

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

TransCanada Hydro Northeast Inc. Wilder Project No. 1892  
TransCanada Hydro Northeast Inc. Bellows Falls Project No. 1855  
TransCanada Hydro Northeast Inc. Vernon Project No. 1904

AMERICAN WHITEWATER COMMENTS ON PROPOSED STUDY PLAN  
FOR THE WILDER PROJECT (NO. 1892), BELLOWS FALLS PROJECT (NO. 1855)  
AND VERNON PROJECT (NO. 1904) FILED BY TRANSCANADA  
HYDRO NORTHEAST INC. ON APRIL 15, 2013

American Whitewater submits these comments to FERC in response to the Proposed Study Plan for the Wilder, Bellows Falls and Vernon hydroelectric projects operated by TransCanada Hydro Northeast, Inc. Our organization has previously submitted comments and study requests asking the licensee to study the impact of its hydroelectric operations on the recreational opportunities available to non-motorized boaters -- whitewater boaters, multi-day through paddlers and flatwater paddlers -- in the project area.

American Whitewater has been engaged in the hydropower relicensing process for over 25 years and has worked with FERC and numerous licensees to study the impact of hydroelectric projects on recreational boating opportunities throughout New England. We have assisted with recreational facility and use assessments and controlled whitewater boating flow studies during the relicensing process on rivers throughout the region including the Deerfield, Kennebec, Rapid, Magalloway and Penobscot Rivers.

Based on our experience with the hydropower relicensing process in New England and elsewhere, we submit these comments to address the deficiencies in the licensee's proposed study plans and respectfully request that FERC direct the licensee to amend its proposed study plans to address these deficiencies, as follows:

**General Comments**

- 1. The licensee's proposed study plans will not adequately assess the demand for non-motorized boating in the project area.**

The licensee plans to study the demand for whitewater boating in the project area, yet proposes no methodology whatsoever for assessing the demand. Interviewing existing recreational users in the project area about their interest in whitewater boating at the Sumner Falls/Hartland Rapids

or in the natural bypassed reach at Bellows Falls will yield no meaningful data. Collecting data from fishermen, hikers, campers, and flatwater canoeists on their interest in whitewater boating would yield less accurate or useful data than would a survey of paddlers at the West River in Jamaica, Vermont where whitewater boaters gather for the one annual release day from the Ball Mountain Dam that provides boating opportunities for beginning and intermediate whitewater paddlers.

Existing recreational users in the project area are a self-selected group who utilize the facilities in the project area because they believe that the existing facilities are sufficiently adequate to meet their recreational needs. While some paddlers may have an interest in these forms of recreation, their primary interest is in whitewater boating, which, in the case of Bellows Falls, is not available in the project area due to the lack of sufficient water flows and lack of access in the natural bypassed reach. While some whitewater boaters frequent the Sumner Falls/Hartland Rapids below the Wilder Dam, this area is underutilized due to the lack of a release schedule that would provide consistent, predictable and sufficient flows. At Vernon, there is no whitewater boating because the project has drowned any rapids that would otherwise be found there. As such, few if any whitewater boaters will be found in any of the project areas, and surveying those users on their interest in whitewater boating will be a useless exercise. These boaters will be found elsewhere, such as on the Contoocook River in Henniker, NH, providing there is sufficient flow there.

If the licensee intends to study the demand for whitewater boating in the project area, then it needs to develop a methodology that will provide meaningful data. This methodology should include surveying boaters on the West and Contoocook rivers, collecting data from river outfitters, using internet-based surveys, and working with organizations such as American Whitewater, New England FLOW, and the Appalachian Mountain Club to survey their members' interest in paddling at Sumner Falls when there are predictable, consistent and sufficient flows, or at Bellows Falls once sufficient water has been restored to the natural bypassed reach to permit scheduled whitewater boating.

Likewise, the licensee's plan to study the demand for multi-day canoe and kayak trips on the Connecticut River will yield no meaningful data on the public's interest in paddling downriver on the Connecticut. The lack of an adequate portage trail at Bellows Falls, and the lack of adequate boat launch and camping facilities for through paddlers, have deterred many through paddlers from exploring this section of the Connecticut River. These paddlers must either paddle elsewhere where there are adequate facilities, or are unable to pursue their recreational interests. While the licensee proposes to conduct a random survey of 2400 area residents, this survey is too small to capture the interest in this specialized type of paddling by boaters who are likely to travel to the area from outside of the geographic area of this survey. Given that the Connecticut River and Watershed was designed as the nation's first National Blueway in 2012, the licensee needs to coordinate its study with FirstLight to determine the public's interest in through

paddling on the Connecticut River. The National Blueways System has as its goal “to advance a whole river and watershed-wide approach to conservation, outdoor recreation, education, and sustainable economic opportunities in the watersheds in which we live, work, and play.”

