to try and meet in person or via Zoom? Who if other than the two state WQC agencies you would want to include? And with that I will send out a Doodle Poll to arrange for a suitable date and time.

Have a great weekend.

John

John L. Ragonese, FERC License Manager

Great River Hydro, LLC

40 Pleasant Street; Suite 202
Portsmouth NH 03801
Phone: 603.498.2851
Email: jragonese@greatriverhydro.com

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Great River Hydro

John L. Ragonese
FERC License Manager
Great River Hydro, LLC
40 Pleasant Street, Suite 202
Portsmouth, NH 03801
tel 603.498.2851
em jragonese@greatriverhydro.com

December 15, 2021

Mr. Gregg Comstock, P.E.
Supervisor, Water Quality Planning Section
Watershed Management Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Re: 40 CFR 121.4 (a) Request for Pre-Filing Meeting, Section 401 Water Quality Certification of FERC Project No.'s 1855, 1892 & 1904

Dear Mr. Comstock:

Great River Hydro, LLC (Great River Hydro or GRH), acting as project proponent, is submitting this letter to notify you of its intent to submit applications for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) associated with the Federal Energy Regulatory Commission (FERC) relicensing of three of its hydroelectric projects on the Connecticut River in New Hampshire and Vermont. The hydro projects are: Wilder Project (FERC No. 1892), Bellows Falls Project (FERC No. 1855), and Vernon Project (FERC Project No. 1904) (collectively the Projects). Great River Hydro, as licensee, owner, and operator of the Projects, submitted three amended Final License Applications (FLA) for relicensing on December 7, 2020. As of the date of this letter, FERC has not yet issued a Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions (REA) for any of the FLA submittals, but GRH is preparing its WQC applications presently and will file them prior to the 60 days post-REA issuance deadline.


As required under 40 CFR 121.4 (a), Great River Hydro submits this request for a single pre-filing meeting with NHDES, a certifying agency, for the three subject FERC relicensing related 401 WQC applications. Under separate cover, a similar pre-file meeting request will be submitted to the Vermont Agency of Natural Resources (VANR), another certifying agency. GRH asks that the two agencies, if they wish to grant the request and seek a pre-filing meeting, coordinate with each other and GRH to identify a date, time, and place where both agencies would be present to participate in a single meeting. In accordance with 40 CFR 121.4(a), these requests are being made at least 30 days prior to GRH submitting respective WQC applications in the two states.

Although Great River Hydro requests a pre-file meeting per federal regulations, it does not have a specific reason or immediate need to discuss its WQC applications prior to the filings. As a result of numerous and lengthy consultation meetings with NHDES, VANR, other state, federal agencies and non-governmental parties prior to these WQC applications, a number of important operational and resource issues were addressed in a proposed new operating protocol for the Projects that was embodied in a Memorandum of Understanding (“MOU”). The MOU was executed on December 1, 2020, between participating stakeholders including the certifying authorities. Therefore, the certifying authorities (NHDES and VANR) are likely to be very familiar with the projects and resource issues and as such, may not require a pre-filing meeting. However, if either NHDES or VANR wishes to meet, GRH and its consultant Normandeau Associates, will make the necessary arrangements, develop an agenda, and participate in a meeting. As required under 40 CFR 121.4 (d), GRH encourages NHDES and VANR to contact the FERC and identify points of contact to facilitate information sharing throughout the certification process.

The new operating protocol presented in the MOU, and the FLA as the Preferred Alternative addresses future operation of the Projects under renewed federal licenses, including many flow, impoundment, and operational-related resource concerns that are a result of, or are perceived to be a result of, operations of the Projects. As it was acceptable and supported by the participating stakeholders through the MOU, GRH will similarly propose the new operating protocol, without changes, in its WQC applications. GRH is also developing a mutually agreeable plan and schedule for enhancing fish passage at the three Projects through discussions with state and federal fishery agencies. Our expectation is that these measures will be incorporated into a Settlement Agreement on fish passage which will guide Federal Power Act Section 18 prescriptions submitted to the FERC as well as state fishery agency recommendations in respective state WQC proceedings. The proposed plan and schedule for addressing fish passage needs will also be included in the WQC applications.

Please indicate whether NHDES wishes to hold a pre-file meeting by contacting me at 603-498-2851 or via email at jragonese@greatriverhydro.com. Additionally, if there are any questions regarding this matter, please contact me. Thank you and we look forward to continued discussions with NHDES throughout the WQC process.

