



March 22, 2022

Low Impact Hydro Institute
329 Massachusetts Ave
Suite 6
Lexington, MA 02420

Via email to: comments@lowimpacthydro.org

Re: Comments on the 15 Mile Falls Hydroelectric Project LIHI Certification Application

To Whom it May Concern:

The Connecticut River Conservancy (CRC) is a nonprofit watershed organization that was established in 1952 as a citizen group to advocate for the protection, restoration, and sustainable use of the Connecticut River and its four-state watershed. CRC has an interest in protecting environmental values that directly and indirectly support the state, regional, and local economies, and quality of life of the Connecticut River. In that capacity, we routinely participate in the relicensing of the multiple hydroelectric facilities that exist in the Connecticut River watershed. CRC participated in and was a party to the relicensing of the Fifteen Mile Falls Hydroelectric Project in 2002.

CRC notes that the LIHI Standards require a stage II process under 6.2 Recertification Process since there has been “material changes in the LIHI criteria or Certification process since the facility was originally certified.”¹ Given the changes to the LIHI handbook, including one of the most substantive differences from the 2018 revision being, “a new emphasis on the scientific basis for agency recommendations and mitigation”² it is our expectation that the LIHI reviewer will place particular importance on whether or not there is a scientific documentation of reasoning to support the criterion. It is CRC’s understanding that the current license for Fifteen Mile Falls relied heavily on settlement discussions between high ranking political figures, that field staff were not included in final discussions, and there were only a limited amount of scientific studies executed in the process of this relicensing.

Based on the comments below, CRC contends that the 15 Mile Falls facility does not currently meet standards required to be considered for the Low Impact Hydro Certification and if certified, significant conditions should be placed on the recertification approval.

3.2.1 Criterion A - Ecological Flow Regimes

The Low Impact Hydro Institute Goal for ecological flow regimes is to ensure that, “The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for

¹ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 37.

² Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.03: December 20, 2018. Low Impact Hydropower Institute. Page 6.

healthy fish and wildlife resources.”³

The applicant states that, “Final minimum flows identified in the Settlement Agreement were based on agency recommendations during settlement discussions, the basis for which were seasonal New England aquatic base flows (NEABF) recommended by the USFWS.”⁴

Great River Hydro (GRH) claims that they meet Standard A-2 for the downstream and tailrace reaches. To meet that standard, the applicant must

“identify the proceeding and source, date, and specifics of the agency recommendation applied, *explain the scientific or technical basis* for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement, explain how the recommendation relates to formal agency management goals and objectives for fish and wildlife, explain how the recommendation provides fish and wildlife protection, mitigation, and enhancement (including instream flows, ramping, and peaking rate conditions, and seasonal and episodic instream flow variations).”⁵

The applicant supported this claim by referencing the License, the Settlement Agreement, and the Ops Plan – none of which document a scientific basis. GRH did not explain any of the above in their application, and thus they did not meet Standard A-2. GRH goes on to state, “The process of reaching the settlement agreement included examination of the power and nonpower tradeoffs and effects of a wide variety of different operational scenarios, based on computer modeling...”⁶ Negotiations based on managing operational scenarios does not provide the scientific bases to prove that required minimum flows and reservoir levels are appropriately protective of habitat or species.

The applicant states that, “The flows were based on instream flow studies and modeling, both quantitative and qualitative, designed to identify basin-specific seasonal and annual aquatic base flows where appropriate”⁷ but there is no reference or link to studies or modeling to support this.

3.2.2 Criterion B - Water Quality

The stated goal for water quality is that, “Water quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions.”⁸

GRH claims that they satisfy this criterion under Standard B-2. To satisfy this standard, they must show that,

“The facility is in compliance with all water quality conditions contained in a recent Water Quality Certification or science-based resource agency recommendation providing reasonable assurance that water quality standards will be met for all waterbodies that are directly affected by the facility. Such recommendations, whether

³ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 6.

⁴ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 18.

⁵ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 62.

⁶ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 21.