**2. The licensee’s proposed study plans will not assess the extent to which the inadequacy of its recreational facilities diminishes the recreational opportunities in the project area.**

While the licensee proposes to conduct an inventory and assessment of the recreational facilities in the project area, it does not propose to survey non-users to determine whether the lack of adequate facilities has deterred or prevented them from pursuing their recreation interests in the project area. With regard to whitewater boating at Bellows Falls, the absence of sufficient flows in the natural bypassed reach (except during high water spillage events), the lack of adequate access points and parking, and the presence of rebar or other hazards has prevented all boating in the natural bypassed reach below the Bellows Falls Dam. In the case of Sumner Falls/Hartland Rapids, the licensee does not propose to survey non-users to determine whether the lack of adequate facilities at this section of the river below the Wilder Dam has discouraged use of this area. The licensee needs to include in its facility inventory and assessment, a discussion of the facilities, or lack thereof, for whitewater boating.

Likewise, the licensee needs to include in its facilities inventory and assessment, a discussion of the adequacy of its facilities for through paddlers in the project area. The licensee proposes to study only the adequacy of its recreational facilities for those who find the facilities sufficiently adequate to meet their needs. In order to determine what additional facilities may be needed, the licensee will need to tailor its survey to address the needs of those who may be unable to paddle the Connecticut River due to the absence or inadequacy of the facilities to meet their particular needs.

**3. The licensee has not sufficiently involved the boating community in the design and implementation of proposed recreation studies**

The licensee has not involved the boating community in the design and implementation of studies to collect data on the demand for whitewater boating or the adequacy of facilities to support whitewater boating at Bellows Falls or Sumner Falls/Hartland Rapids. Without the active involvement of organizations representing whitewater boaters, the licensee is in danger of underestimating demand for boating in the natural bypassed reach below the Bellows Falls Dam and at Sumner Falls/Hartland Rapids. By failing to sufficiently involve the boating community in the development of its study plans, the licensee may fail to adequately identify the obstacles to boating this section of the river. While the licensee has developed survey instruments as part of its user and facilities surveys, they have not sufficiently involved the boating community in the development of these instruments. Furthermore, their plan to collect data from users does not

include any meaningful attempt to collect data from non-users. For example, the licensee does not propose to collect data from boaters on the West or Contoocook rivers where many boaters who are currently unable to paddle on the Connecticut River might otherwise be found. Had the licensee more fully included the boating community in the design and implementation of these surveys, it would have been able to collect more meaningful data than it would have otherwise been able to collect. The licensee should work with groups such as American Whitewater, New England FLOW, and the Appalachian Mountain Club to design surveys that will solicit the views of its members on the reason for non-use of project facilities. This will better inform the study process.

Similarly, the licensee has not involved organizations such as the Appalachian Mountain Club and the Connecticut River Watershed Council in the design and implementation of studies to determine the demand for multi-day canoe and kayak trip through the project area. As a result, the licensee is unlikely to collect sufficient data on the extent of the demand for through paddling and will fail to adequately identify the obstacles to use. The licensee should work with groups representing boaters interested in through paddlings on the Connecticut River to design and implement its studies in order to accurately identify the needs of these potential users.

### **Specific Comments**

#### **Study 30 Recreation Facility Inventory, Use & Needs Assessment (Updated 7/4/13)**

The licensee states that one of the key objectives of this study is to “[p]rovide a general characterization of the white water-oriented recreational opportunities within the region.” In order to accomplish this objective, the licensee intends to draw on information gathered from public recreation area visitors, residents from neighboring communities and less common user groups including, allegedly, whitewater boaters. The licensee’s proposed methodology for collecting this data, however, does not propose any meaningful effort to survey whitewater boaters who would be best able to provide the licensee with useful information that would allow it to achieve its study objective.

The licensee’s proposal to collect data from recreational area visitors will exclude virtually all users that are interested in whitewater boating because there are no whitewater boating opportunities at Bellows Falls due to the lack of water in the natural bypassed reach on any predictable, sufficient and consistent basis, and, due to the presence of certain impediments constructed by the licensee in the natural bypassed reach. At Vernon, there are no whitewater boaters because there are no whitewater boating opportunities due to the presence of the dam that has downed any potential boating opportunities there. At Sumner Falls/Hartland Rapids, there are fewer whitewater boaters because of the lack of predictable, sufficient and consistent flows. Surveying visitors at these locations will not yield meaningful data on the extent of the public’s

interest in whitewater boating because individuals interested in these activities are absent from the area because the licensee's operations have made whitewater boating difficult if not impossible in the project area. While some fishermen or motorized boaters may be interested in whitewater boating, the extent of their interest in this activity is likely less than that of the general population.

