

**FINAL ENVIRONMENTAL ASSESSMENT  
FOR  
HYDROPOWER LICENSE**

Cross Power Hydroelectric Project  
FERC Project No. 2326-054  
New Hampshire

Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Hydropower Licensing  
888 First Street, NE  
Washington, D.C. 20426

October 2024

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## ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act of 1990
APE	area of potential effect
BA	Biological Assessment
CEQ	Council for Environmental Quality
CES	Customized Energy Solutions
cfs	cubic feet per second
Commerce	U.S. Department of Commerce
Commission or FERC	Federal Energy Regulatory Commission
CRMP	Cultural Resources Management Plan
CRP	Central Rivers Power, NH LLC
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DEA	draft Environmental Assessment
DO	dissolved oxygen
EFH	essential fish habitat
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEA	final Environmental Assessment
FPA	Federal Power Act
FWS	U.S. Fish and Wildlife Service
GSU	generator step-up transformer
HPMP	Historic Properties Management Plan
Interior	U.S. Department of Interior
IPaC	Information for Planning and Conservation
IPC Mill Site	International Paper Company Mill Site
MBI	Midwest Biodiversity Institute
MW	megawatt
MWh	megawatt-hour
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NERC	North American Electric Reliability Corporation
NHCP	New Hampshire Coastal Program
New Hampshire DES	New Hampshire Department of Environmental Services
NHPA	National Historic Preservation Act
NLEB	northern long-eared bat
NMFS	National Marine Fisheries Service
NPCC- New England	Northeast Power Coordinating Council's New England region
OPP	Office of Public Participation
SD1	Scoping Document 1
SD2	Scoping Document 2
SHPO	State Historic Preservation Office

# FINAL ENVIRONMENTAL ASSESSMENT

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**Cross Power Hydroelectric Project**  
**FERC Project No. 2326-054**  
**New Hampshire**

## 1.0 INTRODUCTION

### 1.1 APPLICATION

On August 1, 2022, Great Lakes Hydro America, LLC (GLH) filed an application for a new license for its 3.22-MW Cross Power Hydroelectric Project No. 2326 (Cross Power Project or project).<sup>1</sup> The project is located on the Androscoggin River in Coos County, New Hampshire (figure 1).

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<sup>1</sup> A license for the project was issued on August 1, 1994, for a term of 30 years, with an effective date of August 1, 1994, and an expiration date of July 31, 2024. *See James River-New Hampshire Elec., Inc.*, 68 FERC ¶ 61,173 (1994).

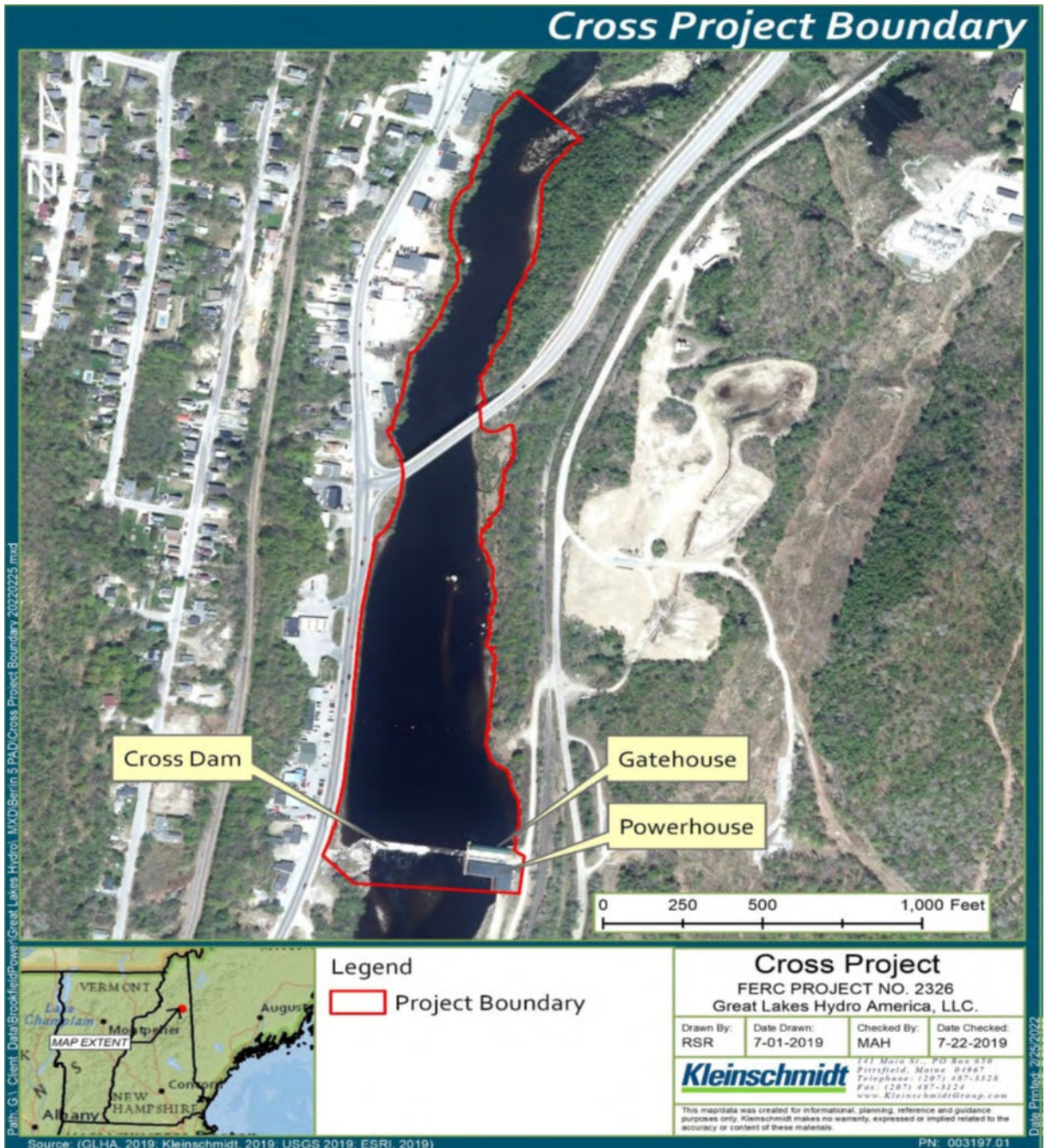


Figure 1. Location of the Cross Power Project (Source: application).

## 1.2 PURPOSE OF ACTION AND NEED FOR POWER

### 1.2.1 Purpose of Action

The purpose of the Cross Power Project is to provide a source of hydroelectric power. Therefore, under the provisions of the Federal Power Act (FPA), the Commission must decide

whether to issue a new license to GLH for the project and what conditions should be placed on any license issued. In deciding whether to issue a license for a hydroelectric project, the Commission must determine that the project would be best adapted to a comprehensive plan for improving or developing a waterway. In addition to the power and developmental purposes for which licenses are issued (such as flood control, irrigation, or water supply), the Commission must give equal consideration to the purposes of: (1) energy conservation; (2) the protection of, mitigation of damage to, and enhancement of fish and wildlife resources; (3) the protection of recreational opportunities; and (4) the preservation of other aspects of environmental quality. Issuing a new license for the Cross Power Project would allow GLH to continue to generate electricity at the projects for the term of the new licenses, making electric power from a renewable resource available to its customers. We prepared this environmental assessment (EA) in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA),<sup>2</sup> the Council on Environmental Quality (CEQ) regulations for implementing NEPA<sup>3</sup>, and the Commission's implementing regulations.<sup>4</sup>

In this EA, we assess the environmental and economic effects of: (1) continued project operation and maintenance as proposed by GLH (proposed action), (2) the proposed action with additional or modified measures (staff alternative), and (3) no action. The primary issues associated with relicensing the project are recreational and cultural resources.

### **1.2.2 Need for Power**

The Cross Power Project provides hydroelectric generation to meet part of the region's power requirements, resource diversity, and capacity needs. The Cross Power Project has a generating capacity of 3.22 MW and generates approximately 13,175 MWh per year.