⁷ Ibid.. Page 16.

⁸ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 7.

based on a generally applicable water quality standard or one that was developed on a site-specific basis, must include consideration of all water quality components necessary to preserve healthy fish and wildlife populations, human uses, and recreation;.”⁹

Standards require that the applicant “Provide a copy of the most recent Water Quality Certificate and any subsequent amendments, including the date(s) of issuance. If more than 10 years old, provide documentation that the certification terms and conditions remain valid and in effect for the facility (e.g., a letter or email from the agency); Identify any other agency recommendations related to water quality and explain their scientific or technical basis; Describe all compliance activities related to water quality and any agency recommendations for the facility, including on-going monitoring, and how those are integrated into facility operations.”¹⁰

Great River Hydro fails to provide documentation required to support this standard. In their application, GRH states,

“The specific conditions of the WQC (Section E) are included as Appendix A to the license and conditions related to water quality, flow and reservoir management, and aquatic and terrestrial resource are included as License Articles and therefore remain in effect and are FERC compliance obligations.”¹¹

Neither the 401 Certificate nor the FERC license are included in the application materials. The final 401 required three separate conditions that were put in place to address concerns about dissolved oxygen levels, yet GRH does not address this or provide any documentation to show that DO levels have been met in the project area.

Great River Hydro noted that several reaches within the project are on New Hampshire’s 303(d) list and water quality limited. However, Great River Hydro *did not* demonstrate that the facility *has not contributed* to the impairment. They state that none of their facilities are identified as responsible and note the cause of the impairments is classified as “unknown” but provide no supporting documentation for this in their application.

The water quality certificates Great River Hydro is using for this standard are older than ten years, but Great River Hydro has not provided the required letter that the certification terms and conditions remain valid and in effect. Their application states that they have not received any notices or letters of non-compliance, but that is not the same thing as an affirmative letter of compliance as the standard requests.

Here again, GRH references “baseline water quality studies.”¹² It is unclear if GRH is referring to the 22 to 25 year old studies by Normandeau done in 1997, 1999, and Louis Berger 2000, as they do not provide links to the studies they are referring to. These are referenced as the main source of scientific proof for many of the claims in meeting criteria. It is hard to know without access to these studies if they are relevant.

GRH states in their application that, “in New Hampshire and Vermont all fresh waters are identified as

⁹ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 7.

¹⁰ Ibid. Page 64.

¹¹ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 24.

¹² Ibid. Public. Page 25.

impaired for mercury”¹³ and that “every 5 years Great River Hydro collects fish from the Moore and Comerford reservoirs for analysis of mercury”¹⁴ but they don’t explain why they are still required to monitor for mercury in the fish in their impoundments.

The Vermont Tactical Basin Plan for the area lists both Moore and Comerford as “poor condition” for Mercury on their scorecard for Lakes in the area, while all other lakes in the area are listed as in “fair condition.”¹⁵ The Basin plan goes on to say that,

“Mercury contamination has resulted in fish consumption advisories in nearly every lake in Vermont and those of nearby states as well, so all lakes in Basin 16 get a fair condition score for mercury except for Comerford and Moore reservoirs which are rated *as poor condition and considered impaired for mercury* [emphasis added]. Due to the way reservoirs are managed for hydroelectrical production, dramatic shifts in water level cause the release of bio-available mercury that is otherwise sequestered in the sediments and this mercury is more easily transferred up the food web to fish and loons.”¹⁶

GRH seems to be attempting to minimize the concern about elevated levels of mercury in the fish taken from the reservoirs.