Likewise, the licensee's proposal to randomly survey 2400 residents of neighboring counties will fail to target a sufficient number of whitewater boaters to draw any meaningful conclusions about the demand for whitewater boating at these sites or the adequacy of existing facilities. As whitewater boaters have a specialized interest in these activities and often drive long distances to enjoy suitable boating opportunities, the licensee's proposal is unlikely to capture the perspective of these potential users. The licensee has no plans to survey users at other locations such as the West or Contoocook rivers, no plans to collect data from whitewater outfitters, no plans to work with organizations such as American Whitewater, New England FLOW, or the Appalachian Mountain Club to survey their members, no plans to develop internet-based survey of whitewater boaters, and no plans to conduct any focus groups to determine the extent of interest in boating in the project area.

While the licensee proposes to conduct user counts and maintains that this data will provide it with information on the recreation use at the project, this data will provide no information on the non-use of the project by whitewater boaters who cannot access the recreational opportunities due to the inadequacy of the facilities or the manner in which the licensee operates the project. The licensee simply ignores the request by FERC that it collect data on unique stakeholder groups such as whitewater boaters. Nothing in the licensee's study plan is designed to collect data on demand by non-users, including whitewater boaters and through paddlers, and licensee makes no attempt to identify the perceived adequacy of its facilities by these user groups.

Instead, the licensee proposes to collect data from the self-selected group of existing users on their interest in whitewater boating and canoeing/kayaking in its draft On-Site Intercept Survey, Potential Visitor Questionnaire (mail/internet survey), and Recreation Use Outside of Connecticut River Hydro Projects a.k.a ALTERNATIVE RECREATION AREAS survey to determine the demand for whitewater boating in the natural bypassed reach and the demand for multi-day canoeing and kayaking. The licensee offers no explanation for how these surveys will inform the process of identifying the demand for these activities or the need for improvements in its facilities. At best, these surveys will demonstrate that there is limited interest in whitewater boating and through paddling by those who enjoy motorized boating or fishing in the project area. It will not, however, show the extent of the demand for these activities by those who go elsewhere due to the inadequacy of the recreational facilities to support these activities in the project area, such as the lack of water in the natural bypassed reach.

## **Study 31 Whitewater Boating Flow Assessment (Updated 7/4/13)**

American Whitewater supports efforts by the licensee to study the potential for enhancing whitewater boating at Sumner Falls/Hartland Rapids as well as in the natural bypassed reach at Bellows Falls, and credits the licensee for utilizing the study techniques recommended by Whittaker et al., in “Flows and Recreation: A guide to studies for river professionals” (2005). We look forward to working with the licensee to refine its surveys and methodology in order to achieve the study objectives. Notwithstanding our general support for the licensee’s approach, our organizations have several concerns that should be addressed by the licensee.

We also acknowledge that the licensee has removed references to studying the demand for whitewater boating in Study 31; however, we remain concerned that the licensee intends to attempt to quantify demand without providing an adequate methodology for accomplishing this objective. To the extent that the licensee intends to incorporate demand for whitewater boating in this study, it needs to explain how it will accomplish this objective. A meaningful study of the demand for whitewater boating, if the licensee intends to study this issue, should include a survey of boaters on area rivers such as the West and Contoocook rivers, outreach on social media or message boards, internet-based surveys of paddlers, contacts with whitewater outfitters in the region, and outreach to organizations such as American Whitewater, New England FLOW, and the Appalachian Mountain Club to survey their members to determine their interest in whitewater boating in the project area. As such, a determination of demand for whitewater boating is premature at this point until the controlled flow study has been completed and optimal flows have been identified.

Demand is only one consideration in determining whether predictable, consistent and suitable whitewater flows should be provided to Sumner Falls/Hartland Raids and to the natural bypassed reach at Bellows Falls. Once a determination has been made that the natural bypassed reach is boatable at certain levels, FERC should require that the licensee provide scheduled releases in order to provide whitewater paddlers with the opportunity to enjoy this section of the river. Given that millions of people in Massachusetts, Connecticut, Vermont and New Hampshire live within several hours of Bellows Falls, and the fact that tens of thousands of people kayak, canoe and raft on surrounding rivers in the region, demand for paddling at Sumner Falls/ Hartland Rapids and in the natural bypassed reach at Bellows Falls can be presumed if suitable flows are provided.

The licensee further states in its proposed study plans that it intends to determine the number of days flows for whitewater boating are available under the projects’ current operation at both locations. While the licensee can make this determination at Wilder once optimal flows have been determined, it cannot make that determination at Bellows Falls. The current condition at Bellows Falls is that the licensee diverts approximately 40,000 cfs into the power canal for

generation, spilling only “leakage” into the natural bypassed reach unless flows exceed its generating capacity. There is no flow in the natural bypassed reach at Bellows Falls on any consistent basis, and as a result, there is no basis for making this determination there. Instead, the licensee should examine the extent to which it is able to forego generation at Bellows Falls in order to provide boatable flows to the natural bypassed reach.