To assess the need for power, we look at the needs in the operating region in which the project is located. The North American Electric Reliability Corporation (NERC) annually forecasts electrical supply and demand nationally and regionally for a 10-year period. The Cross Power Project is located within the Northeast Power Coordinating Council's New England region (NPCC-New England) of the NERC. According to NERC's 2023 Long-Term Reliability Assessment, the net internal demand for this region is projected to increase annually by about 1.32% from 2024 to 2033. The anticipated reserve margin (i.e., the primary metric used to evaluate the adequacy of projected generation resources to serve forecasted peak load) is expected to range from 9.2% in 2033 to 27.2% in 2025. The New England region is forecasted

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<sup>2</sup> National Environmental Policy Act of 1969, amended (Pub. L. 91-190, 42 U.S.C. §§ 4321–4347, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, Pub. L. 97-258, §4(b), September 13, 1982, Pub. L. 118-5, June 3, 2023).

<sup>3</sup> 40 C.F.R. Parts 1500-1508 (2023).

<sup>4</sup> 18 C.F.R. Part 380.

to meet NPCC-New England’s reference reserve margin from 2024 to 2033, which ranges from 10.0% in 2030 to 12.9% in 2024 (NERC, 2023).

Power from the Cross Power Project would continue to help meet the need for power in the NPCC-New England region. The project provides power that can displace generation from non-renewable sources and contributes to a diversified generation mix. Displacing the operation of non-renewable facilities may avoid some power plant emissions, thus creating an environmental benefit.

### 1.3 STATUTORY AND REGULATORY REQUIREMENTS

The licensing process for the Cross Power Project is subject to numerous requirements under the FPA and other applicable statutes. The major regulatory and statutory requirements are described in Appendix A.

### 1.4 PUBLIC REVIEW AND COMMENT

The Commission’s regulations (18 Code of Federal Regulations [C.F.R.], (18 C.F.R. §§ 5.1-5.16) require that an applicant consult with appropriate resource agencies, tribes, and other entities before filing an application for a license. This consultation is the first step in complying with the Fish and Wildlife Coordination Act, Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and other federal statutes. Pre-filing consultation must be complete and documented according to the Commission’s regulations.

#### 1.4.1 Scoping

Before preparing this EA, we conducted scoping for the Cross Power Project to determine what issues and alternatives should be addressed. We issued an initial scoping document (SD1) requesting written comments on September 18, 2019. It was noticed in the *Federal Register* on September 24, 2019<sup>5</sup> The following entities filed comments on SD1:

<u>Commenting Entity</u>	<u>Date Filed</u>
Appalachian Mountain Club	November 19, 2019
Katherine W. Stuart	November 20, 2019
New Hampshire Department of Environmental Services	November 22, 2019
Pamela Laflamme	November 22, 2019
National Park Service	November 25, 2019
Edith Tucker	November 27, 2019

A revised scoping document (SD2), addressing these comments was issued on January 2, 2020.

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<sup>5</sup> 84 Fed. Reg. 50,030 (Sept. 24, 2019)

#### 1.4.2 Interventions

On July 26, 2023, the Commission issued a notice accepting the license application and setting September 25, 2023, as the deadline for filing protests and motions to intervene. The following entities filed motions to intervene (none in opposition to the project):

<u>Entity</u>	<u>Date Filed</u>
City of Berlin	September 22, 2023
Town of Gorham	September 22, 2023

#### 1.4.3 Comments on the Application

The July 26, 2023, notice also solicited comments, recommendations, terms and conditions, and prescriptions. The following entities filed comments, recommendations, and prescriptions:

<u>Entity</u>	<u>Date Filed</u>
U.S. Fish and Wildlife Service - New England Field Office	September 11, 2023
U.S. Department of the Interior - Office of Environmental Policy and Compliance <sup>6</sup>	September 20, 2023

#### 1.4.4 Comments on the Draft Environmental Assessment

Commission staff issued its draft EA (DEA) for the relicensing of the Cross Power Hydroelectric Project on May 23, 2024.<sup>7</sup> Comments on the DEA were due by June 24, 2024.<sup>8</sup> The following entities filed comments on the DEA:

<u>Commenting Entity</u>	<u>Date Filed</u>
GLH	June 20, 2024
City of Berlin	June 25, 2024

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<sup>6</sup> Interior submitted the comments on behalf of the NPS.

<sup>7</sup> A notice was published in the *Federal Register* on May 30, 2024. 89 FR 46883.

<sup>8</sup> The notice established a 30-day period for filing comments. The Commission's Rules of Practice and Procedure provide that if a filing deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the filing deadline does not end until the close of business on the next business day. 18 C.F.R. § 385.2007(a)(2). Because the 30-day filing deadline fell on a weekend (i.e., June 22, 2024), the filing deadline was extended until the close of business on Monday, June 24, 2024.

Appendix K summarizes the comments that were filed, includes our responses to those comments, and indicates where we made modifications to the EA.

## **2.0 PROPOSED ACTION AND ALTERNATIVES**

### **2.1 NO-ACTION ALTERNATIVE**

Under the no-action alternative, the project would continue to operate under the terms and conditions of the current license, and no new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

#### **2.1.1 Existing Project Facilities**

The Cross Power Hydroelectric Project consists of a dam, impoundment, gatehouse, powerhouse, generation equipment, transmission line, and appurtenant facilities. The approximately 448-foot-long dam consists of: (1) a 63-foot-long concrete non-overflow section with a 6-foot-wide stoplog section on the eastern edge; (2) a 31.5-foot-long natural rock section; (3) a 39.5-foot-long concrete gravity section; (4) a 276-foot-long concrete spillway section at a crest elevation of 918.2 feet<sup>9</sup> topped with vertical flashboards to an elevation of 921.7 feet; and (5) a 38-foot-long stoplog section. The 124-foot-long gatehouse is integrated with the dam and contains the controls to five intake bays that control flow to each turbine. Each bay is equipped with a 21.6-foot-wide, 18.4-foot-high trashrack with 3-inch clear spacing per bay. At the eastern end of the gatehouse, a 50-foot-long concrete retaining wall extends to the eastern embankment. The dam creates an impoundment that has surface area of 22 acres and a length of 3,200 feet at a normal headwater elevation of 921.7 feet.

The powerhouse is a concrete substructure with brick superstructure that measures approximately 47 feet by 146 feet, with an addition on the downstream shore side that measures approximately 50 feet by 47 feet. The powerhouse contains five propeller turbines and five horizontal generators. Units 1-4 are Allis-Chalmers horizontal propeller units and each have a capacity of 490 cfs and a rating of 950 horsepower (hp). Unit 5 is an American Hydro horizontal double propeller that has a capacity of 640 cfs and a rating of 1,160 hp. The minimum and maximum hydraulic capacities of the project are 250 and 2,600 cfs respectively. Generating Units 1 through 3 have a power rating of 750 kVA, Unit 4 has a power rating of 700 kVA, and Unit 5 has a power rating of 900 kVA. The generating units have a combined installed capacity of 3.22 MW.

A 50-foot-long tailrace at an elevation of 901.7 feet returns flow from the powerhouse to the Androscoggin River. The project does not have a bypassed reach. A 20-foot-long, 11.5-kV transmission line transmits power from the powerhouse to a 3,750 kVA transformer located

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<sup>9</sup> All elevations in this document are based on the National Geodetic Vertical Datum of 1929 (NGVD29).

adjacent to the eastern side of the powerhouse. Power is then provided through the GLH's distribution system to the Cascade Mill or to the ISO-NE grid.

The project does not provide any Commission-required recreation facilities. However, in accordance with the requirements of its current license and a Comprehensive Recreation Management Plan<sup>10</sup> that was filed with the Commission on March 1, 1995,<sup>11</sup> GLH installed and maintains access signs at the Cross Informal fishing area. An informal boat launch is located approximately 800 feet downstream of the Cross dam on river right<sup>12</sup> that provides access to the Androscoggin River.