Sincerely,



John Ragonese

FERC Licensing Manager



Great River Hydro

John L. Ragonese
FERC License Manager
Great River Hydro, LLC
40 Pleasant Street, Suite 202
Portsmouth, NH 03801
tel 603.498.2851
em jragonese@greatriverhydro.com

December 15, 2021

Mr. Jeff Crocker
Supervising River Ecologist
Vermont Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division // Rivers Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522

Re: 40 CFR 121.4 (a) Request for Pre-Filing Meeting, Section 401 Water Quality Certification of FERC Project No.'s 1855, 1892 & 1904

Dear Mr. Crocker:

Great River Hydro, LLC (Great River Hydro or GRH), acting as project proponent, is submitting this letter to notify you of its intent to submit applications for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) associated with the Federal Energy Regulatory Commission (FERC) relicensing of three of its hydroelectric projects on the Connecticut River in New Hampshire and Vermont. The hydro projects are: Wilder Project (FERC No. 1892), Bellows Falls Project (FERC No. 1855), and Vernon Project (FERC Project No. 1904) (collectively the Projects). Great River Hydro, as licensee, owner, and operator of the Projects, submitted three amended Final License Applications (FLA) for relicensing on December 7, 2020. As of the date of this letter, FERC has not yet issued a Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions (REA) for any of the FLA submittals, but GRH is preparing its WQC applications presently and will file them prior to the 60 days post-REA issuance deadline.

As required under 40 CFR 121.4 (a), Great River Hydro submits this request for a single pre-filing meeting with VANR, a certifying agency, for the three subject FERC relicensing related 401 WQC applications. Under separate cover, a similar pre-file meeting request will be submitted to the New Hampshire Department of Environmental Services (NHDES), another certifying agency. GRH asks that the two agencies, if they wish to grant the request and seek a pre-filing meeting, coordinate with each other and GRH to identify a date, time, and place where both agencies would be present to participate in a single meeting. In accordance with 40 CFR 121.4(a), these requests are being made at least 30 days prior to GRH submitting respective WQC applications in the two states.

Although Great River Hydro requests a pre-file meeting per federal regulations, it does not have a specific reason or immediate need to discuss its WQC applications prior to the filings. As a result of numerous and lengthy consultation meetings with VANR, NHDES, other state, federal agencies and non-governmental parties prior to these WQC applications, a number of important operational and resource issues were addressed in a proposed new operating protocol for the Projects that was embodied in a Memorandum of Understanding (“MOU”). The MOU was executed on December 1, 2020, between participating stakeholders including the certifying authorities. Therefore, the certifying authorities (VANR and NHDES) are likely to be very familiar with the projects and resource issues and as such, may not require a pre-filing meeting. However, if either VANR or NHDES wishes to meet, GRH and its consultant Normandeau Associates, will make the necessary arrangements, develop an agenda, and participate in a meeting. As required under 40 CFR 121.4 (d), GRH encourages VANR and NHDES to contact the FERC and identify points of contact to facilitate information sharing throughout the certification process.

The new operating protocol presented in the MOU, and the FLA as the Preferred Alternative addresses future operation of the Projects under renewed federal licenses, including many flow, impoundment, and operational-related resource concerns that are a result of, or are perceived to be a result of, operations of the Projects. As it was acceptable and supported by the participating stakeholders through the MOU, GRH will similarly propose the new operating protocol, without changes, in its WQC applications. GRH is also developing a mutually agreeable plan and schedule for enhancing fish passage at the three Projects through discussions with state and federal fishery agencies. Our expectation is that these measures will be incorporated into a Settlement Agreement on fish passage which will guide Federal Power Act Section 18 prescriptions submitted to the FERC as well as state fishery agency recommendations in respective state WQC proceedings. The proposed plan and schedule for addressing fish passage needs will also be included in the WQC applications.

Please indicate whether VANR wishes to hold a pre-file meeting by contacting me at 603-498-2851 or via email at jragonese@greatriverhydro.com. Additionally, if there are any questions regarding this matter, please contact me. Thank you and we look forward to continued discussions with NHDES throughout the WQC process.

