

133 FERC ¶ 62,166
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation

Project No. 2396-033

Project No. 2397-030

Project No. 2399-036

Project No. 2400-032

ORDER MODIFYING AND APPROVING STUDY OF RECREATIONAL USE

(Issued November 23, 2010)

1. On September 7, 2010, Central Vermont Public Service Corporation (CVPSC), licensee for the Pierce Mills Hydroelectric Project (FERC No. 2396) submitted a study of the recreational use of CVPSC's licensed hydropower projects on the Passumpsic River, in compliances with article 413 of the project license.¹ The project is located on the Passumpsic River, near the Town of St. Johnsbury in Caledonia County, Vermont. CVPSC's licensed hydropower projects on the Passumpsic River include the Gage Project (FERC No. 2397), Arnolds Falls Project (FERC No. 2399), and the Passumpsic Project (FERC No. 2400).
2. Article 413 requires that, within six months of the tenth and twentieth anniversaries of license order issuance, the licensee file, for Commission approval, a plan and schedule to conduct a study of recreational use of all the licensee's hydropower projects on the Passumpsic River. The study is to include the following: (1) recreation use data, by activity; (2) a discussion of the adequacy of recreation facilities at each project site to satisfy recreation demand; (3) a description of the methodology used to collect all study data; and (4) if there is a need for additional facilities, the licensee's proposals to provide them.
3. The licensee is to prepare each study plan after consultation with the Recreation Section of the Vermont Department of Forests, Parks and Recreation (VDFPR) and the Town of St. Johnsbury (Town). Each study plan is to include documentation of consultation, copies of all comments, and how the entities' comments are accommodated by the plan.
4. The CVPSC study lists all of the recreational facilities developed at each of its four projects on the Passumpsic River. All the recreational facilities proposed in the approved

¹ 99 FERC ¶ 62,128 (December 8, 1994).

recreation plans for the four projects have been installed, with the exception of the bank-fishing platform at the Arnold Falls Project. To date, a bank-fishing platform has not been installed.

5. The primary recreational activities at the Pierce Mills Project are fishing and scenic viewing. Boaters are occasionally observed and overnight camping is rare. Because of its urban setting there is minimal recreation use at the Arnold Falls Project. An interpretive display is located near the powerhouse. Boaters are occasionally observed using the portage trail. The primary recreational activities at the Gage Project are fishing and scenic viewing. The primary recreational use at the Passumpsic Project is fishing. Boaters are occasionally observed.

6. In a letter dated August 5, 2009, CVPSC requested comments from the VDFPR and the Town of St. Johnsbury regarding the adequacy of the Passumpsic River projects' existing recreation facilities. Responses were received from VDFPR and the Town on August 11, 2009 and September 14, 2009, respectively, indicating each party's interest in continuing discussions with CVPSC regarding a fishing platform. CVPSC contacted VDFPR and the Town again in March 2010 and May 2010 requesting additional consultation and comments. No response was received from the Town, but comments were received from the Vermont Department of Environmental Conservation and Vermont Fish and Wildlife Department, which included:

- Kiosks should be located at the principle entry points at each facility to make the public better aware of the recreational opportunities available.
- Where physical access is difficult, CVPSC should investigate enhancements.
- CVPSC should investigate the possibility of extending access to the river on non-CVPSC property at Arnold Falls and Passumpsic Stations.
- Discussions regarding the installation of a bank-fishing platform should be resumed.

7. A copy of a draft version of the study was sent to the State agencies and the Town on July 30, 2010. The State supplied minor comments in an email dated August 27, 2010. No comments were received from the Town.

8. CVPSC indicates the entry points at each project will be reviewed to confirm that the informational signage currently provided at these locations complies with 18 CFR Part 8, Section 8.2(a). CVPSC will perform this review in 2010. If the existing signs do not meet these criteria, new signs will be installed before June 30, 2011.

9. In general, CVPSC believes that the recreation facilities at the Passumpsic River projects are sufficient to accommodate the type and volume of current use, with the exception of Arnold Falls. CVPSC proposes that discussions be resumed with the state

and the Town regarding the status and use of the Fred Mold Park area to determine the need to provide a bank fishing platform at one of two previously proposed locations.

10. The licensee's proposal lacks a schedule for the completion of discussions with the State and the Town regarding the status to determine the need to provide a bank fishing platform at one of two previously proposed locations. The licensee should be allowed six months to complete the discussions with the Vermont State Agencies and the Town of St. Johnsbury and file, for Commission approval, its plan and schedule to provide a bank fishing platform at the Arnolds Falls Project.

11. The FERC Form 80 data shows that the public very lightly uses all 4 of the projects. The estimated number of visitors to each facility during 2008 is only 1 to 7 average visits per peak weekend. The Arnold Falls Project has the highest use of 7 average visits per peak weekend and the Passumpsic Project with the lowest use of only 1 average visits per peak weekend. Due to this light usage, the licensee's existing recreation facilities at the Passumpsic River projects are sufficient to accommodate the type and volume of current use with the exception of the bank-fishing platform at the Arnolds Falls Project.

The Director orders:

(A) The recreation usage study filed on September 7, 2010 pursuant to article 413 for the Pierce Mills Hydroelectric Project (FERC No. 2396), is approved, as modified by ordering paragraph (B).

(B) Within six months of the date of this order, the licensee is to complete the discussions with the Vermont State Agencies and the Town of St. Johnsbury and provide for Commission approval its plan and schedule to provide a bank fishing platform at the Arnolds Falls Project (FERC No. 2399).

(C) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2010). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

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Division of Hydropower
Administration and Compliance

Document Content(s)

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