

TWO RIVERS-OTTAUQUECHEE

William B. Emmons, III, Chairman
Peter G. Gregory, AICP, Executive Director

REGIONAL COMMISSION

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

August 29, 2013

RE: Comments on TransCanada's Revised Study Plan

Dear Ms. Bose,

The Two Rivers-Ottawaquechee Regional Commission appreciates the opportunity to provide comments on TransCanada's Revised Study Plan with regard to relicensing the Wilder dam, Project No. 1892-026.

Our organization is an association of thirty municipalities in east-central Vermont. We provide technical services and assistance to local, state and federal levels of government, as well as to various organizations and businesses throughout the region. The two primary goals of our organization are to advocate for the needs of our member towns, and to articulate a vision for building a thriving regional economy while enhancing the region's quality of life.

We provide the following comments on TransCanada's Revised Study Plan:

1. **With regard to Revised Study 1: Historic Riverbank Position and Erosion Study:**

We fail to understand how a good faith historical riverbank study can be completed in any other way than by at least conducting *some* literature and document searches at local towns and the Registry of Deeds. Though a search of TransCanada's own records and FEMA's and NRCS's records will turn up some data, it is not clear that this search will adequately inform this study. TransCanada's provides no explanation as to why these sources alone would be adequate to fulfill the requirements of this study. The information from TransCanada, FEMA and NRCS should be used to supplement data acquired from the towns and the Registry of Deeds, not be the basis of Study 1. In addition, there may be historical Vermont orthophotography, USGS map data or other data that would be useful. Use of the most thorough data practical is especially important as the information gathered from Study 1 will "officially" help inform Studies 2-4, all of which address erosion. Informing the other erosion studies with historic riverbank erosion data and information that may be less than adequate is like reading from an instruction manual with every-other page torn out.

In addition, TransCanada's "rationale" explaining why data will not be obtained from towns and the Registry of Deeds sounds more like their way of saying such methods would just be "too difficult." The studies included in the Revised Study Plan will help shape the remainder of the relicensing process, and ultimately, the license conditions themselves. It is unclear how TransCanada can simply disregard the study methods suggested by the Federal Energy Regulatory Commission (FERC) when it is FERC that issues TransCanada's operator's license at the end of this process. We are not convinced by TransCanada's reasoning for disregarding FERC's study method suggestions and ask that TransCanada

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expand their explanation for doing so. We are also in disagreement with TransCanada's assertion that any additional effort, beyond what study methods and data collection techniques they have put forward, will "...amount to little to no relevant data and information" and ask that TransCanada expand upon this.

2. With regard to Revised Study 2: Riverbank Transect Study:

We suggest that municipal or landowner concerns about specific sites actually be one of the criteria for selection of the transect sites in addition to the factors listed on page 21, and that additional outreach be done with towns and landowners to identify other known areas of concern so that the sites picked have the most local value and the project is judged to be a good effort at looking at problem areas.

Also, we agree with the requests by NHDES, NHFG and VTANR that some intensive monitoring of sites is needed. The causes of bank erosion are likely multiple, and it will be difficult to tease out the contribution from dam operations without a relatively fine-grained sample, not simply four times a year as put forth on page 23. While this is no doubt costly as TransCanada declares, it is presumptive of the results to say it would be "without merit."

3. With regard to Revised Study 3: Riverbank Erosion Study:

a. In the "Objectives" section the goal should be not just to compare new data with previous study data, but also with historical information on where riverbanks actually were.

b. Part of the "Methods" section of this study includes a review of published literature regarding riverine and reservoir erosion and other geological/hydrological studies that have been completed within or near the project area. TransCanada should consider mentioning what sources and/or databases will be searched in order to complete this literature review.

c. In the "Analysis" section of Study 3, it is stated that "at least 3 years of GIS data" will be used to determine if river bank erosion has increased over time. The three years that are guaranteed to be included in this undertaking are 1979, 2010 and 2014, which is yet to be completed. As for the three data sets that we know will be used—1979, 2010 and 2014—we understand that it is important to "work with what you have" but are concerned with the comparisons that could be made based solely on these data sets (assuming that these are, ultimately, the only three used).

We are concerned that the comparison between the 1979 and the 2010 data will cover, in one fell swoop, 31 years of erosion and stabilization. As a result, it is very likely that at least some changes to the riverbank and riverbed will not be captured at all, due to the erosion and accretion process. In some instances, capturing these changes may not be especially significant but, if trying to observe the erosion of prime agricultural land, this analysis becomes much more critical.

The scale of time elapsed between the 1979 and 2010 studies may simply not fine enough to draw many (or any) scientifically defensible conclusions about the details of erosion from 1979 to 2010. It would be difficult to determine the finer and more imperceptible erosion details such as: which parts of the bank began eroding first; the prime locations of erosion over time; and if there is any correlation between weather and the erosion observed between a specific period of time, among others. This information would be better gleaned from data sets that were closer together in time, such as every 5 years. Of course, at least some relevant information will be obtained with such a comparison, but we feel that

simply relying on the 1979 and 2010 does not adequately address the process of erosion throughout that period of time.

Any data prior to 1979, or in the 1979-2010 period would also be helpful in informing these comparisons. It is our sincere hope that TransCanada is able to discover such information (even if only searching through their records and the data kept by FEMA and NRCS) and incorporate it into this study.