### **2.1.2 Current Project Boundary**

The current project boundary encloses approximately 23.7 acres of land (figure 1) and includes the project facilities listed above in section 2.1.1. The project does not occupy federal land.

### **2.1.3 Project Safety**

The Cross Power Project has been operating under the current license issued in 1994. During this time, Commission staff has conducted operational inspections focusing on the continued safety of the structures, identification of unauthorized modifications, efficiency, safety of operations, compliance with the terms of the license, and proper maintenance. In addition, the project has been inspected and evaluated every 5 years by an independent consultant, and a consultant's safety report has been submitted for Commission review.

As part of the relicensing process, Commission staff will evaluate the continued adequacy of the proposed project facilities under a new license. Special articles will be included in any license issued, as appropriate. Commission staff would continue to inspect the project during the new license term to assure continued adherence to Commission-approved plans and specifications, special license articles relating to construction (if any), operation and maintenance, and accepted engineering practices and procedures.

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<sup>10</sup> The Comprehensive Recreation Management Plan can be accessed online at [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_number=19950306-0360&optimized=false](https://elibrary.ferc.gov/eLibrary/filelist?accession_number=19950306-0360&optimized=false). The plan covers recreation facilities at the Sawmill Project (FERC No. 2422), Shelburne Project (No. 2300), Cascade Project (No. 2327), Upper Gorham Project (No. 2311), and the Cross Power Project.

<sup>11</sup> On February 13, 1997, the Commission approved the 1995 Comprehensive Recreation Management Plan.

<sup>12</sup> References to river right and river left are looking downstream from the dam.

## **2.1.4 Current Project Operation**

The Cross Power project operates in a run-of-river mode, such that the water surface elevation within the project impoundment is maintained at the normal full pond elevation of 921.7 feet. The reservoir elevation is monitored by a reservoir level sensor. When river flow exceeds the station capacity, the excess flow spills over the dam. The National System Control Center (NCSS) monitors the generation, headwater levels, and river flow 24 hours per day, seven days a week. Water flow is continuously monitored, and unit operations are adjusted accordingly. NCSS controls unit output by gate adjustment. When river flow reaches 1,000 cfs, two units are activated. At 1,500 cfs, three units come online. At 2,000 cfs, four units are put into operation, and at 2,500 cfs, all 5 units are engaged. The project had an average annual energy production value of approximately 13,175 MWh from 2016 to 2021.

## **2.2 GLH'S PROPOSAL**

### **2.2.1 Proposed Operation and Environmental Measures**

GLH does not propose any new development or changes in project operation from its current license.

GLH proposes to:

- Continue to operate as a run-of-river facility by maintaining the impoundment level at 921.7 feet such that, at any point in time, the sum of all outflows from the project approximates the sum of all inflows to the project.
- Develop and implement an Operations Compliance Monitoring Plan to ensure compliance with any new license issued.
- Develop a hand carry boat access to the impoundment at the existing site on river left used by GLH to install and remove the boat barrier on river right, convert the site to a public facility that would be open from dawn to dusk when the boat barrier is in place, and control access by installing a new gate across the access road leading to the hand carry boat access that would be open when the boat barrier is in place.
- Modify the area known as Glenside Park or Cross Informal Access Area on river right by installing a gate and fencing along the slope to the tailrace and installing improved safety signage, such as "No Trespassing," "Unsafe Due to Steep Embankment," and "Unsafe at High Flows."
- Continue to provide public access to project reaches.
- Revise the 1995 Comprehensive Recreation Management Plan to include the following measures: (1) develop a hand carry boat access to the impoundment at the existing site used by GLH on river left to install/remove the boat barrier on river right and convert the site to public facility that would be open from dawn to dusk when the boat barrier is in place and control access by installing a new gate across the access road leading to the launch that would be open when the boat barrier is in place; (2) modify the area known as Glenside Park or Cross Informal Access Area on river right by installing a gate and fencing along the slope to the tailrace and installing improved safety signage, such as No

Trespassing,” “Unsafe Due to Steep Embankment,” and “Unsafe at High Flows;” and (3) maintain the Cross informal access area.<sup>13</sup>

- Develop and implement a Historic Properties Management Plan (HPMP) for continued protection of historic properties, in consultation with the New Hampshire State Historic Preservation Officer.

### **2.3 STAFF ALTERNATIVE**

Under the staff alternative, any new license would require GHL’s proposed measures described above in section 2.2.1, except for revising the Comprehensive Management Plan for all of GLH’s projects on the Androscoggin River. The staff alternative also includes the following additional measures:

- Avoid removing and trimming trees  $\geq 3$  inches in diameter at breast height (dbh) from April 15 through October 31 to protect northern long-eared and tri-colored bats, unless the trees represent a public safety hazard.
- Develop a project-specific Recreation Management Plan (rather than revising the comprehensive plan) that includes GLH’s proposed measures, a description of the signage that would be installed, and an implementation schedule and revise the project boundary to include the proposed hand carry boat access and Cross Informal Access Area as project recreation facilities.

### **2.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS**

Certain alternatives to GLH’s proposal were considered but eliminated from further analysis because they are not reasonable in this case. These alternatives are discussed in Appendix B.

## **3.0 ENVIRONMENTAL ANALYSIS**

This section includes a general description of the project’s vicinity and our analysis of the proposed action and other recommended environmental measures. Tables and Figures that are referred to in this section can be found in Appendix C. Sections are organized by resource area, with historical and current conditions described first. The existing condition is the baseline against which the environmental effects of the proposed action and alternatives are compared, including an assessment of the effects of proposed mitigation, protection, and enhancement

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<sup>13</sup> Also referred to as Glenside Park. The access area currently contains a parking area, safety signage, an information kiosk, and a viewing area of the river and the project.

measures. Staff conclusions and recommended measures are discussed in Appendix F, *Comprehensive Development and Recommended Alternative*.<sup>14</sup>

### **3.1 GENERAL DESCRIPTION OF THE RIVER BASIN**

The Androscoggin River begins in northwestern Maine at Umbagog Lake, crosses into northern New Hampshire, then re-enters Maine near Bethel, eventually joining the Kennebec River at Merrymeeting Bay in coastal Maine. The Androscoggin River drops 1000-feet from its headwaters to the Atlantic Ocean, with an average descent of 8-feet per mile. The watershed has a total drainage area of 3,450-square-miles, with 720-square-miles of drainage in New Hampshire. Flows in the Androscoggin River are regulated by large predominately storage reservoirs upstream of Umbagog Lake: Kennebago, Mooselookmeguntic, Upper and Lower Richardson, and Aziscohos. There are eight hydroelectric projects including the Cross Power Project within an 11-mile-long reach of the river between Berlin and Shelburne, New Hampshire that are seeking new licenses concurrently (hereafter referred to as the Androscoggin Projects).<sup>15</sup> The Androscoggin River Basin contains over 200 dams, most of which are on various tributaries to the mainstem.

### **3.2 SCOPE OF CUMULATIVE EFFECTS ANALYSIS**

According to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (40 C.F.R., § 1508.7), a cumulative effect is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over time, including hydropower and other land and water development activities.

Based on our review of the license application and agency and public comments, we have not identified any resources that may be cumulatively affected by the proposed operation and maintenance of the Cross Power Project. During scoping no entity identified any resources that would be cumulatively affected by licensing the Cross Power Project or any of the other 7 projects that are concurrently undergoing relicensing. This is because the projects are operated run-of-river, water quality is good and much improved over historic conditions, the projects are above anadromous fish barriers, and there are no other actions occurring in the basin that would affect these resources. Therefore, cumulative effects are not considered further in the EA.

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<sup>14</sup> Unless noted otherwise, the source of our information is the final license application filed on August 1, 2022, and supplemented on July 10, 2023, and July 14, 2023.