Sincerely,



John Ragonese

FERC Licensing Manager

From: Crocker, Jeff
To: John Ragonese
Cc: Comstock, Gregg; Diers, Ted; Jennifer Griffin; rsimmons@normandeau.com; james.w.tilley@des.nh.gov; Davis, Eric; Simard, Betsy
Subject: RE: 40 CFR 121.4 (a), Great River Hydro Request for a WQC Application pre-filing meeting with VANR
Date: Thursday, December 23, 2021 9:41:29 AM
Attachments: [image001.jpg](#)

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John,

Thank you for your email and letter requesting a pre-application meeting for the Section 401 water quality certification for the Wilder, Bellows Falls, and Vernon hydroelectric projects pursuant to 40 CFR 121.4 (a). However, a federal court issued a decision in October remanding the 401 rule back to EPA with vacatur of the current rule as part of a multistate challenge. In consultation with EPA the states have been advised to implement our 401 process as we did prior to the 2020 401 rule, therefore no pre-application meeting request or meeting is required. Nevertheless, the Agency is happy to meet with Great River Hydro prior to filing the 401 applications for three projects. Please let me know if you wish to meet and your dates of availability.

Thank you and enjoy the holiday season.

Jeff



Jeff Crocker | Supervising River Ecologist
Vermont Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division // Rivers Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522
802-490-6151 (cell)
<https://dec.vermont.gov/watershed>

From: John Ragonese <jragonese@greatriverhydro.com>
Sent: Wednesday, December 15, 2021 12:51 PM
To: Crocker, Jeff <Jeff.Crocker@vermont.gov>
Cc: Comstock, Gregg <william.g.comstock@des.nh.gov>; Diers, Ted <THEODORE.E.DIERS@des.nh.gov>; Jennifer Griffin <jgriffin@greatriverhydro.com>; rsimmons@normandeau.com
Subject: 40 CFR 121.4 (a), Great River Hydro Request for a WQC Application pre-filing meeting with VANR

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Dear Jeff,

As required under 40 CFR 121.4 (a), Great River Hydro submits this request for a single pre-filing meeting with VANR, a certifying agency, for three future Great River Hydro FERC relicensing related 401 WQC applications. Under separate cover, a similar pre-file meeting request will be submitted to the NHDES, another certifying agency.

Although Great River Hydro requests a pre-file meeting per federal regulations, it does not have a

specific reason or immediate need to discuss its WQC applications prior to the filings. GRH asks that the two agencies, if they wish to grant the request and seek a pre-filing meeting, coordinate with each other and GRH to identify a date, time, and place where both agencies would be present to participate in a single meeting. In accordance with 40 CFR 121.4(a), these requests are being made at least 30 days prior to GRH submitting respective WQC applications in the two states. The formal request letter is attached.

Thank you.

John L. Ragonese, FERC License Manager

Great River Hydro, LLC

40 Pleasant Street; Suite 202

Portsmouth NH 03801

Phone: 603.498.2851

Email: jragonese@greatriverhydro.com

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John Ragonese

From: John Ragonese
Sent: Wednesday, June 14, 2023 4:09 PM
To: Tilley, James
Cc: Jennifer Griffin; Crocker, Jeff
Subject: RE: NH 401 Certifications
Attachments: 9-22-21 email from NHDES RE_ Meeting with GRH to discuss future LC Relicensing 401 Application.pdf; 12-15-21-GRH-ltr-pre-file meeting request letter NHDES.pdf; 12-15-21-GRH-ltr-pre-file meeting request letter VANR.pdf; 12-23-21 email VANR RE_ 40 CFR 121.4 (a), GRH Request for a WQC App pre-filing mtg with VANR.pdf

Hi James,

Yes I was inquiring your office on behalf of GRH and in regards to the FERC relicensing related 401 Certifications for Wilder, Bellows Falls and Vernon Projects.

I sent an informal request via email to Gregg Comstock on 9-10-2021 and based on his reply of 9-22-2021 (see 9-22-21 email NHDES attached) Gregg that basically indicated that while we needed to follow the regulations and submit a meeting request, NHDES was not obligated to grant or respond to a meeting request and that the Department did not believe a pre-filing meeting was necessary.

