

Vermont Department of Environmental Conservation*Agency of Natural Resources*

Water Quality Division

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August 22, 2011

Michael J. Scarzello

Central Vermont Public Service Corp.

77 Grove Street

Rutland, VT 05701

RE: Silver Lake Hydroelectric Project – FERC No. 11478
Sugar Hill Reservoir Fishing Access

Dear Mr. Scarzello:

Central Vermont Public Service has been working with the Agency of Natural Resources (Agency) to develop a final design for a universal shoreline fishing access at Sugar Hill Reservoir. A requirement that final design plans for the access be submitted to the Department of Environmental Conservation for review and comment was included in Condition P of the Water Quality Certification issued by the Department on December 5, 2008 and Article 401 of the license issued by the Federal Energy Regulatory Commission (FERC) on February 26, 2009. Finally, the FERC order approving and modifying recreation facility design plans (issued on February 17, 2011) required Agency approval of the plan to provide fishing access at Sugar Hill Reservoir.

CVPS submitted a revised design (dated June 16, 2011) to the Agency by email on June 22, 2011. During follow-up conversations, CVPS and Agency staff discussed a few design details that remain to be finalized. Most significant is the final color and texture of the precast concrete blocks. The objective is to select a product that will blend as much as possible into the natural conditions at the site. The other detail is the coating on the railing, which will be either painted or galvanized. The objectives are durability and an unobtrusive color.

We appreciate that CVPS has worked with us to improve the earlier design. We hereby grant the Agency's approval of the June 16, 2011 plan.

Please feel free to contact me if you have any questions.

Very truly yours,



Brian T. Fitzgerald

Streamflow Protection Coordinator

c: Beth Eliason, CVPS

136 FERC ¶ 62,267

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Central Vermont Public Service Corporation

Project No. 11478-009

ORDER APPROVING RECREATION DESIGN PLAN FOR
ACCESSIBLE FISHING AREA

(Issued September 29, 2011)

1. On August 22, 2011, Central Vermont Public Service Corporation (CVPS), licensee for the Silver Lake Hydroelectric Project (FERC No. 11478), filed revised recreation design plans for an accessible fishing area at the Sugar Hill Reservoir, pursuant to requirements in paragraph (B) of the February 17, 2011 Order Modifying and Approving, In Part, Recreation Facility Design Plans.¹ The project does not occupy any federal lands but is surrounded by the Green Mountain National Forest. The project is located on Sucker Brook in Addison County, Vermont.

BACKGROUND

2. Paragraph (B) of the February 17, 2011 order stipulated that the recreation design plan for the proposed handicapped-accessible fishing access was not approved and set the following requirements. The licensee is required to file, within 180 days of the date of the order, a proposal for the handicapped-accessible fishing area that is acceptable to the Vermont Agency of Natural Resources (VANR). The licensee is required to consult with the VANR, the Vermont Department of Environmental Conservation (VDEC), and the U.S. Forest Service (Forest Service) on the handicapped-accessible fishing area. Documentation of consultation with each agency, copies of comments and recommendations made by each agency, and a letter from the VANR approving the plan as originally required by article 401 of the project license² are to be included in the filing.

¹ On August 26, 2009 and supplemented on February 25, 2010, the licensee filed recreation facility design plans pursuant to article 401 of the February 26, 2009 license.

² Article 401 of the project license requires the licensee to file various plans, for Commission approval, pursuant to VANR final water quality certification conditions. The licensee is also to include a letter from the VANR approving the plans.

3. CVPS proposes to build an accessible fishing area constructed with concrete blocks that look like natural stone and a galvanized steel railing. The footprint of the fishing area would be 24-feet long by 12-feet wide, with a usable area 23-feet long by 10-feet wide, accounting for the 12 inch inset of the railing from the outer edge of the block. The design would provide for three accessible areas, one on each side and one at the end of the platform, with 4-foot long railing sections lowered from a height of 42 to 34 inches. Accessible fishing would be available from the normal high water elevation of 1766.0 feet mean sea level (msl) through the normal low water elevation at 1761.0 feet msl.