<sup>15</sup> Relicense applications on the upper Androscoggin River pending before the Commission include CRP's J. Brodie Smith (P-2287) and Gorham (P-2288) Hydroelectric Projects, and Great Lakes Hydro America LLC's Shelburne (P-2300), Upper Gorham (P-2311), Cross Power (P-2326), Cascade (P-2327), Sawmill (P-2422), and Riverside (P-2423) Hydroelectric Projects.

### **3.3 PROPOSED ACTION AND ACTION ALTERNATIVES**

In this section, we discuss the effects of the project alternatives on environmental resources. For each resource, we first describe the affected environment, which is the existing condition and baseline against which we measure effects. We then discuss and analyze the environmental effects of the project alternatives.

Only the resources that would be affected are addressed in this EA. We have not identified any substantive issues related to geology and soils, land use, or aesthetic resources associated with the proposed action, and therefore, these resources are not addressed in this EA. We also consider the effects of the project on environmental justice communities. We present our recommendations in Appendix F, *Comprehensive Development and Recommended Alternative*.

#### **3.3.1 Aquatic Resources**

##### **3.3.1.1 Affected Environment**

###### ***Water Quantity***

Five large water storage reservoirs (Rangeley, Aziscohos, Upper and Lower Richardson Lakes, Mooselookmeguntic, and Umbagog) in the Upper Androscoggin watershed are operated to maintain a target flow of 1,550 cfs at Berlin, NH, year-round. The system has a combined storage capacity of approximately 644,000 acre-feet. Flow regulation occurs at the Errol Hydroelectric Project (FERC No. 3133), which impounds Lake Umbagog, approximately 30 river miles upstream of the Androscoggin Projects.

River flow data for the Cross Power Project was obtained from USGS gage #01054000 (Androscoggin River near Gorham, New Hampshire). The drainage area at the USGS gage is approximately 1,361 square miles. The data from the USGS gage are considered representative of the flows throughout the project area.

Annual and monthly river flows for the Androscoggin River at USGS gage #01054000 from January 1, 1991, to December 31, 2020, are provided in Table 1. Annual average, minimum, and maximum flows are estimated to be 2,805 cfs; 780 cfs; and 19,900 cfs, respectively. The maximum monthly average flow (4,751 cfs) is typically in April and the minimum monthly average flow is typically in September (1,840 cfs). The maximum recorded daily average flow (19,900 cfs) occurred on April 1, 1998, and the minimum daily average flow (780 cfs) occurred on September 4, 2015.

The Androscoggin River in the area of the projects is used for hydroelectric power generation, recreation, wastewater assimilation, and aquatic and wildlife habitat. There are no current or proposed water withdrawals or consumptive uses of water at any of the Androscoggin Projects.

## *Water Quality*

The Androscoggin River in the 11-mile stretch that includes the Androscoggin Projects (including the Cross Power Project) is classified by the state of New Hampshire as a Class B water. The designated uses of Class B surface waters in New Hampshire are aquatic life, fish consumption, potential drinking water supply, swimming and other recreation in and on the water, and wildlife. Class B waters are “considered acceptable for fishing, swimming and other recreational purposes, and, after adequate treatment, for use as water supplies” (NHDES 2020). Water quality criteria for Class B waters in New Hampshire are provided in Table 2.

### 2020 Water Quality Study

As a part of the re-licensing process, GLH completed a comprehensive water quality study throughout the 11-mile-long multi-project area during late June to October 2020. The goals of the study were to collect contemporary data to evaluate the spatial and temporal effects of operation of the Cross Power Project on water quality in the Androscoggin River and to assess compliance with New Hampshire water quality standards. The objectives of the study were to: (1) collect dissolved oxygen (DO), water temperature, pH, nutrients, chlorophyll-a, and Secchi disk data at the deepest spot in the project impoundment; and, (2) collect DO, water temperature, and pH in a riverine reach upstream of the impoundment, in the bypassed reach of the project (if applicable), in the tailrace of the project, and downstream of the tailrace and bypass reach confluence at the project (if applicable).

The average DO concentration, DO percent saturation, water temperature, and pH were similar at the three sampling sites (Table 6). The water temperature at the Cross Project was similar to the Sawmill and Riverside projects, located upstream and downstream the Cross Project. The water temperature ranged from 13.1°C- to 25.2°C in the impoundment and tailrace and from 13.3 °C to 26.2 °C upstream of the impoundment.

The DO concentration and daily average DO percent saturation were above the Class B standards throughout the entire monitoring period at the Cross Project. DO ranged from 7.7 mg/L to 11.0 mg/L. The DO percent saturation ranged from 84.9 percent to 110.6 percent. The daily average DO percent saturation ranged from 93.7 percent to 109.4 percent.

pH was within the limits of the standard throughout the study in the impoundment and upstream of the impoundment. pH was between the limits of the standard during 99.5 percent of the study period in the Cross tailrace.

In the Cross Impoundment, the water temperature varied by 0.1°C or less throughout the water column during each vertical profile demonstrating that the impoundment did not thermally stratify and was well mixed. The average temperature in the water column ranged from 17.0°C on September 17 to 24.6°C on August 13. The DO concentration and percent saturation were also uniform throughout the water column varying by 0.1 mg/L and 0.7 percent saturation in each profile. The average DO concentration ranged from 7.9 mg/L on August 13 to 9.9 mg/L on September 17; DO was above the 5 mg/L standard for Class B waters. The average DO percent saturation ranged from 94.9 percent on August 20 to 105.7 percent on September 1

## ***Fisheries Resources***

Historically, the upper Androscoggin River near Berlin, New Hampshire, was heavily polluted due to point source discharges from municipal, paper mill, and textile effluents (Inglis et al. 2014, Yoder et al. 2006a, Boucher 1997). Pollution from point source discharges, dams, timber drives, land use practices, non-native fish species, and over-fishing all contributed to a decline in the quality of the fishery (AMC 2003, Boucher 1997). Improvements to water quality since the 1970s resulting from regulations, new municipal and industrial treatment facilities, and the establishment of more stringent water quality standards have allowed the reach of the river between Berlin and Shelburne (i.e., near the GLHA NH Projects) to improve as a recreational and ecological resource (Inglis et al. 2014). However, NHDES continues to recommend that fish from Berlin, New Hampshire, to the Maine border do not get consumed because of elevated dioxin and mercury levels resulting from past industrial discharges (NHDES 2021).

The upper Androscoggin River supports approximately 30 species of fish, a quarter of which are non-native (AMC 2003). Angling for salmonids is bolstered by trout stocking and wild reproduction in the upper watershed and within tributaries. Cold water inflow from tributaries and regulated water releases from upper storage reservoirs enhances coldwater fisheries habitat in the main stem of the Androscoggin River. The Midwest Biodiversity Institute (MBI) sampled 51 sites in the Androscoggin River in 2003 to document the spatial distribution and relative abundance of fish in large, non-wadeable river systems of the northeastern United States (Yoder et al. 2006a). MBI electrofished nine 0.6-mile-long reaches within or near GLHA's six hydropower projects in the upper Androscoggin River (Figure 1), collecting 3,378 fish representing 18 species (Table 1). MBI's overall catch was dominated by common fish species from the northeastern United States, including fallfish (30.6 percent), smallmouth bass (26.3 percent), white sucker (14.9 percent), and longnose dace (10.7 percent); common shiner (6.4 percent) and spottail shiner (4.2 percent) were also relatively abundant.

Other species, such as rainbow trout, bullhead, and yellow perch were less common (i.e., less than or equal to 2 percent of the total catch). Smallmouth bass and white sucker were the most common species in riverine segments; smallmouth bass and fallfish were the most common species in the impounded segments (Yoder et al. 2006a). Rainbow trout and brown trout were present but not predominant. Species richness ranged from 5 to 12 in sampled reaches. Maine DIFW reports that burbot and chain pickerel also occur in the upper Androscoggin River (Brautigam and Pellerin 2014).

### **3.3.1.2 Environmental Effects**

#### **Run-of-River Operation and Impoundment Levels**

Flow fluctuations during the operation of hydropower projects can affect shoreline littoral and riverine habitat in impoundments and downstream reaches by exposing them to periodic dewatering, making them unsuitable for aquatic biota. Flow fluctuations can also increase erosion of project shorelines, particularly in a project's reservoir.

