

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**



Prepared by Thomas N. Russo, Certification Reviewer



September 8, 2025

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Table of Contents

| | |
|--|----|
| I. INTRODUCTION..... | 1 |
| II. PROJECT GEOGRAPHIC LOCATION | 1 |
| III. PROJECT SITE CHARACTERISTICS | 3 |
| IV. ZONES OF EFFECT (ZoEs)..... | 6 |
| V. REGULATORY AND COMPLIANCE STATUS | 8 |
| A. Water Quality Certificate | 8 |
| B. FERC Licensing Requirements | 8 |
| VI. PUBLIC COMMENTS RECEIVED OR SOLICITED BY LIHI..... | 10 |
| VII. DETAILED CRITERIA REVIEW | 10 |
| A. Ecological Flow Regimes..... | 10 |
| Summary..... | 14 |
| B. Water Quality | 14 |
| Summary..... | 17 |
| C. Upstream Fish Passage..... | 18 |
| Summary..... | 19 |
| D. Downstream Fish Passage and Protection..... | 19 |
| Summary..... | 21 |
| E. Shoreline and Watershed Protection | 21 |
| Summary..... | 23 |
| F. Threatened and Endangered Species Protection | 23 |
| Summary..... | 25 |
| G. Cultural and Historical Resource Protection..... | 25 |
| Summary..... | 26 |
| H. Recreational Resources | 26 |
| Summary..... | 27 |
| VIII. RECOMMENDATION | 28 |
| IX. REFERENCES | 29 |

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

I. INTRODUCTION

Green Mountain Power Corporation (GMP) owns and operates the Newbury Hydroelectric Project (Newbury Project or the Project) on the Wells River in Vermont. The Project's total generating capacity is 0.365 megawatts (MW). Based on records from 2013 to 2020, the Project generates an annual average of 882 megawatt-hours (MWh).

GMP is applying for LIHI certification to participate in Vermont's Renewable Portfolio Standard program, participate in the voluntary Renewable Energy Certificate (REC) market (e.g., Green-e), and satisfy direct energy buyers' purchasing requirements. The Project is being reviewed under LIHI Handbook Revision 2.05 which was in effect at the time of initial application preparation.

The Federal Energy Regulatory Commission (FERC) issued a subsequent license to GMP for the Newbury Project, No. 5261, on March 29, 2024, for a term of 40 years.¹ The Project was originally built in 1912 and subsequently modified in 1984, when it was originally licensed by FERC in 1983.

Before issuing the current Project license, FERC prepared an environmental assessment on September 26, 2023, pursuant to the National Environmental Policy Act (NEPA). The Project's new FERC license requires GMP to implement measures to protect and enhance the Project's water quality, fish, wildlife, cultural, and recreation resources. As discussed below, GMP has implemented many of the license requirements.

II. PROJECT GEOGRAPHIC LOCATION

The Newbury Project is located on the Wells River, in the Village of Wells River, Town of Newbury, Orange County, Vermont. The Project is approximately 0.9 river miles from the confluence of the Wells River with the Connecticut River (Figure 1). The Project boundary does not occupy federal land and includes a total of 14.44 acres.

¹ [FERC Order issuing License](#)

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

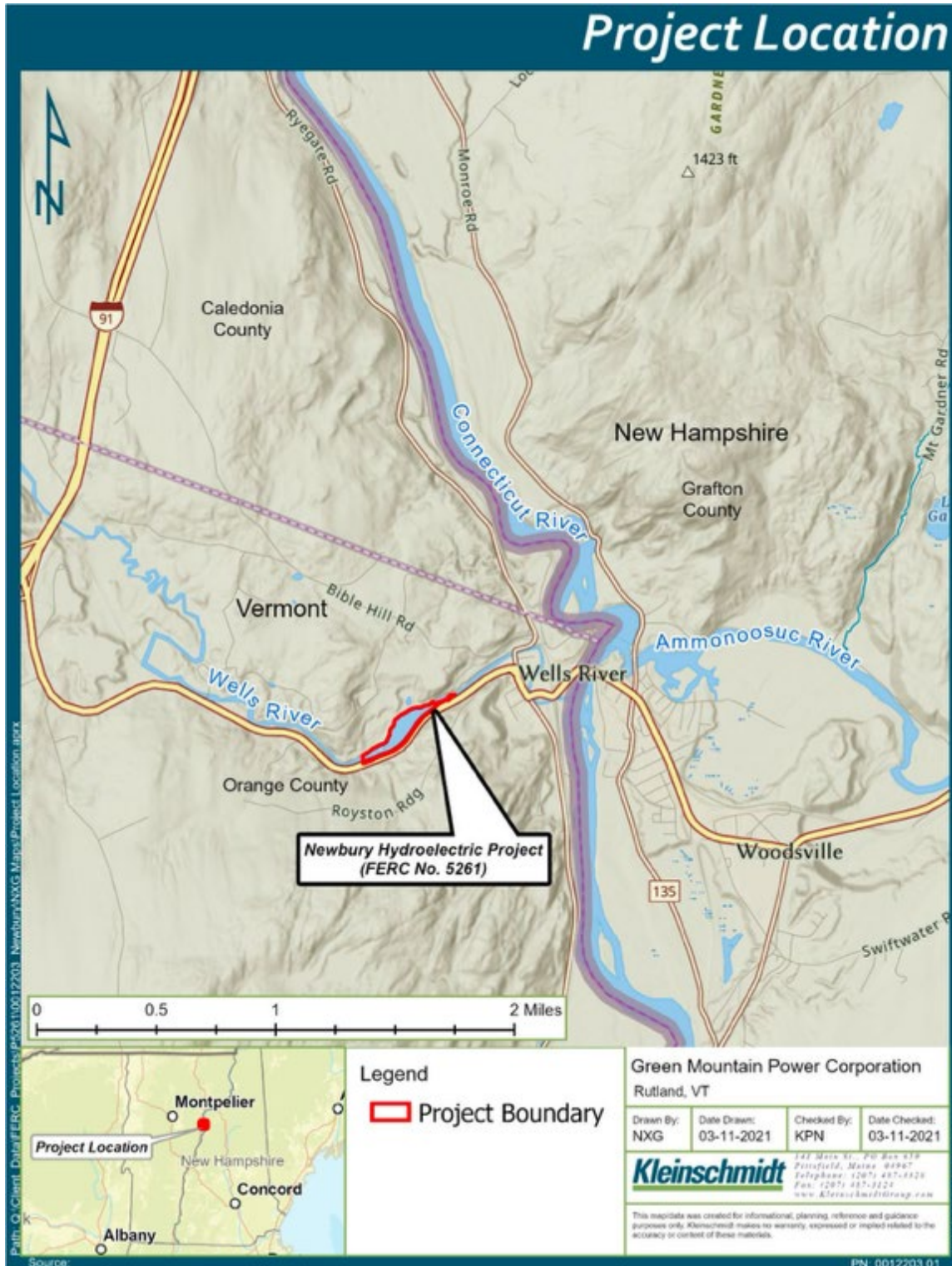


Figure 1. Location of the Newbury Project in the Connecticut River Basin

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

III. PROJECT SITE CHARACTERISTICS

The Newbury Project's characteristics are typical of a small run-of-river hydroelectric project and include an impoundment, dam, bypassed reach, powerhouse, and tailrace area (Figure 2).



Figure 2. Aerial View of the Newbury Hydroelectric Project.