So yes, we formally submitted pre-filing meeting requests to both NHDES and VTDEC on 12-15-2021 (see two 12-15-21 letters to NHDES and VANR attached). NHDES did not respond. VANR did respond but indicated that EPA had advised them that neither the pre-meeting request was required nor the meeting itself, and therefore they did not seek a meeting (see 12-23-21 email VANR attached). Based on this information, I presume you are in agreement that we have adequately addressed the requirement to submit a request 30 days prior to filing our 401 applications.

We are happy to meet with you and VTDEC staff in advance of filing our 401 applications. Unless you feel otherwise, I suspect everyone would prefer a remote meeting rather than travel and meet in person, particularly in light of our mutual desire to invite/include VTDEC staff to participate. I am cc'ing Jeff Crocker on this reply, but will leave it in your hands to connect and discuss a meeting date and time with him. At this time, I am free this week: tomorrow AM, Friday all day; next week, available any day except for Tuesday; the following work week starting 6/26 I am available Monday, Tuesday AM, Wednesday all day and Friday all day.

Regarding Moore DO monitoring, we will, per your instruction, submit our field study plan including sampling locations and rationale for such. Normandeau will be performing the study for us and putting that together in one of the first tasks once they have investigated the locations. We will send the same to VTDEC for their review and input. As I stated this is presuming we actually complete the installation and commission the unit prior to Sept. 30. We are experiencing a slight delay in the delivery of some of the key DO enhancement system components. The river bed tailrace distribution piping is all in place however. If we find ourselves possibly at a stage where everything is ready for unit commissioning but the DO enhancement system is not in place, we may reach out to your office and discuss options to enable us to start the unit prior to Sept 30 but without the DO enhancement system in operation as well as delay the start of DO monitoring until next year (since we would not be monitoring the performance of the enhancement system. We would probably suggest running one of the larger units simultaneously, but only passing a low flow as that will entrain significant air and undoubtedly enhance the DO concentration of the overall discharge so that water quality standards are met. But we will wait to further discuss that contingency until it appears to be a necessary alternative based on the construction and commissioning situation.

So I'll await to hear from you. We would like to have our meeting with you on our 401 applications as soon as you are able to schedule it.

Thanks James.

John

John Ragonese
FERC License Manager
Great River Hydro, LLC
Work/Cell: 603-498-2851
jragonese@greatriverhydro.com

From: Tilley, James <James.W.Tilley@des.nh.gov>
Sent: Wednesday, June 14, 2023 9:20 AM
To: John Ragonese <jragonese@greatriverhydro.com>
Cc: Jennifer Griffin <jgriffin@greatriverhydro.com>
Subject: RE: NH 401 Certifications

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Good morning, John,

Thank you for contacting me, on behalf of Great River Hydro, LLC (GRH), about a pre-filing meeting request that is required under [40 CFR §121.4](#) ahead of submitting a certification request for certain hydroelectric projects. I assume you are referring to forthcoming certification requests for FERC relicensing of the following hydroelectric projects: Wilder Hydroelectric Project (FERC Project No. 1892-026); Bellows Falls Hydroelectric Project (FERC Project No. 1855-045); Vernon Hydroelectric Project (FERC Project No. 1904-073).

As you likely know, 40 CFR §121.5(b)(7) requires a project proponent to include in a certification request documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Do you already have that type of documentation from your communications with Gregg or Ted? If not, I recommend that you address that requirement by sending me an email that explicitly identifies the projects for which GRH is submitting a pre-filing meeting request.

I would like to meet with GRH ahead of certification request for those CT River projects. The meeting can be remote or in-person, whichever you prefer. If you prefer a remote meeting or an in-person meeting at the NHDES offices, I can work to schedule a meeting that includes VT Department of Environmental Conservation, NHDES staff, and GRH staff. If you prefer an in-person meeting elsewhere, it would probably be better for GRH to work to schedule a meeting.

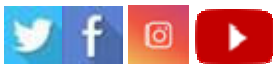
Regarding the location of the DO and temperature monitoring equipment after commissioning a new unit at Moore Dam of the Fifteen Mile Falls Project; I do not think that it is necessary for me to visit the site to help determine an appropriate monitoring location. When GRH identifies a proposed monitoring location, I recommend that GRH submit a description of how it chose the location. If you think that it is important that NHDES staff visit the site to help determine an appropriate monitoring location, please let me know why you think NHDES staff should visit the site and I will revisit the possibility of visiting the site.