The applicant is attempting to justify the PLUS criterion by providing information about the DO enhancement system at Moore that is associated with the installation of GRH’s minimum flow turbine. GRH states that, “the scope of the proposed Moore Unit 5 development also includes a mitigation plan to ensure that the minimum flow discharge meets applicable State water quality standards for both NH and VT.”¹⁷ This should not qualify for the PLUS standard. The DO enhancement system *is required* in order to satisfy the 401 WQC based on the letter from NH DES from August 31, 2021 which states, “NHDES has reviewed the certification request for the Moore Minimum Flow Project and determined that neither an amendment to the 2001 certification for the FMF Project, nor a new certification, is necessary *provided NHDES has assurance from GRH that the Moore Minimum Flow Project will be constructed and operated in accordance with the certification request and that the August 26, 2021 Moore Development Dissolved Oxygen Monitoring Plan (see Attachment B), approved by NHDES on August 27, 2021, will be implemented* [emphasis added]. On August 30, 2021, GRH and NHDES signed an agreement that provided the requested assurance (see Attachment A).”¹⁸

GRH did not see fit to include this documentation in their application package. CRC contends that this assurance provided by GRH enabled the waiver of the 401 WQC – and due to that action the installation of this DO enhancement system is a regulatory requirement. This action does not “enhance” water quality any more than ensuring that the water quality standards for DO are met. GRH is doing nothing more than what is required of them to meet VT and NH Water Quality Standards.

¹³ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 26.

¹⁴ Ibid.

¹⁵ Upper Connecticut River Direct Tributaries Basin 16 Tactical Basin Plan. Vermont Agency of Natural Resources. June 2021. Page 13.

¹⁶ Ibid. Page 14.

¹⁷ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 27.

¹⁸ Comstock, Gregg. New Hampshire Department of Environmental Services. Letter to Great River Hydro. Waiver of 401 Certification for Application for Non-Capacity License Amendment. August 31, 2021.

CRC contends that GRH could only meet the standards for this goal if conditions are put in place that:

- Requires some effort to understand what operational changes will help to mitigate for higher mercury levels found in fish in the reservoirs;
- Requires GRH to develop an educational outreach plan to make sure that anglers understand the risk of mercury levels in fish caught in the impoundments;
- Supports some ongoing water quality monitoring in the project areas to establish a more comprehensive understanding of water quality concerns.

3.2.3 Criterion C - Upstream Fish Passage

The stated goal for upstream fish passage is that, “The facility allows for the safe, timely, and effective upstream passage of migratory fish. This criterion is intended to ensure that migratory species can successfully complete their life cycles and maintain healthy populations in areas affected by the facility.”¹⁹

GRH shares a map of the distribution of American eel in NH from the 2015 Wildlife Action Plan in their application²⁰, but they don’t share the results of their own studies from the Wilder dam or what they have agreed to for American eel passage at Wilder. The GRH Amended Final License Application for Wilder dam indicates that,

“Juvenile American Eel and adult Sea Lamprey were both observed using the Wilder fish ladder during Study 17. A total of two Sea Lamprey passed upstream during the designated fish passage season, while juvenile eels passed upstream through the spring, summer and fall, peaking in late June and early July... Great River Hydro proposes to operate the Wilder fish ladder from April 1, or as soon as practicable thereafter considering weather and fish ladder maintenance, to May 15 to pass White Sucker and Walleye. In addition, the fish ladder would be operated from May 15 to July 15 to pass Sea Lamprey.”²¹

Adult American eel generally move upstream through the Connecticut River between May and November, so it stands to reason that after the new license is issued for the Wilder project, some eels will be passing upstream. Additionally, GRH acknowledges here the need to open the Wilder ladder to help support the passage of White Sucker and Walleye who move into colder shallower streams to spawn.

Given that the Wilder studies showed American eel using the ladder, and that the ladder was operated for many years to allow Atlantic salmon upstream, it may be possible that American eel are in the upper river now. Additionally, the Dodge Falls dam is a low head dam built on rocky outcrop and only 12 feet in height.²² There is some evidence to show that American eels can “crawl” and may be able to pass smaller dams.²³ The applicant does not cite any scientific studies done during the relicensing process in 2002 or since then that would confirm that American eel are not present in the river below McIndoes. It

¹⁹ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 8.

²⁰ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 29.

