June 18, 2009

TO: LIHI Governing Board

c: LIHI Advisory Panels
Gabriela Goldfarb, Application Reviewer

FROM: Fred Ayer, LIHI Executive Director

SUBJECT: Recommendation regarding the application for certification of the Vernon Hydroelectric Project, Connecticut River, Vermont/New Hampshire

ISSUE

Should the Governing Board certify the Vernon Hydroelectric Project as a Low Impact Hydropower Facility?

RECOMMENDATION

The Governing Board should certify the Vernon Hydroelectric Project because it meets the Low Impact Hydropower Certification Criteria.

DISCUSSION

I have reviewed the application, the Application Reviewer’s report, and other documents and I concur with the Application Reviewer’s determination that the Vernon Hydroelectric Project, located on the Connecticut River in New Hampshire and Vermont, meets the Low Impact certification criteria.

Public Comments and Appeal Period

LIHI received three letters from resource agencies in opposition to the project’s certification in February 2009. The commenting agencies were: U.S. Fish and Wildlife Service (USFWS), VDFW, and Massachusetts Department of Fish and Game (MADFG). The resource agency letters express the opinion that the project causes adverse impacts to the Connecticut River and cannot therefore be considered “low impact.” Resource agencies had the opportunity to review
the project in the context of the 2006 license amendment and associated water quality certification, and did recommend measures to address impacts of the proposed repowering. As the Application Reviewer’s Report points out, none of the agencies said that the applicant has violated terms of its FERC license or §401 water quality certification. In responding to the agency’s letter, the applicant agreed that the results to achieve downstream passage have been disappointing.

Policy Issue

While it is not new for resource agency staff to disagree with LIHI certification decisions for certain projects. The Vernon application brought more comments than we normally see in opposition to certification. While we respect the agency staffers’ position that a hold and release project can’t be low impact, we hope they understand and respect our recommendations to the LIHI Board which are based on our LIHI criteria. In this case, as recently as 2006, resource agencies had the opportunity to review the project in the context of the FERC license amendment process and associated water quality certification process for repowering the project. As part of these recent regulatory processes the agencies recommended:

1) A plan to monitor the effectiveness of upstream fish passage of Atlantic salmon and other anadromous fish during operation of the new units;

2) A plan to monitor the effectiveness of the downstream fish passage in accordance with the Connecticut River Atlantic Salmon Commission’s strategic plan for the restoration of Atlantic salmon to the Connecticut River;

3) A flow release monitoring plan;

4) An operations compliance plan;

5) A dissolved oxygen and water temperature monitoring plan; and

6) A turbine installation-related debris removal plan.

While the agencies recommended the following, they left the issue of flows to the relicensing which begins in 2013. After reviewing the project record and discussing this issue with agencies, the Application Reviewer, and the Applicant, I recommend certification.