GLH proposes to continue operating the project as a run-of-river facility by maintaining the impoundment level at 921.7 feet such that, at any point in time, the sum of all outflows from the project approximates the sum of all inflows to the project.

#### *Staff Analysis*

Continuing to operate the project in run-of-river mode would continue to minimize fluctuations in the project impoundment and in the Androscoggin River downstream of the project. Maintaining stable impoundment levels would continue to protect shoreline habitat and fish and other aquatic organisms that rely on near-shore habitat in the impoundment for spawning, foraging, and cover. Minimizing flow fluctuations downstream of the project would also continue to protect aquatic habitat and minimize fish stranding potential. Water quality parameters such as temperature and DO would remain consistent with current conditions.

### **Operations Compliance Management Plan**

GLH proposes to develop and implement an updated Operations Compliance Plan to confirm the project is operated in compliance with a new FERC license. GLH did not provide additional details as to the content of the plan.

#### *Staff Analysis*

It is essential that a licensee be able to demonstrate compliance with all operational requirements of a project. Compliance with the proposed run-of-river operation and proposed minimum flow releases could be achieved through the development and implementation of an over-arching operation compliance monitoring plan. This plan would detail how GLH plans to monitor compliance with the operational requirements of any license that may be issued. This plan would also detail how GLH would notify both the Commission and resource agencies of any non-compliance events.

## **3.3.2 Terrestrial Resources**

### **3.3.2.1 Affected Environment**

The project is surrounded by low density residential and commercial development within the town of Berlin, NH, with a small number of wetlands and riparian forest along the riverbank. Riparian soils within the bottom of the small floodplain are sandy and well drained. The surrounding hillsides are composed of mixed deciduous and evergreen forest, which remain largely undeveloped apart from logging roads.

Bald eagles have been observed nearby, and while no recent wildlife survey results are available for the project area, white-tailed deer, moose, and a variety of smaller mammals likely occur. Other avian and herpetofauna are also likely to be present near the river.

In 2020, a botanical survey was conducted within the project boundary which recorded 167 species, none of which were categorized as rare, threatened, or endangered. Seven invasive

plant species were found during the survey at low to moderate densities. There is no evidence that terrestrial invasive species are currently affecting project operation or other environmental resources.

### **3.3.2.2 Environmental Effects**

Flow fluctuations during operation of hydropower projects can affect wetland and riparian habitats by exposing them to periodic water level changes, decreasing the area of such habitat and its value to wildlife. The applicant proposes to continue to operate the project in a run-of-river mode with inflow approximating outflow. No recommended measures for terrestrial resources were made by licensing participants or GLH.

#### *Staff Analysis*

There is no evidence in the project record that the current operational mode adversely affects wildlife habitat. Operating the project in a run-of-river mode would minimize effects to riparian habitat both upstream and downstream of the project. Project operations involving small fluctuations to flow in the river downstream of the powerhouse are not expected to result in large-scale changes in the composition, structure, or function of existing riparian plant and animal communities. Therefore, continuing current operational procedures would maintain existing terrestrial habitat upstream and downstream of the project.

### **3.3.3 Threatened and Endangered Species**

On April 10, 2024, staff used the U.S. Fish and Wildlife Service's (FWS's) Information for Planning and Consultation (IPaC) database to determine whether any federally listed species could occur in the vicinity of the project.<sup>16</sup> According to the IPaC database, the threatened Canada lynx, the endangered northern long-eared bat (NLEB), the proposed endangered tricolored bat, and the candidate monarch butterfly may occur within the project boundary or be affected by the project. Effects on threatened and endangered species are discussed in Appendix D, *Biological Assessment* (BA). In the BA, staff conclude that relicensing the project as proposed with the staff-recommended measure for tree-cutting restrictions from April 15 through October 31, may affect, but is not likely to adversely affect the NLEB. Similarly, we conclude that relicensing the project with tree-cutting restrictions from April 15 through October 31 is not likely to jeopardize the continued existence of the tricolored bat and is not likely to adversely affect this species. We also conclude that the project will have no effect on the Canada lynx and the monarch butterfly.

### **3.3.4 Recreation Resources**

#### **3.3.4.1 Affected Environment**

The project is located within the Androscoggin Valley in the Great North Woods region of New Hampshire. This region is known for its open wilderness, hiking trails, mountain peaks,

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<sup>16</sup> See FWS, IPaC, <https://ecos.fws.gov/ipac/> (last visited April 10, 2024).

and scenic views. The White Mountain National Forest and the Presidential Range of the White Mountains are south and west of the project. State parks within the White Mountain National Forest include Mount Washington State Park, Crawford Notch State Park, and Franconia Notch State Park. Over 100 miles of the Appalachian Trail pass through the White Mountains (ATC, 2024).

The Presidential Rail Trail is a popular 18-mile hike between the town of Gorham and the northern border of the White Mountains; opportunities for horseback riding, biking, snowmobiling, cross-country skiing, and scenic and wildlife viewing are also available along the trail (NHDNCR, 2024a). Popular destinations within approximately 30 miles of the project include the New Hampshire towns of Littleton, Bethlehem, Jefferson, Lancaster, Conway, and Gorham, as well as Bethel, Maine. Several state parks are located close to the project (Jericho Mountain State Park, Moose Brook State Park, Milan Hill State Park, Mt. Washington State Park, Umbagog Lake State Park, and the Nansen Wayside Park), which provide opportunities for camping, swimming, fishing, hiking, biking, picnicking, scenic viewing, boating, canoeing, kayaking, horseback riding, snowmobiling, and snowshoeing (NHDNCR 2024b, c, d).

There are no required project recreation facilities. The Recreation Use and Facility Assessment Study Report filed April 12, 2023, includes the results of a comprehensive recreation use and assessment study at 14 public access sites along the Androscoggin River in Berlin, Gorham, and Shelburne, New Hampshire, between May 15 and September 15, 2022. Components of the study included a facility inventory, spot counts, user surveys, and consultation with agencies and stakeholders. The report included an assessment of the Cross informal access area. The Cross informal access area, also referred to as Glenside Park, is located downstream of Cross dam off Route 16 on river right and is not currently located within the project boundary; however, the site is currently owned and maintained by GLH. The site is unstaffed and open year-round. An approximately 60-foot by 70-foot gravel parking area provides space for approximately 12 vehicles. The site provides scenic viewing of the Androscoggin River and the Cross Project, informal shoreline fishing access, safety signage, and informational signage regarding the hydroelectric project. The assessment found the parking area and signage in good condition.

#### **3.3.4.2 Environmental Effects**

GLH proposes to develop with limited grading and gravel, a hand-carry boat access area to the impoundment at the site it uses to install/remove the project boat barrier. To convert the GLH access site to a public facility, GLH would install a gate along the access route. The gate would be locked, and a sign posted that states that the site is closed when the boat barrier is not installed. The site would be open from dawn to dusk when the boat barrier is in place. GLH also proposes to add safety signage downstream of the dam to warn anyone on the water of the powerhouse and potentially changing flows.

In addition, GLH proposes to modify the Cross informal access by installing (1) a gate that extends between the existing wooden fence and guard rail by the road, (2) installing fencing along the slope river left below the dam, and (3) installing improved safety signage, such as “No Trespassing,” “Unsafe Due to Steep Embankment,” and “Unsafe at High Flows.” GLH would continue to maintain the site which includes parking area, safety signage, an information kiosk,

and a viewing area. According to GLH, the gate and fencing will not physically preclude pedestrian access towards the dam which is used by fishermen, but is intended to minimize the potential for motorized access.

No one recommended any recreation measures in response to the Commission's ready for environmental analysis notice.

### *Staff Analysis*

GLH installs a floating boat barrier across the Androscoggin River annually from June 15 through September 15 to keep recreational boaters from approaching the project intake. Providing the public dawn to dusk access via a hand-carry launch when the boat barrier is installed as proposed by GLH would provide more opportunities to safely access the Androscoggin River during the summer recreating season.