AGENCY CONSULTATION

4. By e-mail dated June 22, 2011, CVPS submitted the conceptual design drawings of the accessible fishing area to VANR through VDEC. Discussions between CVPS and VANR-VDEC included e-mails and phone conversations. E-mails from July 14, July 25, August 15, and August 22, 2011, are included in the filing and document dialogue regarding the plan and the railing, specifically. Via e-mail dated August 22, 2011, VANR-VDEC granted approval of the design for the accessible fishing area. In this e-mail, VANR-VDEC indicated the need for finalization of the color of the precast concrete blocks and the finish on the railing, either galvanized or painted. By e-mail dated August 17, 2011, CVPS provided the revised plan to the Forest Service. The Forest Service responded, by e-mail dated August 18, 2011, that they had no concerns or comments and were looking forward to the much improved universal fishing access.

DISCUSSION

5. The proposed accessible fishing area would provide a recreation facility for persons with disabilities. The proposed design would provide the opportunity for anglers with disabilities to fish and have improved access to the water at the range of normal operating elevations, as compared to the initial 2009 design. The revised design enhances the opportunities for recreation for persons with disabilities at the project, and therefore, supports recreation purposes of the project. Environmental impacts caused by land disturbing activities due to construction, may occur, but should be minor and short-term.

6. The VANR consulted with the licensee on the revised plan and granted its approval. Simultaneously, VANR indicated the need to finalize two items, the color and texture of the precast concrete blocks and the finish on the railing. The licensee confirmed, through supplemental information,³ that CVPS plans to use galvanized steel

³ Phone communication between the licensee contact, Beth Eliason, and FERC staff, Tara Perry, on September 15, 2011.

for the railing and will consult with VANR-VDEC prior to construction on the color and texture of the concrete blocks. Therefore, the licensee should continue consultation with VANR-VDEC regarding the choice of concrete blocks and should file documentation of consultation with and approval by VANR-VDEC following completion of the construction. The Forest Service concurs with the plan and welcomes the universally-designed fishing opportunity.

7. After the proposed accessible fishing area is constructed, the licensee should submit photographs of the completed facility and a drawing showing the location and layout, as built, in relation to the project boundary. Also, in order to accurately include the recreation facility in the Commission's database for the project, the licensee should file site-specific geographical location point data for the approved facility.

8. The proposed revised design of the accessible fishing area, along with the documentation of consultation and VANR-VDEC approval, meets the requirements stipulated in paragraph (B) of the February 17, 2011 order. The revised plan, with the above modifications, should be approved.

The Director orders:

(A) Central Vermont Public Service Corporation's revised recreation design for an accessible fishing area for the Silver Lake Project (No. 11478), filed on August 22, 2011, as modified by paragraphs (B), (C), and (D), is approved.

(B) The licensee shall continue to consult with and gain approval from the Vermont Agency of Natural Resources (VANR) through the Vermont Department of Environment and Conservation (VDEC) on the color and texture of the precast concrete blocks. Within 90 days of completion of the constructed facility, the licensee shall file documentation of consultation with and approval by VANR-VDEC regarding the choice of concrete blocks.

(C) Within 90 days of the completion of the construction of the accessible fishing area, the licensee shall file, for Commission approval, as-built drawings, including photographs, of the completed facility. The drawings shall show the location and layout of the completed facility in relation to the project boundary.

(D) Within 90 days of completion of the constructed facility, the licensee shall file location point data representative of the accessible fishing area approved in ordering paragraph (A), above. Each location point must be positionally accurate to comply, at a minimum, with National Map Accuracy Standards for maps at a 1:24,000 scale. The location points must include latitude/longitude, in decimal degrees, based on the horizontal reference datum of the North American Datum of 1983 (NAD 83).