²¹ Amended Final License Application. Exhibit E. Great River Hydro, LLC. Wilder Hydroelectric Project (FERC Project No. 1892-026). Bellows Falls Hydroelectric Project (FERC Project No. 1855-045). Vernon Hydroelectric Project (FERC Project No. 1904-073). December 7, 2020. Page 3-393.

²² See Google image at: <https://www.google.com/maps/search/Didge+Falls+dam/@44.2083339,-72.0588018,403m/data=!3m1!1e3>

²³ Assessment of upstream and downstream passability for eel at dams. V. Tremblay, C. Cossette, J-D. Dutil, G. Verreault, P. Dumont. June 2015. Accessed at: <https://academic.oup.com/icesjms/article/73/1/22/2458709>

seems logical then that given increased fish passage after the implementation of the new Wilder license, that GRH be required as a condition of their recertification to conduct an eDNA or other type of study to identify if American eel are present below the McIndoes dam. CRC contends that this proactive effort would be the type of effort we would expect from facilities seeking LIHI certification, as opposed the typical reliance on regulatory requirements used to justify the criterion.

CRC contends that GRH could only meet the standards for this goal if conditions are put in place that:

- Requires eDNA or some other sort of ongoing study to document the presence or absence of American eel below the McIndoes dam within one year after upstream fish passage is provided at the Wilder dam under the new Wilder license.

3.2.5 Criterion E – Shoreline and Watershed Protection

The stated goal of this criterion is to, “The facility has demonstrated that sufficient action has been taken to protect, mitigate or enhance the condition of soils, vegetation, and ecosystem functions on shoreline and watershed lands associated with the facility.”²⁴

The applicant claims that they satisfy this criterion under Standard E-2: Agency Recommendation. In order to satisfy this criteria, the applicant must,

“Provide copies or links to any agency recommendations or management plans that are in effect related to protection, mitigation, or enhancement of shoreline surrounding the facility in the designated ZoE (e.g., Shoreline Management Plans); Provide documentation that the facility is in full compliance with applicable agency recommendations or management plans.”²⁵

GRH provides a link to the current Land Management Plan, established in 2006 after the relicensing settlement, and while there is limited reference to monitoring threatened and endangered species and rare and unusual plants²⁶, there is no reporting mechanism required that would create an opportunity to evaluate if GRH is actually in compliance with this plan and GRH has not provided any documentation to prove that they are in compliance with the plan.

Additionally, the Land Management Plan cites Article 415 of the FERC license, which states that the plan shall include a provision to, “monitor non-native nuisance species (such as, purple loosestrife, Phragmites, and Eurasian milfoil)”²⁷ but no indication as to how this is being done is provided in the Management Plan or the recertification application. The 2020 Vermont Tactical Basin 16 Plan includes a needed strategy to implement an aquatic species spread prevention plan at priority lakes, which explicitly name Comerford and Moore Reservoirs.²⁸

The applicant additionally contends that they are eligible for PLUS status, which requires that the applicant,

“Provide documentation that the facility has a formal conservation plan protecting a buffer zone of 50% or more of the undeveloped shoreline that the facility owns around

²⁴ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 10.

²⁵ Ibid. Page 69.

²⁶ TransCanada Hydro Northeast, Inc. Fifteen Mile Falls Hydroelectric Project FERC No. 2077-016-NWVT. Land Management Plan. December 2006. See pages 27 and 30.

²⁷ Ibid. Page 3.

²⁸ Upper Connecticut River Direct Tributaries Basin 16 Tactical Basin Plan. Vermont Agency of Natural Resources. June 2021. Page 66 and 70.

its reservoirs and river corridors; In lieu of a formal conservation plan, provide documentation that the facility has established a watershed enhancement fund for ecological land management that will achieve the equivalent land protection value of an ecologically effective buffer zone of 50% or more around undeveloped shoreline.”²⁹

GRH established a mitigation and enhancement fund *as a requirement of the settlement agreement*, and previously used this fund to argue for LIHI certification. CRC again contends that this mitigation fund is not an added value that could satisfy a PLUS standard, it is simply the mitigation that was *required in lieu of* comprehensive studies and changes in operation that should or could have resulted from the FERC relicensing in 2002. Fifteen Mile Falls did not go through a comprehensive relicensing process that resulted in required mitigation as a regulatory requirement. The Mitigation and Enhancement Fund was agreed to as a major part of the settlement agreement in lieu of operational changes to facilitate the company’s pending sale. This fund should not have been used to satisfy a PLUS standard when this project was originally certified – it certainly should not be used now under a more comprehensive LIHI Standard.