The facilities at the Cross Informal Access are lightly used and adequate to meet current and future recreation demands as long as they are properly maintained. GLH's proposed fencing, gate, and signage should not impede public access, but would improve public safety. However, signage stating "no trespassing" could confuse users into believing that access was prohibited unless properly sited.

GLH currently owns and maintains the access to the impoundment and the Cross Informal Access Area. Continuing to provide and maintain the facilities would ensure that adequate recreation is provided at the project. The 1995 Comprehensive Recreation Plan has become dated in that it includes measures that are no longer required (i.e., monitoring via the FERC Form 80) and covers all of GLH's projects on the Androscoggin River in New Hampshire. While revising the 1995 Comprehensive Recreation Plan to include GLH's proposed enhancement measures would provide for a coordinated management of all of GLH's proposed recreation facilities, it could make administering the license difficult if the project was sold and the license transferred to another entity.

## **3.3.5 Cultural Resources**

### **3.3.5.1 Affected Environment**

Section 106 of the National Historic Preservation Act (NHPA) requires that the Commission take into account the effects of its actions on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.<sup>17</sup> Historic properties are those that are listed or eligible for listing in the National Register of Historic Places (National Register). The regulations implementing section 106 of the

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<sup>17</sup> An undertaking means "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval." 36 C.F.R. § 800.16(y). Here, the undertaking is the potential issuance of a new license for the Cross Power Project.

NHPA also require that the Commission seek concurrence with the State Historic Preservation Office (SHPO) on any finding involving effects or no effects on historic properties and consult with interested Native-American Tribes that attach religious or cultural significance to historic properties that may be affected by an undertaking. In this EA, we also use the term “cultural resources” for properties that have not been determined eligible for listing in the National Register. Cultural resources represent things, structures, places, or archaeological sites that can be either prehistoric or historic in origin. In most cases, cultural resources less than 50 years old are not considered historic.

On September 18, 2019, the Commission designated GLH as the non-federal representative for carrying out day-to-day consultation regarding the licensing efforts, pursuant to section 106 of the NHPA. However, the Commission remains largely responsible for all findings and determinations regarding the effects of the project on any historic property.

### **Area of Potential Effects (APE)**

Pursuant to section 106 of the NHPA, the Commission must take into account whether any historic property could be affected by the issuance of a license within a project’s area of potential effects (APE). The APE is determined in consultation with the SHPO and is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alternation in the character or use of historic properties, if any such properties exist. The APE for this project includes all lands within the current project boundary, which encompasses project structures, land necessary for project operations, and the impoundments to the normal water surface elevation. The New Hampshire SHPO concurred on the APE in a letter dated July 7, 2022.<sup>18</sup>

### **Previous Cultural Investigations**

Archaeological assessments in the project area were conducted in 1987 and 1988. The 1987 Phase 0 archaeological survey area for this project extended from Cross Station dam north to approximately the junction of Glen Avenue and Main Street. The survey report concluded that the Cross Power Project area has no prehistoric archaeological potential and there are no known archaeological resources within the project boundary.

The project dam, gatehouse, powerhouse, and gatehouse machinery were previously determined eligible for National Register of Historic Places listing.

There are no Native American lands, known Native American TCPs or religious properties, or NRHP-eligible or -listed sites associated with Native American Nations within the project boundary or which would likely be affected by the relicensing.<sup>19</sup>

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<sup>18</sup> A copy of the letter was filed with the Commission on October 11, 2022.

<sup>19</sup> Commission staff did not identify Tribes with potential interest in the project.

### 3.2.5.2 Environmental Effects

GLH does not propose any new construction, ground disturbing activities, or changes to project operation or maintenance, except for improvements to the recreation area which is not expected to require any ground-disturbing activities. GLH proposes to develop and implement a HPMP in consultation with the New Hampshire SHPO, for the continued protection of existing and potential cultural resources.<sup>20</sup> GLH proposes to halt construction or development of project facilities if any previously unrecorded archaeological sites are discovered and consult with the New Hampshire SHPO to determine the significance of the sites and to develop a mitigation plan.

No entity filed comments or recommendations regarding the effects of the project on cultural resources.

#### *Staff Analysis*

Continued operation of the Cross Power Project would ensure that the project continues its historical function of generating electricity, which would be considered a beneficial effect. However, operating and maintaining the project throughout the term of any license could result in unanticipated adverse effects to the project dam, gatehouse, powerhouse, and gatehouse machinery, including repairs and modifications that, while necessary for the continued safe and efficient operation, are not in keeping with the project's historic character. The HPMP would contain measures to avoid, lessen, or mitigate for any adverse effects to historic properties during the term of any license, if issued. The HPMP, which would be developed after consultation with the New Hampshire SHPO, would contain treatment and mitigation measures for unavoidable and unanticipated adverse effects and a procedure for consulting with the appropriate parties. Therefore, any potential adverse effects of project operation and maintenance on project to historic properties would be addressed by the HPMP. An executed PA would implement the staff recommended HPMP.

### 3.3.6 Environmental Justice

In conducting NEPA review of proposed hydropower projects, the Commission follows Executive Order 12898 and Executive Order 14096, which direct federal agencies to identify, analyze, and address “disproportionate and adverse human health or environmental effects” of their actions on environmental justice communities.<sup>21</sup> Executive Order 14008 also directs agencies to develop “programs, policies, and activities to address the disproportionate and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such

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<sup>20</sup> GLH proposes to develop one HPMP that covers GLH projects to include (Upper Gorham (P-2311-067), Cross Power (P-2326-054), Cascade (P-2327-047), Sawmill (P-2422-058), Shelburne (P-2300-052), and Riverside (P-2423-031) Hydroelectric Projects.

<sup>21</sup> Exec. Order No. 12,898, 59 Fed. Reg. 7629 (Feb. 11, 1994); Exec. Order No. 14,096, 88 Fed. Reg. 25251 (April 21, 2023).

impacts.”<sup>22</sup> Environmental justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”<sup>23</sup> The term “environmental justice community” includes disadvantaged communities that have been historically marginalized and overburdened by pollution.<sup>24</sup>

Commission staff used *Promising Practices for EJ Methodologies in NEPA Reviews (Promising Practices)*<sup>25</sup> which provides methodologies for conducting environmental justice analyses throughout the NEPA process for this project. Additionally, consistent with EPA recommendations, Commission staff used EPA’s Environmental Justice Screening and Mapping Tool (EJScreen) as an initial screening tool to better understand locations that require further review or additional information regarding minority and/or low-income populations; potential environmental quality issues; environmental and demographic indicators; and other important factors.<sup>26</sup>

Consistent with *Promising Practices*, and Executive Orders 12898 and 14096, we reviewed the project to determine if its resulting impacts would be disproportionate and adverse

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<sup>22</sup> Exec. Order No. 14,008, 86 Fed. Reg. 7619, 7629 (Jan. 27, 2021).

<sup>23</sup> See EPA, EJ 2020 Glossary (Feb. 2024) <https://www.epa.gov/system/files/documents/2024-02/ej-2020-glossary.pdf>. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies. *Id.* Meaningful involvement of potentially affected environmental justice community residents means: (1) people have an appropriate opportunity to participate in decisions about a proposed activity that may affect their environment and/or health; (2) the public’s contributions can influence the regulatory agency’s decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected. *Id.*

<sup>24</sup> Environmental justice communities include, but may not be limited to minority populations, low-income populations, or indigenous peoples. See EPA, EJ 2020 Glossary (Feb. 2024), <https://www.epa.gov/system/files/documents/2024-02/ej-2020-glossary.pdf>.

<sup>25</sup> Federal Interagency Working Group on Environmental Justice & NEPA Committee, *Promising Practices for EJ Methodologies in NEPA Reviews* (Mar. 2016) (*Promising Practices*), [https://www.epa.gov/sites/default/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf).