4. **With regard to Revised Study 30: Recreation Facility Inventory, Use & Needs Assessment:**

We would first like to begin by commending TransCanada's decision to pursue such a study. The results of such a study could be very beneficial to the surrounding communities and the wide variety of recreationalists using the Connecticut River.

a. We agree with TransCanada's decision to address safety concerns at their recreational facilities. We were happy to see that TransCanada was looking at the feasibility of creating shorter and safer portages for canoers and kayakers in their facility inventory section of the study.

b. Based on the methods of the survey component of the study, which include in-person interviews at each facility and mailed/emailed surveys, there is the potential to gain a tremendous amount of public input and opinion. Of course, the larger and more varied the sample size, the more representative it will be of the recreationalists who use the River. In order to get a wider sample, we agree with TransCanada's initiative to survey potential, uncommon and on-visiters, or the group that has been termed "regional residents". However, the methods of the study provide no incentive for regional residents to participate and or respond to TransCanada's survey. It is true that local residents will most likely be using the recreational facilities more than regional residents, but the input from "regional" individuals could be very informative and helpful. This group of individuals has the potential to boost the local economy through tourism; virtually year-round.

Offering an incentive to participate in and return the survey may help boost the number of returned surveys and advertise the Connecticut River valley area to regional residents. One example may be to offer, once completed mailed/emailed surveys are received, a book (or map) which provides the reader with information about recreating on the Connecticut River. A quick search on Amazon or Google returns a few good options including River Days: Exploring the Connecticut River and Its History from Source to Sea by Michael Tougias. TransCanada need not spend a large amount of money on this type of incentive to participate in the survey. Perhaps the first 100 returned surveys, or participants who return their survey within a certain period of time, will receive the "gift." This type of approach would help cut down on the costs.

We believe it is important to encourage participation in the surveys for Study 30. This is the very best time to gather the opinions of varied individuals with varied interests in the recreational opportunities of the Connecticut River.

c. In the Recreational Site Inventory Form (*Attachment 30-A*), we recommend adding a section that requires the individual conducting the site inventory to document how many formal and informal campsites are located at a particular facility, if applicable. By “formal” we are referring to campsites that have been designated as such, and by “informal” we mean campsites that users have created themselves and were not created/designated by the entity managing and maintaining the facility. Understanding this information may help TransCanada and the managing entity decide whether or not campsites should be designated at a particular facility if not previously done so. On the other hand, this information may help determine which individual campsites should be marked off and allowed to recover and/or be actively restored, in order to achieve the desired conditions at a particular facility.

d. In the Spot Count Data Collection Form (*Attachment 30-C*), we recommend adding a section to capture the number of cars that are double-parked and/or not parked in a designated parking spot. This will help to determine whether the parking lot is adequate to accommodate the number of users at the facility. If there is a large number of “overflow” vehicles, then it may indicate the facility needs a larger parking lot, and this can be factored into TransCanada’s overall Recreational Facility Assessment Study.

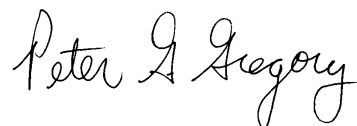
e. The table describing the “Facility site condition evaluation categories and criteria” (within Attachment 30-B), the scale used to determine the conditions of a particular site and the amount of rehabilitation or maintenance required seems somewhat skewed in order to achieve a certain outcome. The scale seems to be developed in a way so that very few sites have the potential to be placed in the “Poor condition” category, which requires immediate rehabilitation. Also, all the variables in the table (“Roads and Parking”, “Recreation Site Amenities”, “Recreation Site Buildings”, “Environmental”, and “Signs”) are given the same weight within the scale. For example, an assessment of a boat launch facility and picnic area, unless on the verge of complete condemnation and having received numerous health and safety code violations (and we do not know of any that exist), would likely score above the 0-2 “Poor condition” scale by default. So, if the boat launch and picnic area facility scored a 3-5 (which is not impressive, considering all five variables would apply to this site like this and it would still be considered to be in overall “Fair condition” despite the potential for some variables to be in “Poor condition”), how would the improvements needed at that facility be addressed and prioritized?

In addition, not all facilities may have or need roads or parking, site amenities, or buildings or signs. If that is the case, how will an individual filling out the Attachment 30-B form score each variable, as there is no “Does not apply” or “N/A” category on the form? Perhaps there are some recreational facilities/sites in the project area that are much more primitive and do not have any amenities or buildings. In that case, two of the scoring variables would not even apply so, how would these types of sites be compared to more developed sites?

Ultimately, it is the nature of the facility that should determine which variables are the most important at that facility, and which types of infrastructure (roads, buildings, amenities, etc.) should be repaired or replaced first, if necessary. Thus, to better capture the conditions at a facility/site, we suggest refining the “Facility site condition evaluation categories and criteria” slightly to take into account the wide variety of facilities/sites that the study may encounter.

In order to bring more objectivity to this part of Study 30, we would also suggest that a lengthier list of examples for each variable and category (“Poor”, “Fair” and “Good”) be included with the Attachment 30-B form. For example, Recreation Site Amenities considered to be in “Poor condition” may have the following problems: picnic tables missing pieces or bench altogether; fire ring displays evidence of scorched earth well beyond outer limits of ring; playground demonstrates significant disrepair/unsafe conditions; boat ramp in serious disrepair and may have large holes, etc. By giving examples to the individuals who will be completing the Attachment 30-B form, the facility assessment component becomes less subjective. Such a list also provides a context for the facility conditions, and allows others to understand which conditions TransCanada and its researchers consider to be “Poor”, “Fair” and “Good” when scoring each facility.

Sincerely,

A handwritten signature in black ink that reads "Peter A. Gregory". The signature is written in a cursive style with a large initial "P" and "G".

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Document Content(s)

RevisedStudyPlanCommentsFINAL.PDF.....1-5