



April 22, 2021

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street N.E.
Washington, DC 20426

Via Electronic Filing

Re: Rollinsford Hydroelectric Project (FERC Project No. 3777-011), Response to FERC's March 23, 2021 Additional Information Request.

Dear Secretary Bose:

On behalf of the Town of Rollinsford, New Hampshire (the Applicant), Green Mountain Power Corporation (GMP) encloses for filing its response to the Federal Energy Regulatory Commission's (FERC's) March 23, 2021 letter requesting additional information related to the Offer of Settlement between the Town of Rollinsford, GMP, and the U.S. Department of the Interior filed on March 5, 2021 for the Rollinsford Hydroelectric Project, FERC Project No. 3777.

Please contact me at (802) 770-2195, via email at John.Greenan@greenmountainpower.com, or at the address below, if you have any questions or concerns related to this matter.

Sincerely,

**John
Greenan**

Digitally signed by John Greenan
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Mountain Power, ou,
email=john.greenan@greenmoun
tainpower.com, c=US
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John C. Greenan, P.E.
Engineer
Green Mountain Power
2152 Post Road
Rutland, VT 05701

Enc.

REQUESTS FOR ADDITIONAL INFORMATION

1. *The explanatory statement filed with the settlement agreement states that the agreement is being submitted pursuant to section 385.602 of the Commission's regulations (Rule 602), which applies to written offers of settlement.¹ However, page 2 of the March 5, 2021 explanatory statement states: "[t]he Settlement Agreement itself does not require, and the Licensee is not requesting, formal Commission approval." Please clarify whether the parties are requesting that the Commission include the settlement agreement's provisions in any subsequent license that may be issued for the project or whether this is an off-license agreement filed for informational purposes only.*

Response

The Settlement Agreement sets forth the terms of the modified prescription for American Shad and river herring to be submitted to the Commission by the Department of the Interior (Interior) for inclusion in the subsequent license for the Rollinsford Hydroelectric Project (Project). Because the Commission is required under section 18 of the Federal Power Act (FPA) to incorporate the prescription into the terms of the license without modification, the Commission's independent approval of the Settlement Agreement is not necessary. Accordingly, the Settlement Agreement does not require, and the parties are not requesting, independent formal approval of the Settlement Agreement. However, the parties fully expect that the Commission will include in the subsequent license for the Project those provisions of the Settlement Agreement that will be set forth in the modified prescription.

2. *Section 1.9 of the settlement agreement states that the U.S. Fish and Wildlife Service will file a modified prescription for the project that is fully consistent with the terms of the settlement agreement within 60 days after the deadline for filing comments on the Commission's environmental assessment. The substantive measures included in the settlement agreement refer to the modified prescription to be submitted by Interior. The settlement agreement does not explicitly state that the Town is proposing the fish passage measures included in section 2 of the settlement agreement as part of its licensing proposal. Please clarify whether the Town is formally proposing to modify its license application to include the measures described in section 2 of the settlement agreement. If so, please specify the measures the Town is proposing to implement [18 C.F.R. § 4.61(d)(2)(ii)], and the estimated capital costs and annual operation and maintenance expense for each of the measures [18 C.F.R. § 4.61(c)(1)(x)].*

Response

As a result of the Settlement Agreement, the Applicant supports the inclusion in the subsequent license of the measures contained in section 2 of the Settlement Agreement as they relate to upstream passage of anadromous fish. Because these provisions will become license requirements as elements of the modified fishway prescription, the Applicant did not intend to formally amend its license application to include them. However, the Applicant clarifies that its licensing proposal should be deemed modified to reflect them. The Applicant further clarifies that, as a result of the Settlement Agreement, the Applicant's licensing proposal (see Exhibit A.1.11 of the Final License Application) is modified to remove the measure associated with the one-season tagging study to determine the ability and effectiveness of river herring and American Shad to migrate from the Project tailwaters, through the bypass reach, to the Project dam. The one-season tagging study is no longer relevant in light of the Applicant's commitment to the upstream passage of anadromous fish as reflected in the Settlement Agreement, and should not be included in the Commission's analysis of the Applicant's licensing proposal.

The table below summarizes the specific measures from the Settlement Agreement that the Applicant intends to be incorporated into the subsequent license through Interior's modified fishway prescription, as well as

¹ Sections 385.602(g) and (h) provide processes for the Commission to make decisions on uncontested and contested offers of settlement, respectively. 18 C.F.R. § 385.602 (2020).

their associated capital costs, operations and maintenance expenses, and the cost of any lost generation.

Proposed Measure	Estimated Capital Cost (2020)	Annual Operations and Maintenance Expense (2020)	Annual Generation Loss (2020)
Begin Trap and Truck from South Berwick Project			
Design, construct and operate a trap and truck facility at the South Berwick Project	\$332,000	\$49,000	\$0
Operations and maintenance plan for trap and truck program	\$0	\$10,000	\$0
Contingency if Permission Denied to Begin Trap and Truck from South Berwick Project, or if Trap and Truck Operations are Discontinued			
Design, construct, and operate a Denil Fishway at the Project by the fourth full passage season after such denial or discontinuation.	\$1,500,000	\$20,000	\$4,705
Bedrock excavation/modification in lower section of bypassed reach	\$199,000	\$0	\$0

3. *In light of the settlement agreement, please clarify whether the Town is formally withdrawing its proposed alternative fishway prescription measures filed on July 24, 2020, pursuant to section 33(b) of the FPA.*

Response

The Applicant is not formally withdrawing its proposed alternative fishway prescription filed on July 24, 2020, pursuant to section 33(b) of the FPA. The Settlement Agreement explicitly references the Applicant’s alternative fishway prescription with respect to the plans for construction of facilities necessary to support a trap and truck operation from the South Berwick Project, as well as for the draft operations and maintenance plan for the trucking operation included in the alternative fishway prescription. Accordingly, it is the parties’ intent that the Applicant’s alternative prescription will remain on the record for the Project relicensing, and that Interior will evaluate the alternative prescription pursuant to section 33(b)(2) of the FPA as part of its submission of the modified fishway prescription.

4. *Condition 11.8 of Interior’s June 25, 2020 preliminary section 18 fishway prescription would require the Town to install upstream fish passage facilities for anadromous fish, including: (1) a technical fishway at the dam; and (2) either a technical fishway or a nature-like fishway in the lower section of the bypassed reach. However, section 2.1 of the settlement agreement states that the modified prescription will require the licensee to construct and operate “a Denil Fishway at the Rollinsford Project.” We request that Interior clarify whether the modified prescription will require a single Denil fishway at the project; or if the modified prescription will require a fishway at the dam and a second fishway in the lower section of the bypassed reach, as required in the preliminary prescription that was filed in the record on June 25, 2020. If the latter, we request that Interior clarify whether the modified prescription will require a Denil Fishway in the lower bypassed reach, instead of providing the option of installing either a technical fishway or a nature-like fishway.*

Response

The Applicant understands that Interior will separately respond to this request for additional information.

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in Docket No. P-3777.

Dated at Washington, DC, this 22nd day of April 2021.

/s/ Stephanie Jones

Stephanie Jones
Rock Creek Energy Group, LLP
1 Thomas Circle, NW
Suite 700
Washington, DC 20005
(202) 998-2781
sjones@rockcreekenergygroup.com