<sup>26</sup> EPA, *Purposes and Uses of EJScreen* (Jan. 9, 2024), <https://www.epa.gov/ejscreen/purposes-and-uses-ejscreen> (“Screening tools should be used for a ‘screening-level’ look. Screening is a useful first step in understanding or highlighting locations that may be candidates for further review.”).

on minority and low-income populations and also whether impacts would be significant.<sup>27</sup> *Promising Practices* provides that agencies can consider any of a number of conditions in this determination and the presence of any of these factors could indicate a potential disproportionate and adverse impact.<sup>28</sup> For this project, a disproportionate and adverse effect on an environmental justice community means the adverse effect is predominantly borne by such population. Relevant considerations include the location of project facilities and the project's human health and environmental impacts on identified environmental justice communities, including direct, indirect, and cumulative impacts.

### 3.3.6.1 Meaningful Engagement and Public Involvement

In addition to the information provided above, the Council on Environmental Quality's (CEQ) Environmental Justice Guidance Under the National Environmental Policy Act (CEQ, 1997) and *Promising Practices* recommend that federal agencies provide opportunities for effective community participation in the NEPA decision-making process by, identifying potential effects and mitigation measures in consultation with affected communities; improving accessibility of public meetings, crucial documents, and notices; and using adaptive approaches to overcome potential barriers to effective participation. In addition, Executive Orders 13985 and 14096, strongly encourage independent agencies to "consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs,"<sup>29</sup> and "provide opportunities for the meaningful engagement of persons and communities with environmental justice concerns who are potentially affected by Federal activities."<sup>30</sup>

The opportunities for public involvement during the Commission's review process are described in section 1.4, *Public Review and Comment*.

All documents that form the administrative record for this proceeding, with the exclusion of privileged or critical energy infrastructure information, are available to the public electronically on FERC's website (<https://elibrary.ferc.gov/eLibrary/search>). We recognize that not everyone has internet access or is able to file electronic comments. Anyone may comment to

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<sup>27</sup> An agency may determine that impacts are disproportionate and adverse, but not significant within the meaning of NEPA and in other circumstances an agency may determine that an impact is *both* disproportionate and adverse and significant within the meaning of NEPA. See *Promising Practices* at 33.

<sup>28</sup> There are various approaches for determining whether an impact will cause a disproportionate and adverse impact, and one recommended approach is to consider whether an impact would be "predominantly borne by minority populations or low-income populations." See *id.* at 44-46.

<sup>29</sup> Exec. Order No. 13985, 86 Fed. Reg. 7009, 7011 (Jan. 20, 2021).

<sup>30</sup> Exec. Order No. 14,096, 88, Fed. Reg. 252514 (Apr. 21, 2023).

FERC about the proceeding, either in writing or electronically.<sup>31</sup> All substantive environmental comments received prior to issuance of this EA have been addressed within this document. No entity provided comments or recommendations regarding the effects of the project on environmental justice communities in response to the Commission’s notice that the application was ready for environmental analysis.

### 3.3.6.2 Identification of Environmental Justice Communities

According to CEQ’s *Environmental Justice Guidance* and *Promising Practices*, minority populations are those groups that include: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. Following the recommendations set forth in *Promising Practices*, FERC uses the **50 percent** and the **meaningfully greater analysis** methods to identify minority populations. Using this methodology, minority populations are defined in this EA where either: (a) the aggregate minority population of the block groups in the affected area exceeds 50 percent; or (b) the aggregate minority population in the block group affected is 10 percent higher than the aggregate minority population percentage in the county. The guidance also directs low-income populations to be identified based on the annual statistical poverty thresholds from the U.S. Census Bureau. Using *Promising Practices*’ **low-income threshold criteria** method, low-income populations are identified as block groups where the percent low-income population in the identified block group is equal to or greater than that of the county. Here, Commission staff selected Coos County, New Hampshire, in which the project action is located, as the comparable reference community to ensure that affected environmental justice communities are properly identified. A reference community may vary according to the characteristics of the particular project and the surrounding communities.

Table 6 identifies the minority populations (by race and ethnicity) and low-income populations within New Hampshire, the county affected by the relicense application (Coos County, New Hampshire), and U.S. census block groups<sup>32</sup> within the vicinity of the project site. For this project, staff chose a 1-mile radius around the project boundary (figure 2). Staff determined that a 1-mile radius is sufficient to encompass and address any potential impacts that may arise from the proposed action given the limited scope of the proposed relicensing, including the concentration of project-related effects within the project boundary. To ensure we are using the most recent available data, we used U.S. Census American Community Survey as

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<sup>31</sup> The Office of Public Participation (OPP) provides members of the public, including environmental justice communities, landowners, Tribal citizens, and consumer advocates, with assistance in FERC proceedings—including navigating Commission processes and activities relating to the Project. For assistance with interventions, comments, requests for rehearing, or other filings, and for information about any applicable deadlines for such filings, members of the public are encouraged to contact OPP directly at 202-502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov) for further information.

<sup>32</sup> Census block groups are statistical divisions of census tracts that generally contain between 600 and 3,000 people. U.S. Census Bureau. 2023. Glossary: Block Group. Available online at: [https://www.census.gov/programs-surveys/geography/about/glossary.html#par\\_textimage\\_4](https://www.census.gov/programs-surveys/geography/about/glossary.html#par_textimage_4). Accessed February 2023.

the source for race and ethnicity data and poverty data at the census block group level.<sup>33</sup>

Within the study area, staff identified five census block group in which the populations qualify as environmental justice communities that met the threshold for low-income, and one census block group that met the threshold for both the low-income and minority population criteria.

### **3.3.6.3 Environmental Effects**

The actions and PM&E measures proposed by GLH are described in section 2.2, *Applicant's Proposal*, and staff's recommended alternative is described in section 2.3, *Staff Alternative*.

No entity provided comments or recommendations regarding the effects of the project on environmental justice communities in response to the Commission's notice that the application was ready for environmental analysis.

#### *Staff Analysis*

Staff evaluated the effects of continued project operation on aquatic resources, terrestrial resources, threatened and endangered species, recreation, and cultural resources in sections 3.3.1 through 3.3.5 above. GLH proposes no changes to project operations that would adversely affect environmental resources, including water supply, water quality, recreation, or fisheries. As discussed in section 3.3.1.2, *Aquatic Resources, Environmental Effects*, operating the project in a run-of-river mode would continue to maintain stable impoundment levels and minimize effects on environmental resources and land along the shoreline of the impoundment and downstream of the project.

Although the identified environmental justice communities are located within or immediately adjacent to the project boundary, impacts associated with construction of the recreation enhancements, as described in section 3.3.4.2, *Recreation Resources, Environmental Effects*, would be temporary and less than significant. The recreation improvements would benefit members of the environmental justice communities as well as other members of the public. Therefore, continued project operation would not result in substantive changes in the visual setting of the project area where the environmental justice community resides.

We conclude that re-licensing the Cross Power Project would not adversely affect residents of the identified environmental justice communities. In consideration of the limited scope of the proposed project, and the staff-recommended environmental protection and enhancement measures, the project would not result in a disproportionate and adverse impact on the environmental justice communities present within the project area.

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<sup>33</sup> U.S. Census Bureau, American Community Survey 2022 ACS 5-Year Estimates Detailed Tables, File# B17017, *Poverty Status in the Past 12 Months by Household Type by Age of Householder*, <https://data.census.gov/cedsci/table?q=B17017>; File #B03002 *Hispanic or Latino Origin By Race*, <https://data.census.gov/cedsci/table?q=b03002>.

#### 4.0 DEVELOPMENTAL ANALYSIS

In this section, we look at the project's use of the Androscoggin River for hydropower generation to see what effect various proposed or recommended environmental measures would have on the cost to operate and maintain the project and on the project's power generation. Under the Commission's approach to evaluating the economics of hydropower projects, as articulated in *Mead Corporation*,<sup>34</sup> the Commission compares the current cost to produce project power to an estimate of the cost to provide the same amount of energy and capacity<sup>35</sup> for the region using the most likely alternative source of power (cost of alternative power). In keeping with the policy described in *Mead Corporation*, our economic analysis is based on current electric power cost conditions and does not anticipate or estimate changes in fuel costs that could occur during a project's license term.