The Project's impoundment is 11.4 acres at a normal water surface elevation of 463.9 feet National Geodetic Vertical Datum of 1929 (NGVD 29). The impoundment is formed by a 26-foot-high by 90-foot-long concrete gravity dam that includes a 73.3-foot-long spillway with a crest elevation of 458.9 feet, topped with two 5-foot-high pneumatic crest gates with a top elevation of 463.9 feet. GMP operates the Newbury Project in a run-of-river mode, where inflow approximates outflow, with no utilization of reservoir storage for power generation. The 11.4-acre reservoir extends approximately 0.4 miles upstream from the dam and is maintained at

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

an elevation of 463.9 feet NGVD 29, with no peaking or store-and-release operations (Figure 3).



Figure 3. Newbury Project dam, spillway, and other features.

Water can be released from the impoundment via the spillway, sluice box, or an 11.2-foot-wide, 9-foot-long intake structure, located on the south end of the dam. In front of the intake structure is an 18-foot-wide, 6-foot-deep baffle and a 10-foot-wide, 18.5-foot-high angled trash rack with 1-inch clear bar spacing. The intake leads to a 5-foot diameter, 435-foot-long underground penstock. Flows through the penstock are regulated by a 6-foot-wide by 6-foot-high slide gate, which is automatically operated based on the impoundment elevation.

Water in the penstock passes to a 50-kW minimum flow turbine, located about 75 feet downstream of the dam, and to a powerhouse, located about 435 feet downstream of the dam (Figure 4). The minimum flow turbine is manually operated full-on or full-off and passes 30 cubic feet per second (cfs) into the bypassed reach. When flows in the penstock exceed 30 cfs, water in the penstock passes to a 0.315-MW horizontal Ossberger turbine (main turbine), located in the brick-masonry powerhouse.

A 4-foot-wide, 8-foot-long steel sluice box, on the south side of the spillway and adjacent to the crest gates, provides seasonal flows for downstream fish passage past the dam. Water from

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

the spillway and sluice box passes into a 590-foot-long bypass reach, which then connects to the tailrace and, ultimately, the Wells River (Figure 4).



Figure 4. Newbury Project Bypassed Reach and Minimum Flow Unit.

In a letter filed with FERC on June 22, 2023, GMP indicated that the minimum flow unit is primarily put on- and taken off-line manually. Still, it can be taken off-line automatically if the impoundment surface elevation drops to about 2.4 inches below the normal impoundment elevation of 463.9 feet. The main turbine has a minimum hydraulic capacity of 20 cfs and a maximum hydraulic capacity of 134 cfs. Flows from the main turbine are passed to a 125-foot-long tailrace canal (Figure 5), which then joins the downstream end of the bypassed reach of the Wells River.

The Project also includes a 410-foot-long, 480-volt underground transmission line extending from the minimum flow turbine unit to a pole-mounted step-up transformer bank located adjacent to the main turbine unit powerhouse. A 130-foot-long, 480-volt underground line extends from the main powerhouse to the pole-mounted transformer bank. A 7-foot-long, above-ground line extends from the transformer bank to a utility pole, and the grid.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**



Figure 5. Newbury Project Tailrace.

IV. ZONES OF EFFECT (ZoEs)

The Newbury Project has been divided into three ZoEs (Figure 6):

1. Zone 1 is the impoundment that extends from the dam upstream 0.4 river miles,
2. Zone 2 is the 590-foot-long bypass reach (0.1 RM), and
3. Zone 3 is the tailrace, extending 600 feet downstream from the powerhouse to the point where the bypass and tailwater converge.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**



Figure 6. Newbury Hydroelectric Project's ZOE map. Green = ZOE 1 Impoundment, Purple = ZOE 2 Bypass, Orange = ZOE 3 Tailrace.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

GMP selected the following standards for each criterion.(Table 1). The reviewer’s recommendations are highlighted in **red bold** text.

Table 1. Newbury Project Zones of Effect and Ratings against LIHI Criteria and Standards

| <i>CRITERION and STANDARD SELECTED</i> | | | | | | | | |
|---|------------------|-----------------|-----------------------|-------------------------|------------------------------------|-----------------------------------|---------------------------------|------------------------|
| Zone Number and Zone Name | <i>A</i> | <i>B</i> | <i>C</i> | <i>D</i> | <i>E</i> | <i>F</i> | <i>G</i> | <i>H</i> |
| | Ecological Flows | Water Quality | Upstream Fish Passage | Downstream Fish Passage | Shoreline and Watershed Protection | Threatened and Endangered Species | Cultural and Historic Resources | Recreational Resources |
| 1. Impoundment | 1 | 2 | 2, 1 | 2 | 1 | 2 | 2 | 2 |
| 2. Bypass Reach | 2 | 2 | 2 | 2 | 1 | 2 | 1 | 1 |
| 3. Tailrace | 1 | 2 | 2 | 2, 1 | 1 | 2 | 2 | 1 |

V. REGULATORY AND COMPLIANCE STATUS

A. Water Quality Certificate

On May 10, 2023, the Vermont Agency of Natural Resources (VANR) issued a water quality certificate² pursuant to Section 401 of the Clean Water Act (CWA). FERC also includes VANR’s conditions necessary to protect water quality in the new license issued in 2024.

On June 30, 2025, GMP filed with FERC a Flow Management and Monitoring Plan (FMMP) in accordance with Article 402 of the license and Condition C of the Vermont Water Quality Certificate (WQC). As required by Article 402, GMP consulted with and received approval from the Vermont Department of Environmental Conservation (VDEC) and Vermont Fish and Wildlife Department (VFWD) on the plan. During the consultation process with VDEC, it was necessary to amend the current WQC to clarify the flow requirements for the downstream fish passage chute. VDEC issued the revised WQC for public comment on June 2, 2025. VDEC filed the amended WQC with FERC on July 15, 2025.³

B. FERC Licensing Requirements

The FERC license for the Newbury Project includes special articles intended to protect and enhance natural resources and improve public access and recreation. Many of these articles, summarized below, enforce conditions in the WQC and other agency recommendations:

Article 401- Commission Approval and Filing of Amendments. Certain conditions of the WQC require the licensee to prepare plans in consultation with other entities for approval, and to implement specific measures without prior Commission approval. The following plans must be

² [2023 Water Quality Certificate](#)

³ [Amended 2025 Water Quality Certification](#)

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

submitted to the Commission for approval by the deadline specified:

| VDEC Certification Condition | Plan Name | Consulting Agencies | Commission Due Date |
|------------------------------|-------------------------------------|---|--|
| C | Flow Management and Monitoring Plan | VDEC | Within 9 months of the effective date of the license <i>Submitted 06/30/25.</i> |
| E | American Eel Passage Plan | VANR and U.S. Fish and Wildlife Service (FWS) | Within 14 days of Vermont ANR and FWS approval of the American Eel Passage Plan |

Article 402- Flow Management and Monitoring Plan. The licensee must prepare a flow management and monitoring plan required by VDEC’s WQC, which must include the following additional provisions:

- a. A detailed description of how the licensee will monitor compliance with the operational requirements of Article 403 (Project Operation), including descriptions of the mechanisms and instrumentation or gages used (i.e., type and exact locations of all flow and impoundment elevation monitoring equipment); impoundment elevations needed during run-of-river operation to provide the bypassed reach minimum flow, aesthetic spill flow, and flows through the downstream fish passage chute; and procedures for maintaining and calibrating all compliance monitoring equipment;
- b. a provision to maintain a log of Project operations; and
- c. An implementation schedule.