Furthermore, GRH continues, under this recertification application, to rely on the investment it made into the Mitigation and Enhancement Fund *as a requirement* of the 2002 settlement. GRH shows on Table 6³⁰ in their recertification application that, besides an anomalous contribution of \$1,000 2014, their contributions to the Mitigation and Enhancement Fund *ended in 2008!* While we are grateful for the existence of this fund to support restoration work throughout the upper watershed, it should not continue to be relied on as an argument for the PLUS standard when it was simply a regulatory requirement of the last relicensing.

Additionally, GRH is in the process of installing a minimum flow turbine at Moore reservoir, to financially capitalize on one of the other *requirements* of the last relicensing, which will result in additional revenue for the project. If GRH contends that investments in the Mitigation and Enhancement Fund deserve a PLUS standard, then they should be continuing to invest in that Fund and not rest on the laurels of what *they were required* to contribute over a decade ago.

CRC contends that GRH could only meet the standards for this goal if conditions are put in place that:

- Requires some periodic reporting on the managed conservation lands, how they are managed, what amount of logging is done, where it is done and documentation of practices to ensure the protection water quality, streams and sensitive species;
- Requires the reporting on efforts by GRH to monitor for invasive species and support programs that educate boaters using the reservoirs about hydrilla and other invasive species;
- Requires significant additional investments in the Mitigation and Enhancement Fund as required in the 2002 relicensing process;
- Requires an update to the company’s Lang Management Plan to improve monitoring and reporting requirements that are in line with more modern scientifically supported best forest management practices.

²⁹ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 69.

³⁰ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 35.

3.2.6 Criterion F - Threatened and Endangered Species Protection

The stated goal for this criterion is that, “The facility does not negatively impact federal, or state listed species.”³¹

The applicant seeks to satisfy this criterion under Standard F-2 Finding of No Negative Effects. In order to satisfy this criterion the applicant needs to

“provide documentation that there is no demonstrable negative effect of the facility on any listed species in the area from an appropriate natural resource management agency; or provide documentation that habitat for the species does not exist within the designated ZoE or is not impacted by facility operations..”³²

GRH points out in their application that there are several endangered and threatened species in the project areas, including Canada Lynx (*Lynx canadensis*) and Northern long-eared bat (*Myotis septentrionalis*). While GRH states, that the “The status of Canada lynx is not impacted by operation of the Project”³³ they actually don’t provide a scientific evidence to support this statement. Additionally, most of the relicensing projects that may impact the Northern Long-eared bat have required conditions in their license to manage trees in the project area to protect that species. There is no documentation provided in the application that indicates that there is any consideration in management choices to protect this species. In most cases, GRH indicates that “project operation does not impact the status of this species,”³⁴ but GRH does not provide any scientific data about the presence of these species in their land management area or any documentation to prove that their land management choices are not affecting these species.

There is documentation of historical populations of endangered dwarf wedgemussel in the Fifteen Miles Falls project areas. While GRH indicates in their application that the 2002 the license states, “that the mussels *were not likely* [emphasis added] to be influenced by operation of the Fifteen Mile Falls Project”³⁵ there has been no documentation or surveys in the intervening years to show that the existing mussel population has not in fact been impacted. The only mussel survey referenced in the application was done 25 years ago in 1997. CRC contends that it is very likely that the presence of these dams (and additional dams downstream) are the original source of impact to this species. Because of that, GRH should be mitigating for this impact – at the very least monitoring the freshwater mussel populations at reasonable intervals and considering fish passage for resident species that act as symbionts for mussel glochidia distribution.

