

APPENDIX 4-2

**COMMENT LETTER FROM ERIC DAVIS, VERMONT DEPARTMENT OF ENVIRONMENTAL
CONSERVATION DATED JANUARY 10, 2014**

Vermont Department of Environmental Conservation

Watershed Management Division

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Agency of Natural Resources

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January 10, 2014,

Stephen Hickey
Hydro Management Group
as authorized agent for Simon Pearce (US) Inc.
55 Union Street, 4th Floor
Boston, MA 02108

RE: Downers Mill Hydroelectric Project (FERC No. 5195)
Comments on low impact hydro certification

Dear Mr. Hickey:

Thank you for this opportunity to comment on the application of Simon Pearce (US) Inc., filed on their behalf by Hydro Management Group (HMG), to the Low Impact Hydropower Institute (LIHI) for certification of the Downers Mill Hydroelectric Project as a low impact hydroelectric project.

The Downers Mill Hydroelectric Project was originally certified in 1982 by the Department of Water Resources and Environmental Engineering (now the Department of Environmental Conservation – herein the Department). Conformance with the conditions of the certification and amendment would assure that the project does not violate Vermont Water Quality Standards. At this time the Department does not have any information suggesting that the project is not operating in full compliance with the conditions in its water quality certification, although a site visit and compliance inspection was done as part of this review.

Further, HMG conducted water quality monitoring in the summer of 2013 and provided the results to the Department. HMG continuously monitored temperature and dissolved oxygen in the impoundment and in the tailrace, for a 10 day period (August 22 – 31, 2013) under low flow conditions. Instantaneous temperature and dissolved oxygen readings were also recorded in the impoundment at one foot depth intervals on August 22 and August 31. The Department has reviewed the water quality data provided by HMG and determined that during the sampling period, the water quality in the impoundment and tailrace met Vermont Water Quality Standards for dissolved oxygen under current operating conditions.

The Downers Mill water quality certification did not require upstream or downstream fish passage at the time it was issued, but the exemptee is required by a 1982 FERC order to “provide fish passage when requested by Vermont Fish & Game or the United States Fish and Wildlife Service, to restore runs of anadromous fish through the project area”. As part of our review, the Department consulted with fisheries biologists from the Vermont Department of Fish and Wildlife (DFW) on the need for upstream and downstream fish passage. This reach of

the Ottauquechee sustains wild populations of rainbow trout, and to a lesser extent, brown trout, as well as a host of nongame fish species. Wild brook trout are also present in tributary streams, and may utilize the Ottauquechee River mainstem seasonally, when habitat conditions are favorable. While the Downers Mills dam precludes fish and aquatic organism movement, the natural ledge cascade on which it is constructed likely poses a significant natural barrier for most species. Further evaluation of this natural feature would be required before considering future fish passage conditions. Of significance to aquatic resources is the wide, homogenous upstream reach of degraded aquatic habitat conditions created by the Downers Mills dam impoundment.

The Department does not have any other information regarding compliance of the Downers Mill Hydroelectric Project.

Sincerely yours,

Eric Davis
River Ecologist

Attachment

c: Rod Wentworth, VT DFW
Rich Kirn, VT DFW
John Warner, USFWS
Melissa Grader, USFWS
Caleb Slater, MA DFW