The licensee was required to obtain VDEC’s approval of the plan, as specified by WQC condition C and Article 401 of the FERC license.

Article 403- Project Operation and Maintenance. The licensee must consult with VDEC prior to conducting planned or unplanned maintenance drawdowns and prior to repair work that could affect water quality and aquatic and nearshore terrestrial resources.

Article 404- Protection of Tri-colored Bats. The licensee must not remove or trim trees on Project lands from May 1 through July 31 to protect tricolored bats during their roosting season. Tree removal to ensure public or Project safety during this period is not prohibited.

Article 405- Boating Access Plan. Within one year of license issuance, the licensee must file a report on the feasibility of constructing a hand-carry boating access area within the Project boundary, prepared in consultation with the Vermont State Historic Preservation Office

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

(Vermont SHPO), VANR, FWS, and VDEC. Within two years of license issuance, the licensee must file with the Commission for approval, an upstream hand-carry boating access plan.

Article 406- Debris Disposal Plan. Within six months of license issuance, the licensee must file for Commission approval, a debris disposal plan that is consistent with the requirements specified in the WQC. That plan was timely filed and FERC approved it on July 31, 2025.

Article 407- Reservation of Authority to Prescribe Fishways. Authority is reserved to FERC to require the licensee to construct, operate, and maintain, or to provide for the construction, operation, and maintenance of such fishways as may be prescribed by the Secretary of the Interior pursuant to section 18 of the Federal Power Act.

Article 408- Programmatic Agreement and Historic Properties Management Plan. The licensee must implement the “Programmatic Agreement between FERC and the Vermont State Historic Preservation Officer for Managing Historic Properties that May be Affected by Issuance of a New License to Green Mountain Power for the Continued Operation of the Newbury Hydroelectric Project

VI. PUBLIC COMMENTS RECEIVED OR SOLICITED BY LIHI

On July 10, 2025, LIHI issued a notice on their website and via their email list that the public comment period for the application for certification of the Newbury Project had been opened. The notice stated, “LIHI is seeking comment on this application. Comments that are directly tied to specific LIHI criteria (flows, water quality, fish passage, etc.) will be most helpful,” but all comments will be considered. The deadline for comments was September 8, 2025 and no comments were received from stakeholders or federal or state agencies. Due to the recent nature of the supporting information, no outreach to agencies was conducted as part of this review.

VII. DETAILED CRITERIA REVIEW

This section contains my certification review of the Newbury Project regarding the LIHI criteria. As part of my review, I conducted a FERC eLibrary and other searches to verify claims in the certification application.

A. Ecological Flow Regimes

Goal: The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for healthy fish and wildlife resources.

GMP selected Standard A-2 for all ZoEs. **Standard A-2, Agency Recommendation** means the flow regime was developed and is being implemented in accordance with science-based resource agency recommendations.

Criterion A-1 is appropriate for ZoEs 1 and 3 mainly because the Project mimics the free-

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

flowing nature of the Wells River and has little or no storage capacity in the reservoir. Criterion A-2 for ZoE-2 is also suitable for the bypassed reach since minimum flows are based on consultation with and requirements in VDEC's WQC and recommendations by federal and state fish and wildlife agencies. The following analysis supports the above findings and is consistent with FERC's Environmental Assessment and GMP's development of a Flow Management and Monitoring Plan required by Articles 401 and 403 of the FERC license. As a result, the VDEC amended the WQC on July 15, 2025.⁴ As of September 8, 2025, FERC has not approved the Flow Management and Monitoring Plan.

Watershed and Stream Flows

The Wells River is a 22-mile-long tributary of the Connecticut River in northern Vermont that drains an area of approximately 102 square miles. The Wells River at the Newbury Project has a drainage area of approximately 100 square miles. The only water uses in the Project area are for recreation and hydropower production. There are no public water supply uses or withdrawals for agriculture or industrial purposes in the Wells River near the Project. The Wells River is hydrologically regulated upstream by Boltonville Dam (Wells River Project, FERC No. 4770) and some ponds.

The Wells River begins at Osmore Pond in Peacham, Vermont, and ends at the confluence with the Connecticut River. The North Branch of the Wells River begins in Groton, Vermont, and the headwaters of the South Branch of the Wells River begin near Spruce and Signal mountains in Groton State Forest.

The north and south branches of the Wells River meet the mainstem approximately 12 river miles upstream of the Project. Downstream at the confluence with the Connecticut River, the Wells River drains approximately 102 square miles. Additional tributaries to the Wells River include Red Brook, East Brook, Scott Brook, Scotch Burn Brook, Tannery Brook, Clark Hatch Brook, and Darius James Brook. There are seven larger lakes and ponds in the watershed, including Lake Groton, Kettle Pond, Ricker Pond, Ticklenaked Pond, Osmore Pond, and Noyes Pond.

⁴ [Amended 2025 Water Quality Certification](#)

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

The estimated mean annual daily flow (MADF) at the Project is 170 cfs, with flows typically highest in April and lowest during August and September (Figure 7).

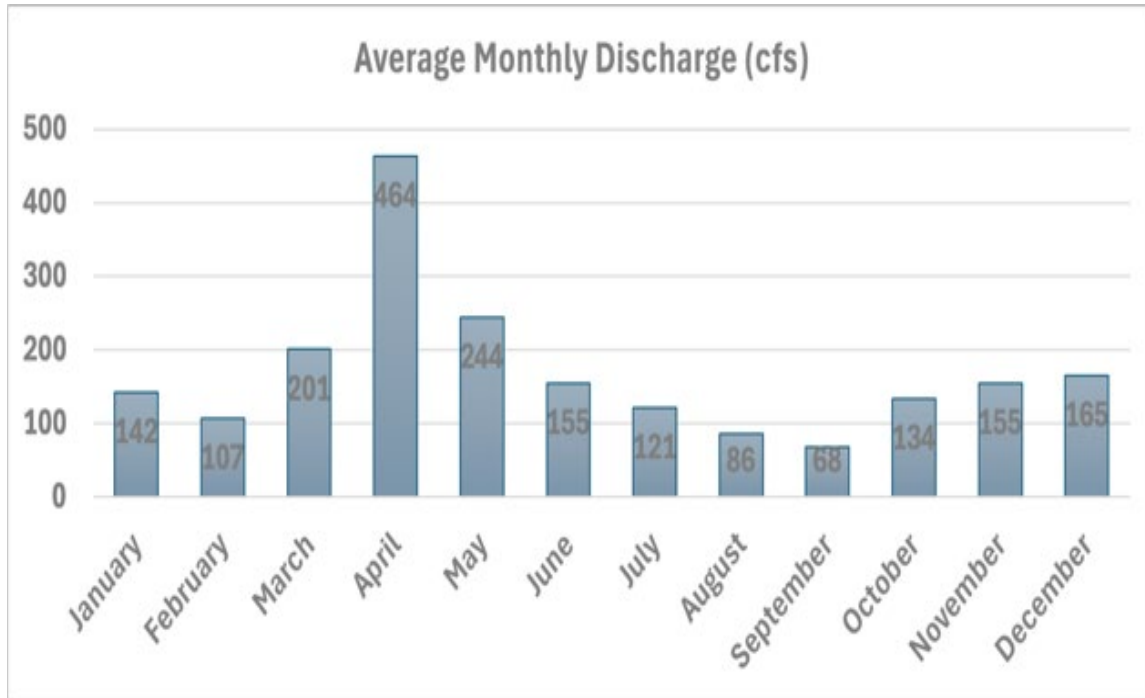


Figure 7. Average Monthly Flows of the Wells River at the Newbury Project.