On a separate topic; a NHDES staff person asked me if GRH owns the lake bottom of 2nd Connecticut Lake in addition to the land surrounding 2nd Connecticut Lake. I don't know why the question was asked, but NHDES staff wants to know what GRH actually owns and manages on 2nd Connecticut Lake.

Regards,

James Tilley

Water Quality Certification Supervisor
Water Division, Watershed Management Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
(603) 271-0699
james.tilley@des.nh.gov



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From: John Ragonese <jragonese@greatriverhydro.com>

Sent: Monday, June 12, 2023 2:10 PM

To: Tilley, James <James.W.Tilley@des.nh.gov>

Cc: Jennifer Griffin <jgriffin@greatriverhydro.com>

Subject: NH 401 Certifications

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James:

A while ago or perhaps when you first started in your 401 WQC role, Ted Diers, Gregg Comstock along with their counterparts in VT discussed the need for a pre-filing (401 Cert Application) consultation meeting with NHDES and VTDEC (at least 30 days in advance of the filing). I believe I formally asked if they wanted to such a meeting prior to filing our 401 applications and everyone's unanimous answer was no, they all stating that it was not necessary based upon all the meeting we held (44 for MOU alone; 20+ for SA on FP) in reaching these agreements in large part.

But as you know, we have not filed the 401 applications yet and so prior to doing do I wanted to check in with you. **Specifically, in your case, where you were either not involved or possibly less familiar** with the Operations MOU and possibly the Settlement on Fish passage, I did not want to 1.) presume the prior agency's indication that a pre-meeting was not needed, was still the position of NHDES, nor 2.) Assume you were not expecting to have one with us.

So, if you would get back to us and let me know, I would appreciate it. If you do want to hold such a meeting, I would want to get that scheduled sooner than later and determine if that is to be an in-person or remote meeting.

Additionally, I wanted to give you a heads up on our other project involving your office. As I assume you are aware, we have been constructing our new minimum flow unit and powerhouse up at Moore Dam. As part of that project, we will be conducting post commissioning DO and Temperature monitoring during the July through September months when the reservoir has historically stratified. We have a FERC approved DO monitoring plan that have been reviewed and approved by NHDES, but before we initiate the first study season I wanted to invite you to see the project at Moore Dam and discuss and identify the downstream monitoring location with you as well as the consultant performing the work. Once that has been determined, they will send you a formal field study plan for review. Our plan for

commissioning the unit now appears to be mid-August 2023 and our monitoring requirement is for 2 full seasons. Therefore if the unit actually is commissioned before end of September, we will set out the monitors until the end of the monitoring period as prescribed in the plan, but with the intent to capture the additional two full monitoring periods from July 1 – Sept 30 in 2024 and 2025.

Let me know if you would like to meet and visit the project and site, possibly even sitting down to hold the pre-filing meeting on the same day. We would like to invite VTDEC to either of these as well but I wanted to first connect with you. Moore Dam is within an hour of their offices so I suspect that could work for them even if they did not want to discuss the monitoring location for Moore min flow unit.

Thanks and I look forward to hearing from you.

John

John Ragonese
FERC License Manager
Great River Hydro, LLC
Work/Cell: 603-498-2851
jragonese@greatriverhydro.com

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John Ragonese

Subject: Pre-Filing Meeting for 401 Certification Requests for the Wilder Hydroelectric Project, the Bellows Falls Hydroelectric Project, and the Vernon Hydroelectric Project

Location: Microsoft Teams Meeting

Start: Mon 6/26/2023 2:00 PM

End: Mon 6/26/2023 3:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Tilley, James

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Good morning,

I have corrected the title of the meeting to “Pre-Filing Meeting” instead of “re-Filing Meeting”.

I apologize for the error.

Regards,

James

Good morning,

This meeting is to discuss the forthcoming certification requests for the Wilder Hydroelectric Project, the Bellows Falls Hydroelectric Project, and the Vernon Hydroelectric Project.

During the meeting, I plan to discuss NHDES’s procedures for reviewing and processing certification requests and NHDES’s [Application for Water Quality Certification](#); and how Great River Hydro, Inc. will be addressing antidegradation requirements under [New Hampshire Code of Administrative Rule Part Env-Wq 1708](#) in the Application.

Regards,

James Tilley

Water Quality Certification Supervisor
Water Division, Watershed Management Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
(603) 271-0699
james.tilley@des.nh.gov

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