CRC contends that the Fifteen Miles Falls Project *does not* meet the “Finding of No Negative Effects”³⁶ standard because *they have not* provided “documentation that there is no demonstrable negative effect of the facility on any listed species in the area from an appropriate natural resource management agency.”³⁷ GRH assumes the lack of communication has satisfied this requirement. CRC contends that the requirement is *confirmation from an agency* that the facility has not impacted these species. GRH fails to provide this in their application and fails to demonstrate that the facility does not negatively

³¹ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 11.

³² Ibid. Page 70.

³³ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 38.

³⁴ Ibid. Page 38 and 39.

³⁵ Ibid. Page 40.

³⁶ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 70.

³⁷ Ibid. Page 70.

impact state or federally listed species.

CRC contends that GRH could only meet the standards for this goal if conditions are put in place that:

- Require ongoing periodic monitoring and surveying of the endangered or threatened freshwater mussel populations in the project area;
- Require scientifically based standards in the Land Management Plan, including monitoring and reporting on a periodic basis that provides documentation to prove that GRH is actively protecting the species of concern.

3.2.8 Criterion H - Recreational Resources

The goal of this criterion is that "The facility accommodates recreation activities on lands and waters controlled by the facility and provides recreational access to its associated lands and waters without fee or charge."³⁸ GRH claims to satisfy this criterion under Standard H-2. In order to meet this standard the applicant must, "Document any comprehensive resource agency recommendations and enforceable recreation plan that is in place for recreational access or accommodations and document that the facility is in compliance with all such recommendations and plans."³⁹

Additionally, LIHI requires that the applicant,

"Identify and briefly describe all recreational amenities associated with the facility, identify which are owned by the facility, and which not owned or operated by the facility; Provide representative photos of recreational facilities and amenities taken within the last 12 months, and a map showing locations; provide a weblink to any public website or describe signage informing the public about the facility's recreational amenities."⁴⁰

GRH only documents in their application a reference to the recreation plan and a few pictures of some of the recreation areas. They do not provide any detail regarding what is requested by LIHI for *all* the recreational amenities, and they do not provide a map. Currently, Great River Hydro hosts a public website but there are limited details providing information on these facilities or how to access them.⁴¹

There has not been any detailed use assessment of these recreational areas since 1997. The Recreation Plan anticipated an increase "from 137,096 visits in 1996 to 159,709 in 2010"⁴² The States of Vermont and New Hampshire saw unprecedented increases in outdoor recreational use in 2020 and 2021⁴³. In

³⁸ Ibid. Page 12.

³⁹ Great River Hydro, LLL. LIHI Recertification Application for the Fifteen Mile Falls Hydroelectric Project. LIHI Certification # 39. January 2022. Public. Page 42.

⁴⁰ Low Impact Hydropower Certification Handbook. 2nd Edition. Revision 2.05: January 1, 2022. Page 72.

⁴¹ See GRH website at: <https://www.greatriverhydro.com/conservation-and-recreation/>.

⁴² Recreation Management Plan. Fifteen Mile Falls Hydroelectric Project. FERC No. 2077. TransCanada Hydro Northeast, Inc. July 2007. Page 11.

⁴³ See the following:

- New Hampshire's Outdoor Recreation Economy Ranked in Top 10 in 2020: https://www.prweb.com/releases/new_hampshires_outdoor_recreation_economy_ranked_in_top_10_in_2020/prweb18332420.htm
- Outdoor industry a 'significant driver' of New Hampshire's economy: <https://www.nhbr.com/outdoor-industry-a-significant-driver-of-new-hampshires-economy>
- VOBA report elevates importance of outdoor recreation to local economies: <https://vermontbiz.com/news/2021/june/11/voba-report-elevates-importance-outdoor-recreation-local->

their Recreation Plan, the company committed to, "periodically reassess and evaluate the effectiveness of existing and new facilities to meet changing recreation need and demand; and monitor demand frequency of use and the quality of the experience at the major facilities and keep record thereon for periodic evaluation."⁴⁴ There is no documentation in this application that indicates that this is being done.