The licensee also raises the concern about the safety of boating in the bypass reach, citing instances of personal injury and accidents, including at least one fatality, due to public use or attempts at boating spill related flow in the bypassed reach. Safety has been a core issue for American Whitewater since 1954, and today we are leaders in accident analysis and safety education. We regularly advise legislative bodies and river managers on the best ways to educate whitewater users, which helps everyone enjoy our rivers safely. Formal risk management is part of all our programs enhancing safety and reducing liability risks for all.

American Whitewater maintains the most comprehensive accident database on whitewater boating, and regularly collects accident reports on injuries and fatalities resulting from whitewater flows. The accident database lists three incidents involving the Connecticut River as follows: (1) At Sumner Falls in 1991, a fatality involving a fisherman inexperienced with whitewater boating who drowned after his canoe capsized and his fishing waders filled with water; 2) At Northampton, MA in 2000, a fatality involving a man not wearing a PFD who was in an open canoe during the floodwaters following Hurricane Floyd; and 3) In Hanover, NH in 2010, a fatality involving a solo kayaker not wearing a PFD paddling in frigid high water in March. American Whitewater does not have any record of fatalities or other incidents having occurred at Bellows Falls. We are not aware of anyone having boated in the natural bypassed reach due to the near complete lack of access to this reach. Inexperienced boaters venture into whitewater and are often unprepared for the risks. We stress the importance of proper training and equipment for all whitewater boaters, but people continue to take reckless risks with tragic consequences. That being said, the bypass reach at Bellows Falls is like any other section of whitewater. Proper skill, training and information is required to safely boat this reach. Given that the licensee has no specific information regarding any incidents at Bellows Falls, it should base its study plan on known facts rather than presumed risks.

The licensee proposes to assess the presence, quality, access, flow information, and flow ratings for paddling opportunities in a stepwise manner. Significantly, the licensee plans to identify and document and assess any insurmountable risks prior to committing to on-water flow reconnaissance or controlled flow evaluations. American Whitewater classifies whitewater difficulty according to a scale ranging in increasing difficulty from Class I to Class VI. The level of difficulty on a particular river reach will vary depending on the flow. Whitewater rapids are considered unboatable if they are characterized with a Class VI difficulty. While American Whitewater recognizes that circumstances may require changes to the controlled flow study, we

believe that the licensee should proceed to an on-water assessment unless the natural bypass reach is unboatable at any level.

The principal hazard in the natural bypass reach is the presence of the low-head dam that was presumably constructed by the licensee to prevent fish passage, likely by Atlantic Salmon, into the natural bypass reach instead of the fish ladder at the Bellows Falls Dam. Given that there are no Atlantic Salmon in the Connecticut River at Bellows Falls and the salmon restoration program has been abandoned after decades of effort and expense, the low-head dam likely serves no purpose and may be a hazard at certain flows. The licensee should be required to investigate the ownership, history and purpose of the low-head dam as part of its effort to study the restoration of flows into the natural bypass reach. The ability of whitewater boaters to use the natural bypass reach a lower flows that are compatible with other recreational uses may well be enhanced by the removal or the breaking of the dam, and the licensee should investigate the feasibility of doing so as part of this and other studies.

In order to enhance the whitewater boating opportunity at Bellows Falls, American Whitewater requested that the licensee study the feasibility of developing a whitewater park in the natural bypassed reach at Bellows Falls. The licensee has declined to study this possibility, claiming that this is a mitigation request. While modifications and enhancements to the natural bypassed reach are a form of mitigation, a study of the feasibility of a whitewater park should be included in the flow study because it bears on the recreational opportunities in the natural bypass reach as well as the compatibility of whitewater flows with other interests that may be seeking restoration of flows to the natural bypassed reach. As such, we renew our request that FERC direct the licensee to include a whitewater park feasibility study as an element of the controlled whitewater flow study.

### **Conclusion**

American Whitewater respectfully requests that FERC accept these comments and direct the licensee to revise its proposed study plans to address the concerns raised. Thank you for considering these comments.

Respectfully submitted this 12th day of July, 2013



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**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**TransCanada Hydro Northeast Inc.**

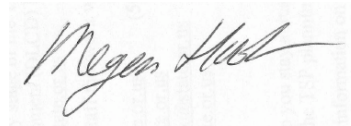
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**CERTIFICATE OF SERVICE**

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **American Whitewater Comments on Proposed Study Plan for the Wilder Project (P-1892), Bellows Falls Project (P-1855) and Vernon Project (P-1904)** to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 12th day of July, 2013.



Megan Hooker  
American Whitewater