Flows in the Wells River equal or exceed 164 cfs, the maximum hydraulic capacity of the Project, about 32% of the time on an annual basis, based on [USGS gage number 01139000](#).⁵ The minimum hydraulic capacity (20 cfs) is equaled or exceeded about 98% of the time on an annual basis, based on gage flows.

The Newbury Project operates and releases ecological and other flows to mitigate adverse impacts on a variety of resources in all of the ZoEs (Table 2).

⁵ USGS gage number 0113900 is located about 0.7 miles upstream of the Newbury Project dam.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

Table 2. Summary Minimum Stream flows at the Newbury Project required by FERC and amended WQC.

| Timeframe | Minimum Bypass Flow Requirement (cfs) | DS Fishway Flow Requirement (cfs) | Aesthetic Flow Requirement (cfs) | Total Bypass Reach Flow (cfs) | Flow Provision Method |
|--|---------------------------------------|-----------------------------------|----------------------------------|-------------------------------|---|
| Nov 16 - Mar 31 Minimum Flow Unit On | 37 | 0 | 10 | 40 | 10 cfs spill over dam 30 cfs through min flow unit* |
| Nov 16 - Mar 31 Minimum Flow Unit Off | 37 | 0 | 10 | 37 | 37 cfs spill over dam |
| Apr 1 - Jun 1 Minimum Flow Unit On | 37 | 10 | 10 | 50 | 10 cfs spill over dam 30 cfs through min flow unit* 10 cfs DS fishway |
| Apr 1 - Jun 1 Minimum Flow Unit Off | 37 | 10 | 10 | 37 | 27 cfs spill over dam 10 cfs DS fishway |
| Jun 2 - Aug 31 Minimum Flow Unit On | 37 | 0 | 10 | 40 | 10 cfs spill over dam 30 cfs through min flow unit* |
| Jun 2 - Aug 31 Minimum Flow Unit Off | 37 | 0 | 10 | 37 | 37 cfs spill over dam |
| Sept 1 -Nov 15 Minimum Flow Unit On | 37 | 10 | 10 | 50 | 10 cfs spill over dam 30 cfs through min flow unit* 10 cfs DS fishway |
| Sept 1 -Nov 15 Minimum Flow Unit Off | 37 | 10 | 10 | 37 | 27 cfs spill over dam 10 cfs DS fishway |

*The minimum flow turbine operates with 30 cfs in an "on" or "off" state

Source: GMP’s Newbury Hydroelectric Project, Article 402 and Vermont Water Quality filing with FERC. ⁶

ZoE 1- Impoundment

The Newbury Project is operated in a run-of-river mode, where inflow approximates outflow, with no utilization of reservoir storage for power generation. The 11.4-acre reservoir extends approximately 0.4 miles upstream from the dam and is maintained at an elevation of 463.9 feet NGVD 29, with no peaking or store-and-release operations. If a drawdown is required for Project maintenance or repair, GMP consults with the relevant resource agencies regarding the timing and duration to avoid adverse effects to aquatic resources.

As required by WQC Condition C, GMP developed a Flow Management and Monitoring Plan (FMMP) detailing how the Project maintains impoundment levels and manages inflows, downstream fish passage flows, aesthetic flows, and conservation flows to the bypassed reach, with provisions for the flow data to be available on a near real-time basis.

⁶ https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250630-5038

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

ZoE 2- Bypassed Reach

The Newbury Project requires the following flows to operate:

1. A minimum inflow of 57 cfs to operate the main turbine (20 cfs minimum hydraulic capacity of the main turbine plus 37 cfs minimum flow to the bypassed reach), and
2. 40 cfs to operate the minimum flow turbine (30 cfs through the minimum flow turbine plus 10 cfs aesthetic flow)

Minimum flows in the Project's bypass reach are based in an instream flow study that GMP conducted as a part of the relicensing process and were approved by VDEC and FERC. The 37-cfs minimum flow for the bypass reach is higher than the flows released prior to FERC's 2024 relicensing order.

ZoE-3 Tailrace

Since GMP operates the Newbury Project as a run-of-river facility, the tailrace is entirely dependent upon inflow from the impoundment. All inflow to the impoundment is ultimately routed to the bypassed reach and tailrace approximately 125 feet downstream of the powerhouse, via a combination of the downstream fish passage chute, spillage, and through the generating units. During Project operations, the tailrace can receive up to 134 cfs from turbine discharge, and no less than 20 cfs, due to the operating limitations of the single turbine within the powerhouse.

As required by Articles 401 and 402 of the FERC license, GMP consulted with and received approval from VDEC and VFWD on the flow management and monitoring plan that would address flows in all ZoEs. GMP filed the final flow plan with FERC on June 30, 2025. During the consultation process with VDEC, it was necessary to amend the current WQC to clarify the flow requirements for the downstream fish passage chute. VDEC issued the revised WQC for public comment on June 2, 2025, and filed the amended WQC with FERC on July 15, 2025. The amended WQC clarified that the required flow through the fish passage chute is 10 cfs. FERC has not approved the plan yet.

Summary

My review of the LIHI application, FERC docket, including the final flow management and monitoring plan and amended WQC, indicates that the Newbury Project is operated in a run-of-river mode and provides flows sufficient to protect aquatic resources in all ZoEs. Therefore, this LIHI criterion is satisfied in all ZoEs. One condition is recommended to track approval of the flow plan.

B. Water Quality

Goal: Water quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions.

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

GMP selected Standard B-2 for all ZoEs. **Standard B-2, Agency Recommendation** means the facility is in compliance with all water quality conditions contained in a recent Water Quality Certification or in compliance with facility-specific science-based resource agency recommendations, that provide reasonable assurance that water quality standards will be met for all waterbodies that are directly affected by the facility. Such recommendations, whether 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.

Currently, there are no wastewater discharges upstream of the Newbury Project or known water withdrawals for drinking water on the Wells River. The only other hydroelectric facility, Boltonville, is located roughly 4.2 river miles upstream. Additional dams are located in the Wells River basin; however, none are used for power generation.

The VDEC periodically conducts water quality and benthic macroinvertebrate sampling at several sites within the Wells River. Dissolved oxygen (DO), pH, total nitrogen (NO₃-N), total phosphorus and turbidity samples were collected at five stations in the river between 1992 and 2017. The samples demonstrated that the Wells River attained the standards for Class B(2) waters. Under Vermont's Water Quality Standards, Class B(2) waters are managed so they are suitable for the following uses:

- Swimming and other primary-contact recreation
- Irrigation and other agricultural uses
- Aquatic biota and aquatic habitat (supporting fish, wildlife, and plants)
- Good aesthetic value (appearance, flow, and overall character)
- Boating, fishing, and other recreational uses and
- Use as a public water source with filtration and disinfection or other required treatment

In the past, VDEC evaluated the biological integrity of the macroinvertebrate community by comparing specific metrics to the values expected for a naturally occurring macroinvertebrate population. Assessments of the macroinvertebrate community in the Wells River from 1992 and 2017 found good to excellent communities reflecting Class B (2) water quality standards. An evaluation of Excellent indicates the community is near natural.