(E) 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 (2011). 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.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance

Document Content(s)

P-11478-009.DOC.....1-4

Eliason, Beth

From: Fitzgerald, Brian [Brian.Fitzgerald@state.vt.us]
Sent: Friday, October 14, 2011 2:57 PM
To: Eliason, Beth
Subject: RE: Sugar Hill Reservoir Universal Fishing access (P-11478)

Beth:

I reviewed the photos and concur with the choice of the granite texture, natural color blocks.

As we discussed, drawdown of the reservoir to elevation 1757 ft. is authorized under Condition N of the water quality certification. Conservation flow and ramping requirements shall be met during the operation.

Please contact me when the project has been completed.

Thank you.

BT

Brian T. Fitzgerald
Streamflow Protection Coordinator

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Conservation is a cause that has no end. There is no point at which we will say our work is finished.
- Rachel Carson

 Please consider the environment before printing this e-mail

From: Eliason, Beth [mailto:beliaso@cvps.com]
Sent: Thursday, October 06, 2011 11:33
To: Fitzgerald, Brian
Subject: FW: Sugar Hill Reservoir Universal Fishing access (P-11478)

Brian,

Thanks for contacting Steven Hanna, we are now all set with the Shoreland Encroachment permit.

Terry Krinski and I visited SD Ireland on Tuesday and looked at the available blocks. We were interested in two textures, a "Rustic" and a "Granite". I had originally leaned toward the "Rustic" but after seeing it installed changed my mind! Attached are some photos of both type of block, as well as pictures of completed projects using these blocks in the Burlington area. We did ask about other color alternatives. It is possible to have blocks manufactured with a color incorporated which is apparently quite expensive. We could also use an exterior stain, but the SD Ireland rep indicated that would wear over time, and if the blocks chipped the color would chip with it. The natural color seems to be the standard. From the looks of the wall at the SD Ireland store in Williston, which is about 8 or 9 years old, it ages nicely.

With your approval we would like to construct the fishing access using the "Granite" textured block, using the natural color you see in the photos. The top of the platform would have a finished edge and railing detail similar to that shown in the photo taken at the Agway store in Williston. As previously discussed we would install a galvanized rail. Please let me know if you concur with the color and block texture preferences.

Regarding schedule: SD Ireland should have inventory of the Granite block available for us to start in the next two weeks. SD Ireland will contract out the final engineering, that will take a week, two at the most. We would like to begin drawing the reservoir down a few days before we are ready to begin construction of the pier foundation. Once the foundation and the first course of Recon block are installed we should be able to raise the level of the reservoir to above the maximum drawdown elevation of 1758'. Do we have your approval to initiate a drawdown to 1757' once foundation construction is scheduled?

Thank you,
Beth

From: Eliason, Beth
Sent: Friday, September 30, 2011 2:18 PM
To: 'Fitzgerald, Brian'
Subject: Sugar Hill Reservoir Universal Fishing access (P-11478)

Hi Brian,

FERC approved the fishing access design yesterday. We are working with SD Ireland on final design, and will consult with you as the design is finalized on block texture and color. The only pending approval is the shoreland encroachment permit; Steven Hanna did say he would have it to us so we could do the work in October.

Depending on how long it takes for final engineering design and availability of the blocks we hope to complete construction of the fishing access during the second half of October or early November. At that time we will need to draw the reservoir down enough to set the footing for the pier. Based on the preliminary design, the base of the footing is at 1757' 10", so we will need to draw the reservoir down to about 1757'. This is one foot below the summer operating range maximum drawdown elevation of 1758', so we will need your approval before initiating a drawdown. Would you like any additional information to approve the drawdown? I don't think the work should take much longer than 2 weeks, probably much less if everything goes perfectly. The Operating Plan for the Silver Lake project has ramping procedures in place, and we would follow those procedures while lowering and refilling the impoundment.

Please let me know your thoughts, and thanks for your help,
Beth

Beth Eliason, P.E.
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