The Recreation Plan includes a table with proposed enhancements to recreation areas.⁴⁵ Were these all completed? Where is the documentation to support that this work was done? In reviewing the LIHI recertification application for the Vernon project, CRC found that there were additional recreational amenities in the Recreation Plan that were never implemented, with no explanation as to why not. GRH should provide some documentation in this application to provide assurance that the commitments in the Recreation Plan were fully carried out.

There needs to be clear and consistent local and regional marketing and public communication about the facilities and amenities available.

CRC 's understanding based on personal communication is that there are needed improvements at the Comerford portage trail, which is very steep, as further evidenced by this quote from a paddler's website, "The portage at Comerford is amazing steep down behind the dam. I don't think I could have managed carrying my kayak down anything steeper... And I need to tip-toe through some poison ivy!"⁴⁶

CRC contends that GRH could only meet the standards for this goal if conditions are put in place that:

- Require upgrades to the Comerford portage;
- Require additional efforts to develop clear communication and marketing to ensure that the public is aware of and enabled to use these recreational facilities.

Given our comments above, CRC contends that the **Fifteen Mile Falls does not meet standards required to be considered for the Low Impact Hydro Certification**. In summary, at a minimum, in order to earn this designation, any recertification should require the following conditions:

- Requires some effort to understand what operational changes will help to mitigate for higher mercury levels found in fish in the reservoirs;
- Requires GRH to develop an educational outreach plan to make sure that anglers understand the risk of mercury levels in fish caught in the impoundments;
- Require some ongoing water quality monitoring in the project areas to establish a more comprehensive understanding of water quality concerns;
- Requires eDNA or some other sort of ongoing study to document the presence or absence of American eel below the McIndoes dam within one year after upstream fish passage is provided at the Wilder dam under the new Wilder license;
- Requires some periodic reporting on the managed conservation lands, how they are managed, what amount of logging is done, where it is done and documentation of practices to ensure the protection water quality, streams and sensitive species;

economies.

⁴⁴ Recreation Management Plan. Fifteen Mile Falls Hydroelectric Project. FERC No. 2077. TransCanada Hydro Northeast, Inc. July 2007. Page 12-13.

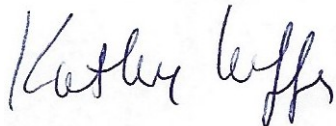
⁴⁵ Ibid. Page 15.

⁴⁶ See: https://www.trailnotes.org/trailNotes/trailNotes2017/08-15-18_ConnecticutRiverKayakTrip/index.html

- Requires the reporting on efforts by GRH to monitor for invasive species and support programs that educate boaters using the reservoirs about hydrilla and other invasive species;
- Requires significant additional investments in the Mitigation and Enhancement Fund as required in the 2002 relicensing process;
- Require ongoing periodic monitoring and surveying of the endangered or threatened freshwater mussel populations in the project area;
- Require scientifically based standards in the Land Management Plan, including monitoring and reporting on a periodic basis that provides documentation to prove that GRH is actively protecting the species of concern.
- Require upgrades to the Comerford portage;
- Require additional efforts to develop clear communication and marketing to ensure that the public is aware of and enabled to use these recreational facilities.

CRC is very grateful for the opportunity to comment. CRC is supportive of the Low Impact Hydro Institute designation and feels strongly that certified facilities should go above and beyond what is required to satisfy the FERC licensing process to earn this certification. Those efforts will inspire continued innovation in the hydro-electric sector.

Sincerely,

A handwritten signature in black ink that reads "Kathy Urffer". The signature is written in a cursive, flowing style.

Kathy Urffer
River Steward

Cc: John Ragonese, GRH
Jennifer Griffin, GRH
Jeff Crocker, VT DEC
Eric Davis, VT DEC
Betsy Simard, VT DEC
Gregg Comstock, NH DES
Melissa Grader, USFWS