In 2016, the Wells River in the vicinity of the Project had been listed on the Vermont Stressed Rivers list for the designated use of aesthetics due to leachate from a landfill, however, this listing was removed in 2020. The river in the Project area is not currently listed as being impaired. As part of the Project relicensing, GMP's water quality study collected water temperature and dissolved oxygen (DO) at six locations from July 8, 2019, to September 30, 2019. The locations were upstream of the impoundment, within the impoundment, at the intake, adjacent to the minimum flow unit, in the bypass reach between the minimum flow unit and the powerhouse, and in the tailrace.

The main findings of the 2019 water quality studies are shown in Figures 8 and 9 for water temperature and dissolved oxygen (DO).

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

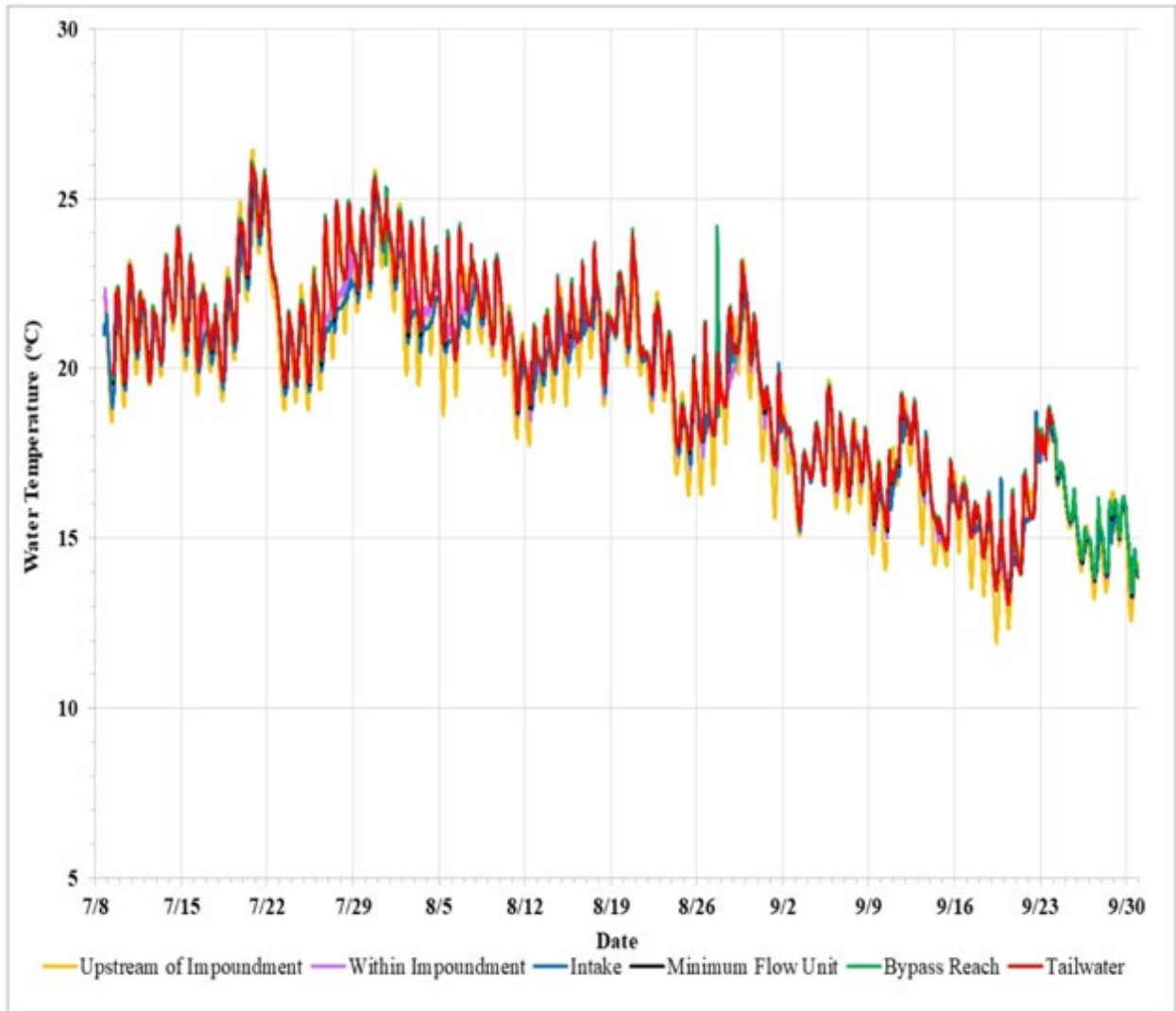


Figure 8. Water Temperature (°C) in 2019 at the Six Monitoring Sites at the Newbury Project.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

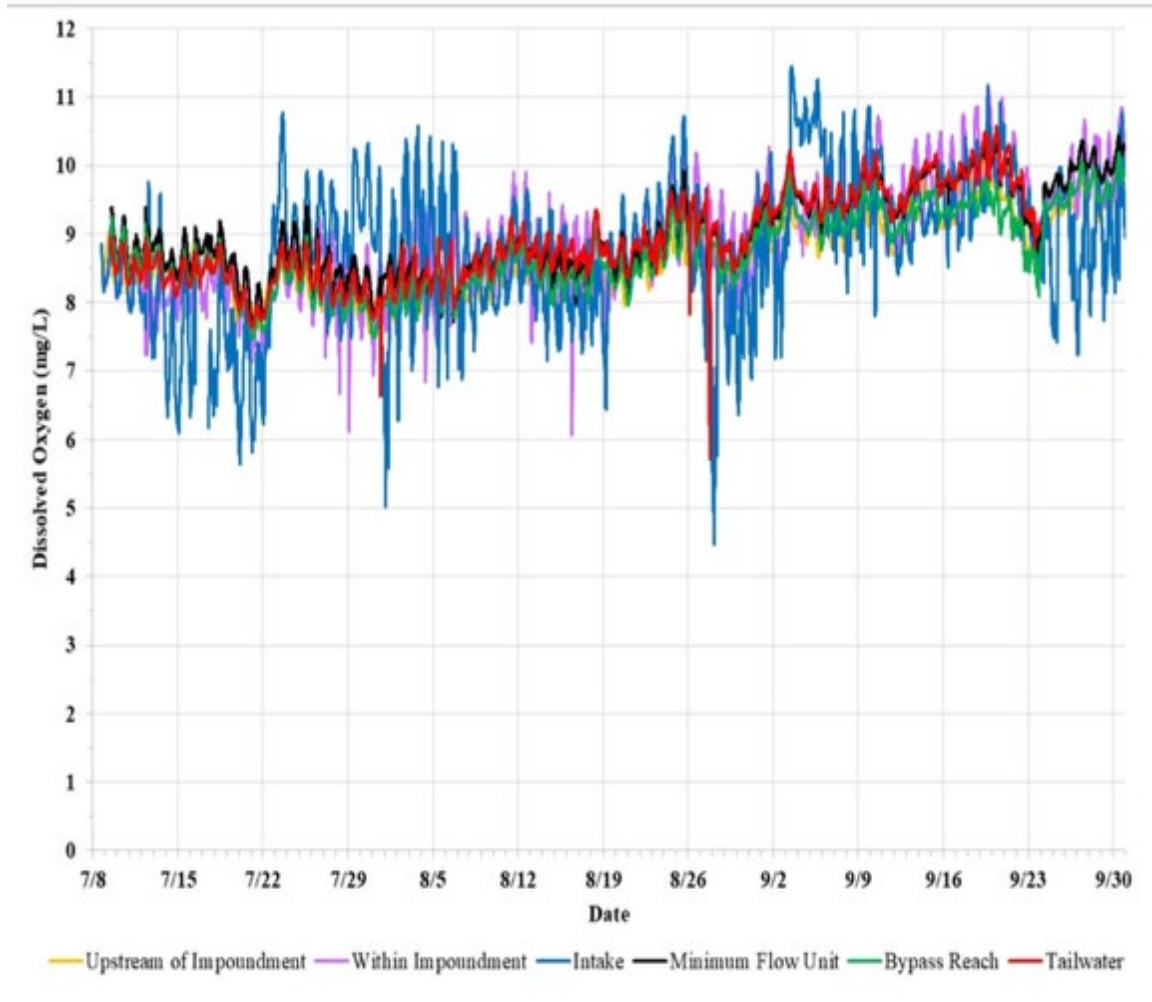


Figure 9. Dissolved Oxygen concentrations (mg/L) in 2019 at the Newbury Project.

