UNITED STATES OF AMERICA 103 FERC ¶ 62,030
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation Project No. 2731-034

ORDER APPROVING REQUEST TO DISCONTINUE DISSOLVED OXYGEN MONITORING UNDER ARTICLE 406

(Issued April 17, 2003)

Central Vermont Public Service Corporation (licensee) filed, on March 27, 2003, requests to discontinue dissolved oxygen monitoring under article 406 of the license and the January 29, 2002 Order Modifying and Approving Dissolved Oxygen Monitoring Plan Under Article 406 (98 FERC ¶ 62,054) for the Weybridge Hydroelectric Project (FERC No. 2731). The project is located on Otter Creek in the towns of Weybridge and New Haven, Addison County, Vermont.

BACKGROUND

Article 406 required the licensee to file a plan, which was approved in the January 29, 2002 order, to conduct dissolved oxygen (DO) monitoring in the Weybridge Project tailrace during the months of July, August, and September, whenever project shutdowns exceed two consecutive days, with the requirement to release flows to the tailrace to maintain state water quality standards, if the monitoring indicates a violation of state standards. The plan outlined a two-year sampling protocol with the objective of identifying when and under what river and operational conditions reduced DO levels occur in the tailrace, and what level of "freshening" flows are required to maintain state standards.

Ordering paragraph (B) of the January 29, 2002 order requires the licensee to file a report on the results of its 2002 DO monitoring. The licensee is to include in its report recommendations, for Commission approval, on the need for additional monitoring in 2003. This report shall be prepared after consultations with the U.S. Fish and Wildlife Service (USFWS) and the Vermont Agency of Natural Resources (VANR).

LICENSEE'S PLAN

Based on monitoring data collected in 2001 and 2002, the licensee states that DO standards are being met in the project tailrace and that no additional monitoring is necessary provided tailrace conditions remain the same. The licensee reports continual

dam leakage at the project provides adequate freshening flows to the project tailrace, even during periods of extended shutdown. Calculated reservoir turnover times further support the conclusion that DO standards are being met in the project tailrace.

AGENCY COMMENTS

In letters dated February 12 and 13, 2003, the VANR and USFWS, respectively provided comments on the licensee's plan which the licensee incorporated into its final plan filed with the Commission. Both the USFWS and VANR agreed that results from the 2001 and 2002 sample seasons indicate the sampling effort has been sufficient and no further monitoring is necessary.

DISCUSSION AND CONCLUSIONS

Article 406 states that the plan is to outline a two-year sampling protocol with the objective of identifying when and under what river and operational conditions reduced DO levels occur in the tailrace, and what level of “freshening” flows are required to maintain state standards. The licensee monitored DO during 2001 and 2002 and found that DO levels met state standards in the tailrace, even during extended periods of shutdown.

The resource agencies previously indicated they would consider evaluating the 2002 data (along with the 2001 data) to determine whether additional sampling would be necessary in 2003. Since the licensee showed DO concentrations were adequate in the tailrace and the agencies concurred with the licensee that DO monitoring could be discontinued, the licensee's request to discontinue DO monitoring at the Weybridge Project should be approved.

<u>The Director orders</u>:

(A) The licensee's request to discontinue its dissolved oxygen monitoring under article 406 of the Weybridge Project (FERC No. 2731), filed on March 27, 2003, is approved.

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(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

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Chief, Biological Resources Branch
Division of Hydropower Administration
and Compliance