DO concentrations were above the Class B(2) standard (6 mg/L or 70 percent saturation) 99.3 percent and 99.9 percent of the time at the intake and tailwater, respectively. The DO concentration was above the Class B(2) standard throughout the entire monitoring period upstream of the impoundment, within the impoundment, at the minimum flow unit, and in the bypassed reach.

FERC required GMP to prepare a Debris Disposal Plan in article 406 of the license to ensure the protection of downstream navigation and aesthetic quality and ensure compliance with state water quality and solid waste regulations. GMP filed the Plan on August 27, 2024 and FERC approved it on July 31, 2025.

Summary

My review of the LIHI application, FERC docket, including the Newbury Project's WQC issued in 2023 and amended in 2025, indicates that the Project may have minor impacts the water quality of the Wells River for very short periods of time under certain conditions. The WQC indicated that although DO measured at the intake fell below 6 mg/L on occasion, those

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

occurrences were not a direct cause of Project operation (they were likely due to sensor biofouling⁷). Despite occasional low DO levels at the intake, DO met standards in the areas more directly affected by Project operation either through diversion (the bypass), or generation (the tailrace).⁸ Also, as discussed under Ecological Flows, the Newbury Project operates as a run-of-river facility, which provides a stable flow consistent with the aforementioned uses for Class B (2) waters in Vermont. Therefore, this criterion is satisfied in all ZoEs.

C. Upstream Fish Passage

Goal: 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.

GMP selected Standard C-2 for all ZoEs. **Standard C-2, Agency Recommendation** means compliance with science-based resource agency recommendations, for the applicable Zone of Effect, and which may include provisions for appropriate monitoring and effectiveness determinations. Typically, impoundment zones qualify for Standard C-1, Not Applicable/De Minimis Effect since once above a dam there is no further facility-related barrier to continued passage.

The State of Vermont classifies the Wells River as Class B(2) for the aquatic biota and wildlife designated use and as a cold water fish habitat. Aquatic biota includes fish, aquatic invertebrates, amphibians, and some reptiles, such as turtles. As shown in Table 3, the Wells River contains a variety of cold-water and warm-water fish species. The only migratory species potentially present is American eel.

Table 3. Fish species found upstream and downstream in the Wells River in the vicinity of the Newbury Project

| Common Name | Scientific Name |
|------------------------|--------------------------------|
| Brook Trout | <i>Salvelinus fontinalis</i> |
| Rainbow Trout | <i>Oncorhynchus mykiss</i> |
| Brown Trout | <i>Salmo trutta</i> |
| Smallmouth Bass | <i>Micropterus dolomieu</i> |
| Largemouth Bass | <i>Micropterus salmoides</i> |
| Yellow Perch | <i>Perca flavescens</i> |
| Longnose Sucker | <i>Catostomus catostomus</i> |
| White Sucker | <i>Catostomus commersonii</i> |
| Fallfish | <i>Semotilus corporalis</i> |
| Longnose Dace | <i>Rhinichthys cataractae</i> |
| Creek Chub | <i>Semotilus atromaculatus</i> |
| Burbot | <i>Lota lota</i> |

Source: Amended WQC at FN 3

⁷ Amended WQC pg. 15

⁸ Amended WQC, pg. 16.

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

The Wells River upstream of the Newbury Project is primarily a trout fishery with wild reproduction occurring, primarily brook trout, in tributaries. Additionally, rainbow and brown trout are found in the reach above the Project. The VFWD also stocks rainbow and brown trout in this reach to provide angling opportunities.

ZoE-1 (impoundment) has warm and cool water fish species, including smallmouth bass, largemouth bass, and yellow perch. These species likely spawn in the shallow impoundment, which has a relatively stable water level given the Project's run-of-river operation. The downstream reach of the Wells River, including the tailrace, is approximately 0.9 miles in length before its confluence with the Connecticut River. The reach has a diverse fish community. During the August 2018 electrofishing survey below the Project, the VFWD collected all of the fish species listed in Table 3. No migratory fish have been documented in the electrofishing survey.

Currently, there are no agency recommendations for upstream fish passage aside from American eel (*Anguilla rostrata*) due to downstream barriers on the Connecticut River and the lack of diadromous species in the Wells River. The Project's FERC license and 2024 WQC (Condition E) include provisions to develop a plan for eel passage within one year of an American eel passage facility being installed at the Wilder Hydroelectric Project (FERC No. 1892) downstream of the Newbury Project on the mainstem of the Connecticut River. GMP's plan would require consultation with VANR and the U.S. Fish and Wildlife Service (FWS) and would have to discuss methods of passage, such as a trap and truck program or eel ramp installation, as well as an implementation schedule that can include monitoring studies.

Summary

My review of the LIHI application, FERC docket, and license, including the Newbury Project's WQC issued in 2023 and amended in 2025, indicates that the Project does not adversely impact upstream fish passage on the Wells River. However, when upstream passage for American eel occurs downstream at the Wilder Hydroelectric Project, GMP will have to consult with fish and wildlife agencies and may need to construct a facility at the Newbury Project. Therefore, this criterion is satisfied in all ZoEs.

D. Downstream Fish Passage and Protection

Goal: The facility allows for the safe, timely, and effective downstream passage of migratory fish. For riverine (resident) fish, the facility minimizes loss of fish from reservoirs and upstream river reaches affected by facility operations. Migratory species can successfully complete their life cycles and maintain healthy populations in the areas affected by the facility.

GMP selected Standard D-2 for all ZoEs. **Standard D-2, Agency Recommendation** means the facility is in compliance with science-based resource agency recommendations for downstream fish passage and/or fish protection in the applicable Zone of Effect, and which may include provisions for appropriate monitoring and effectiveness determinations. Typically, downstream reaches qualify for Standard D-1, Not Applicable/De Minimis Effect since once below a dam and bypassed reach there is no further facility-related barrier to continued passage.

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

In 2011 and 2012, the FWS, VFWD, and the previous FERC licensee of the Newbury Project discussed fish passage design in the context of replacing turbine-generator unit 1. The agencies had concerns about fish impingement and entrainment through the proposed turbine. The previous licensee agreed to an angled trash rack directed toward the bypass sluice entrance, angled at roughly 45 degrees to the dam's axis (Figure 10). The trashrack is 15 feet deep by 9 feet wide, with a clear spacing of 1-inch, resulting in an approach velocity of less than 1.2 feet per second at full load.



Figure 10. Trash Racks at Intake of Newbury Project.

In addition to the above measures, the Project utilizes a downstream fish passage chute seasonally. The chute is a steel box that is 8 feet long and 4 feet wide, that extends to a plunge pool downstream of the dam. The chute is installed by removing a 2-foot-high by 4-foot-wide section of the crest gate and requires the use of a crane.

GMP installs and maintains the downstream fish passage chute from April 1 to June 1 and from September 1 to November 15 in accordance with the amended WQC and FERC license. The Project also provides a flow of 10 cfs as spillage over the dam for aesthetics and minimum flow purposes.

Fish passage at the Newbury Project was initially developed as part of the Connecticut River Atlantic Salmon Restoration Program to pass Atlantic salmon (*Salmo salar*) smolts in the

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

spring and fall.⁹ However, the program was terminated after Tropical Storm Irene destroyed federal fish hatcheries in 2011, and due to low annual adult salmon returns. The FERC license and VANR's 2023 WQC require GMP to continue to operate the downstream passage chute for resident species that are motivated to move downstream.

Though not yet explicitly defined by Article 401 of the FERC license or the WQC, downstream passage measures for American eel would be addressed at the Newbury Project once eel passage facilities are constructed at the Wilder Hydroelectric Project (see Upstream Fish Passage discussion). However, the Newbury Project currently has no adverse effects on migratory fish passage, since these species are not present in the Wells River.

Summary

My review of the LIHI application, FERC docket, and license, including the Project's WQC issued in 2023 and amended in 2025, indicates that the Project provides adequate downstream fish passage protection. However, when upstream passage for American eel occurs downstream at the Wilder Hydroelectric Project, GMP may eventually need to consult with fish and wildlife agencies to facilitate downstream passage of American eels at the Newbury Project. On this basis, this criterion is satisfied in all ZoEs.

E. Shoreline and Watershed Protection

Goal: 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.

GMP selected Standard E-1 for all ZoEs. **Standard E-1, Not Applicable/De Minimis Effect** means there are no lands associated with the facility in the applicable Zone of Effect that are under the direct or indirect ownership or control of the facility owner and have been identified as having significant ecological value for protecting water quality, sensitive species or habitats, aesthetics, or low-impact recreation, and the facility is not subject to any Shoreline Management Plan or similar protection plan.

The Newbury Project boundary contains a total of 14.67 acres of land and water and does not occupy federal land. Of that, 3.4 acres are terrestrial lands, leased to GMP by a private landowner and the rest is the impounded water at the normal pond elevation. The Project operates as a run-of-river facility and therefore has little impact on the surrounding land and shorelines. Artificial fluctuations in the impoundment are limited to maintenance activities. If impoundment fluctuations for maintenance do occur, there are no tributary streams within the Project area that are affected. There are no sensitive shoreland habitats present at the Project. Further, there is no formally required shoreline management program at the Project.

The 1-mile-long shoreline along the impoundment is a mix of steep rock outcrops and vegetated banks with soils ranging from 0 to 60 percent slopes (Figure 11). The majority of the

⁹ Amended WQC at FN 3

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

northern shoreline is forested, and the southern shoreline is dominated by a vegetated and rip-rap bank associated with U.S. Route 302 right-of-way.



Figure 11. The Newbury Project Impoundment and Shoreline.

The bypassed reach has fairly steep rock ledges, creating a channel environment. Downstream of the bypass is a naturalized river channel with both woody and non-woody vegetation along both shorelines (Figure 12).

GMP holds all of the flowage easements required for the operation of the Newbury Project. Any temporary shoreline disturbance that may potentially result from future development of recreational access on the impoundment would require shoreland permitting through the State of Vermont and would include Best Management Practices to minimize temporary construction-related erosion.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**



Figure 12. The Newbury Project Bypassed Reach looking upstream.

Summary

My review of the LIHI application and FERC docket indicates that the Newbury Project has been operated in accordance with LIHI's Shoreline and Watershed Protection criterion and does not adversely affect those resources and this criterion is satisfied in all ZoEs.

F. Threatened and Endangered Species Protection

Goal: The facility does not negatively impact federal, or state listed species.

GMP selected Standard F-2 for all ZoEs. **Standard F-2, Finding of No Negative Effect** indicates that listed species are or may be present in the applicable Zone of Effect, but the facility has been found by the appropriate resource agencies to have no negative effect on them; or habitat for the species does not exist within the facility's affected area or is not impacted by facility operations;

The federally endangered northern long-eared bat (*Myotis septentrionalis*) exists in 37 states, including Vermont. However, no critical habitat for this species occurs within the Project-affected lands. According to the FWS' Information for Planning and Consultation (IPaC) website on March 6, 2025, northern long-eared bat was not indicated but two federally proposed-for-listing endangered and threatened species could potentially occur within the Project's ZOEs (Table 4).

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

Table 4. Proposed Federally listed Endangered and Threatened Species in the vicinity of the Newbury Project.

| MAMMALS | |
|---|------------------------|
| NAME | STATUS |
| Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 | Proposed Endangered |
| INSECTS | |
| NAME | STATUS |
| Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743 | Proposed Threatened |

Source: Application and IPAC March 6, 2025

VFWD indicated that there are no known winter hibernacula or known summer maternity roost sites for northern long-eared or tricolored bats within the Newbury Project boundary or within at least 1 mile of the boundary.¹⁰ Therefore, it is not likely that any northern long-eared or tricolored bats utilize the Newbury Project area or the riparian and impoundment areas for feeding purposes or as a travel pathway. It is possible these bats feed near the Project, though no critical habitat is located in the Project vicinity.

The run-of-river operation would not negatively impact bats that may transiently utilize the area. Further, Article 404 of the FERC license requires that GMP not remove or trim trees on Project lands from May 1 through July 31 to protect tricolored bats during their roosting season. Tree removal to ensure public or Project safety during this period is not prohibited by this requirement.

The monarch butterfly was identified as a proposed threatened species within the Project vicinity. The Newbury Project is located within the summer breeding range of the eastern North American migratory monarch butterfly population. No critical habitat has been designated for the monarch butterfly and Project operations are not expected to impact the monarch butterfly.

On May 11, 2023, GMP used a VANR Natural Resources Natural Resource Atlas to review State rare, threatened, and endangered species with the potential to occur in the Project vicinity. The atlas indicated that no significant natural communities may occur in or near the Project boundary.¹¹

As identified in FERC’s Environmental Assessment, the monarch butterfly and bald eagle (*Haliaeetus leucocephalus*) may also occur at the Project on a seasonal basis, but no specific protective measures were recommended.

¹⁰ LIHI application, p. 30.

¹¹ LIHI application, Attachment B

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

Summary

My review of the LIHI application, and FERC docket indicates that the Newbury Project does not adversely affect listed species and this criterion is satisfied in all ZoEs.

G. Cultural and Historical Resource Protection

Goal: The facility does not unnecessarily impact cultural or historic resources associated with the facility's lands and waters, including resources important to local indigenous populations, such as Native Americans.

GMP selected Standard G-1 for ZoE-2 (bypass reach), and G-2 for ZoEs-1 and 3.

Standard G-1, Not Applicable/De Minimis Effect means there are no cultural or historic resources present on facility lands that can be potentially threatened by construction or operation of the facility, or facility operations have been shown to not adversely affect those that are or were historically present.

Standard G-2, Approved Plan means the facility is in compliance with approved local, state, federal, and recognized tribal plans for protection, enhancement, or mitigation of impacts to cultural or historic resources affected by the facility.

The Newbury Project's Area of Potential Effect (APE) approved by the Vermont Department of Historic Preservation (VDHP) is slightly larger than the FERC Project boundary. The APE encompasses an area that extends 0.4 RM upstream of the dam to approximately 600 feet downstream of the dam, as well as 32.8 feet on both the north and south sides of the dam. The APE also includes a 20-meter section of shoreline directly across from the Corning Fibers Mill, containing powerhouse ruins not included in the FERC Project boundary.

In 2020, as part of the FERC relicensing process, Northeast Research Center completed a Phase I Archeological Resource Assessment that identified structural remains of the Wells River Electric Light Plant and Pumping Station, which operated between 1896 and 1938, and other artifacts not identified as Native American in origin. Due to the findings, a Phase II Archeological Resource Assessment was recommended and completed in 2021, where additional artifacts contemporaneous with the Wells River Electric Light Plant or later were found. The Wells River Electric Light Plant site has been recommended as eligible for the National Register of Historic Places (NRHP); however, due to a lack of historic and architectural significance, the Newbury Project structures are not eligible for inclusion.

Additionally, although the Project area has historic documentation of being inhabited by the Abenaki Tribe, there were no Native American artifacts identified during the Phase I or Phase II work, and there are no tribal lands within the Project boundary or federal reservations in the area surrounding the Project.

Impoundment drawdowns during maintenance have some potential to cause erosion of the shoreline which could lead to embankment instability, potentially disturbing historical site

REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261

grounds. However, these drawdowns are rare due to the pneumatic crest gate system that facilitates management of stable impoundment levels. When a drawdown becomes required, GMP consults with the pertinent resource agencies regarding timing and duration. Also, during a drawdown period, GMP continues to provide the minimum flows required for the Project to minimize potential effects on cultural resources in the bypass reach. Due to the limited size of the Project area, stable reservoir water levels, and run-of-river operations, the Newbury Project is not expected to adversely affect cultural or archeological resources in any of the ZoEs.

GMP and the Vermont State Historic Preservation Officer (SHPO) signed a programmatic agreement on November 29, 2023, for Managing Historic Properties that may be affected by the Newbury Hydroelectric Project. Article 408 of the FERC license requires GMP to implement the Programmatic Agreement and to file, for Commission approval, a Historic Property Management Plan (HPMP) within one year of license issuance. GMP filed the HPMP on March 27, 2025. The HPMP define measures for the protection of historic resources and include consultation with the Vermont SHPO on any recreational improvements that may be developed for impoundment access (see Section H below). FERC approved the plan on August 19, 2025.

Summary

My review of the LIHI application, FERC docket, and Article 408 of the FERC license indicates that the Newbury Project is unlikely to adversely affect cultural or historic resources and is operated in accordance with this criterion in all ZoEs.

H. Recreational Resources

Goal: 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.

GMP selected the H-2 Standard for ZoE-1 (impoundment) and the H-1 Standard for ZoE-2 and ZoE-3. **Standard H-1, Not Applicable/De Minimis Effect** means that the facility does not occupy lands or waters in the Zone of Effect to which the public can be granted safe access and does not otherwise impact recreational opportunities in the vicinity of the facility. **Standard H-2, Agency Recommendation** means that the facility demonstrates compliance with resource agency recommendations for recreational access or accommodation (including recreational flow releases), or any enforceable recreation plans in place for the facility in the applicable Zone of Effect.

There are currently no recreation facilities associated with the Newbury Project. GMP leases the Newbury Project land and the Project powerhouse area from a private landowner. Recreational development at the site has not previously been pursued because of high, steep banks on the river's left¹² shoreline, proximity to U.S. Route 302 along the river right¹³ shoreline, (Figure 13) and commercial use of the parking lot associated with the Project dam and powerhouse area.

¹² River left refers to the left side of the river when looking downstream.

¹³ River right refers to the right side of the river when looking downstream.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**



Figure 13. Project Reservoir bordered by U.S. Route 302 to the south.

Based on consultation with stakeholders during the Project’s FERC relicensing, GMP agreed to evaluate the potential for development of recreational access in the form of a hand-carry boating access area on the impoundment. Article 405 of the FERC license requires GMP to complete the study and provide copies to the Vermont SHPO, VANR, FWS, and VDEC. It also requires GMP, within two years of license issuance, to file with FERC, an upstream hand-carry boating access plan. The WQC requires completion of the access within four years of the license.

GMP filed the [study report](#) on March 25, 2025, which includes analysis of the feasibility of developing a hand-carry boating access at three locations identified as the Upper Impoundment (preferred by whitewater boaters), Middle Impoundment, and Lower Impoundment. The Upper and Middle Impoundment sites had a number of disadvantages including lack of GMP-owned lands, physical constraints due to proximity to U.S. Route 302, and safety considerations. The Lower Impoundment Site currently serves as an informal boat landing, has a gravel parking area, and water access could be accomplished by formalizing an existing footpath. The site is the furthest away from the whitewater reach but would result in a shorter portage around the dam and could encourage flatwater paddling and angler access.

FERC approved the Boating Study on April 22, 2025, and concluded that it provides information for stakeholders to consider when determining the most suitable location to develop a hand-carry access that will accommodate whitewater boaters, protect natural and cultural resources, as well as enhance recreationalists’ safety.

Summary

My review of the LIHI application, Article 405 of the FERC license, and the Boating Access Study filed with FERC indicates that the Newbury Project may have only limited

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

opportunities for recreation. Stakeholders may also use the results of the Boating Access Study to determine the best site for the licensee to construct a hand-carry boating access. Therefore, this LIHI criterion is satisfied in all ZoEs with a condition recommended to ensure that a boating access site is developed in accordance with the FERC license, WQC, and in collaboration with stakeholders.

VIII. RECOMMENDATION

My review of the LIHI certification application and supporting documentation, the 2024 WQC and amended 2025 WQC, and a search of the FERC docket shows that the Newbury Project satisfies the LIHI criteria for all resources as discussed in the sections above and can be certified for a 10-year term.

GMP operates and maintains the Project in accordance with the terms of the FERC license, WQC, and historic property programmatic agreement. Most notably, GMP has completed a Flow Management and Monitoring Plan in consultation with VDEC, VFWD, and FWS. VDEC also amended the WQC and filed it with FERC. The Flow Management and Monitoring Plan will ensure the Newbury Project is operated in such a manner that meets applicable LIHI criteria.

As of September 8, 2025, FERC had not approved GMP's Flow Management and Monitoring Plan. Therefore, the following condition is recommended:

Condition 1: In annual compliance submittals to LIHI, the Facility Owner will provide an update on the status of FERC's approval of the Flow Management and Monitoring Plan and any additional conditions required therein along with a schedule for implementation, if applicable, until all actions related to the Plan are implemented and approved by FERC.

One outstanding matter relates to completion of the boating access area, and the following condition is recommended:

Condition 2: In annual compliance submittals to LIHI, the Facility Owner will provide a status update on the development and implementation of the boating access plan including documentation of agency and stakeholder consultation, until the access area is completed and approved by FERC.

**REVIEW OF APPLICATION FOR LIHI CERTIFICATION
OF THE NEWBURY HYDROELECTRIC PROJECT, FERC No. 5261**

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