For each of the licensing alternatives, our analysis includes an estimate of: (1) the annualized cost of providing the individual measures considered in the EA; (2) the cost of the most likely alternative source of project power; (3) the total annual project cost (i.e., for construction, operation, maintenance, and environmental measures); and (4) the difference between the cost of the current alternative source of project power and the total annual project cost. Power and developmental costs for the Cross Power Project can be found in Table 5. A comparison of alternatives can be found in Appendix E.

If the difference between the cost to produce an equivalent amount of power from an alternative source and the total annual project cost is positive, the project produces power at a cost less than the cost of producing power from the most likely least-cost source of alternative power. If the difference between the alternative source of power's annual cost and the total annual project cost is negative, the project costs more to produce power than the cost to produce an equivalent amount of power from the most likely least-cost source of alternative power. This estimate helps support an informed decision concerning what is in the public interest with respect to a proposed license. However, project economics is only one of many public interest factors the Commission considers in determining whether, and under what conditions, to issue a license.

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<sup>34</sup> See *Mead Corp.*, 72 FERC ¶ 61,027 (1995). In most cases, electricity from hydropower would displace some form of fossil-fueled generation, in which fuel cost is the largest component of the cost of electricity production.

<sup>35</sup> We use the term "capacity benefit" to describe the benefit a project receives for providing capacity to the grid, which may be in the form of a dependable capacity credit or credit for monthly capacity provided.

## 5.0 CONCLUSIONS AND RECOMMENDATIONS

### 5.1 COMPREHENSIVE DEVELOPMENT AND RECOMMENDED ALTERNATIVE

Sections 4(e) and 10(a)(1) of the FPA require the Commission to give equal consideration to the power development purposes and to the purposes of energy conservation; the protection, mitigation of damage to, and enhancement of fish and wildlife; the protection of recreational opportunities; and the preservation of other aspects of environmental quality. Any license issued shall be such as in the Commission's judgment will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for all beneficial public uses. This section contains the basis for, and a summary of, our recommendations for licensing the Cross Power Project. We weigh the costs and benefits of our recommended alternative against other proposed measures.

Based on our independent review of agency and public comments filed on this project and our evaluation of the environmental and economic effects of the proposed action and its alternatives, we selected the staff alternative as the preferred alternative for the Cross Power Project. We recommend this alternative because: (1) issuing a new license for the project would allow GLH to operate the project as a beneficial and dependable source of electric energy; (2) generation from the Cross Power Project, with an installed electric capacity of 3.2-MW, comes from a renewable resource that does not contribute to atmospheric pollution; (3) the public benefits of this alternative would exceed those of the no-action alternative; and (4) the recommended measures would protect and enhance aquatic and cultural resources and threatened and endangered species at the project.

Below, we make recommendations as to which environmental measures proposed by GLH, or recommended by agencies or other entities, should be included in any license issued for the project. In addition to GLH's proposed environmental measures listed below, we recommend additional environmental measures be included in any new license issued for the project.

#### 5.1.1 Measures Proposed by GLH

Based on our environmental analysis of GLH's proposal, as discussed in section 3.0, *Environmental Analysis*, and the costs presented in section 4.0, *Developmental Analysis*, we conclude the following operation and environmental measures proposed by GLH would protect and enhance environmental resources and would be worth the cost. Therefore, we recommend including the following measures in any new license issued for the Cross Power Project:

- Continue to operate as a run-of-river facility such that, at any point in time, the sum of all outflows from the project approximates the sum of all inflows to the project.
- Develop and implement an Operations Compliance Monitoring Plan.
- Develop a hand carry boat access to the impoundment at the existing site on river left used by GLH to install and remove the boat barrier on river right, convert the site to a public facility that would be open from dawn to dusk when the boat barrier is in place, and control access by installing a new gate across the access road leading to the hand carry boat access that would be open when the boat barrier is in place.

- Modify the area known as Glenside Park or Cross Informal Access Area on river right by installing a gate and fencing along the slope to the tailrace and installing improved safety signage, such as “No Trespassing,” “Unsafe Due to Steep Embankment,” and “Unsafe at High Flows.”
- Maintain the Cross informal recreation access area.
- Develop and implement a Historic Properties Management Plan (HPMP) for continued protection of historic properties, in consultation with the New Hampshire State Historic Preservation Officer.

### **5.1.2 Additional Measures Recommended by Staff**

In addition to GLH’s proposed measures noted above, we recommend including the following addition or modifications:

- Avoid any cutting and trimming of trees  $\geq 3$  inches dbh from April 15 through October 31 to protect the northern long-eared bat and tri-colored bat, unless the trees represent a public safety hazard.
- Develop a project-specific Recreation Management Plan (rather than revising the comprehensive plan) that includes GLH’s proposed recreation measures, a description of the signage that would be installed, and an implementation schedule, and revise the project boundary to include the proposed hand carry boat access and Cross Informal Access Area as licensed project recreation facilities.

In Appendix F, we discuss the basis for recommending the additions or modifications to GLH’s proposal.

## **5.2 UNAVOIDABLE ADVERSE EFFECTS**

Continued project operation would continue to impede passage of some fish species and result in some unavoidable injury or mortality to fish species migrating downstream. Impoundment fluctuations associated with project operation could affect near-shore aquatic habitat; however, GLH’s proposal to continue to operate in a run-of-river mode with limited impoundment fluctuations would result in infrequent and minimal disturbances to aquatic and riparian habitat.

## **5.3 CONSISTENCY WITH COMPREHENSIVE PLANS**

Section 10(a)(2)(A) of the FPA, 16 United States Code § 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project. We reviewed 6 comprehensive plans that are applicable to the Cross Power Project, located in New Hampshire which can be found in Appendix H. No inconsistencies were found.

## **6.0 FINDING OF NO SIGNIFICANT IMPACT**

If the Cross Power Project is relicensed with our recommended measures, the projects would operate while providing enhancements and protective measures for aquatic, terrestrial, and cultural resources in the project area.

Based on our independent analysis, issuance of a new license for the Cross Power Project with additional staff-recommended measures, would not constitute a major federal action significantly affecting the quality of the human environment.

## **7.0 LITERATURE CITED**

The literature cited is in Appendix I.

## **8.0 LIST OF PREPARERS**

The list of preparers of this EA is in Appendix J.

## **APPENDIX A- STATUTORY AND REGULATORY REQUIREMENTS**

### **Federal Power Act**

#### **Section 18 Fishway Prescription**

Section 18 of the FPA, 16 U.S.C. § 811, states that the Commission is to require construction, operation, and maintenance by a licensee of such fishways as may be prescribed by the Secretaries of the U.S. Department of Commerce (Commerce) or the U.S. Department of the Interior (Interior). Interior, by letter filed with the Commission on September 11, 2023, requests that a reservation of authority to prescribe fishways under section 18 be included in any license issued for the project.

#### **Section 10(j) Recommendations**

Under section 10(j) of the FPA, 16 U.S.C. § 803(j), each hydroelectric license issued by the Commission must include conditions based on recommendations provided by federal and state fish and wildlife agencies for the protection, mitigation, or enhancement of fish and wildlife resources affected by the project. The Commission is required to include these conditions unless it determines that they are inconsistent with the purposes and requirements of the FPA or other applicable law. Before rejecting or modifying an agency recommendation, the Commission is required to attempt to resolve any such inconsistency with the agency, giving due weight to the recommendations, expertise, and statutory responsibilities of such agency. No agencies filed 10(j) recommendations for the Cross Power Project.

### **Clean Water Act**

Under section 401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341(a)(1), a license applicant must obtain either a water quality certification (certification) from the appropriate state pollution control agency verifying that any discharge from a project would comply with applicable provisions of the Clean Water Act, or a waiver of the certification by the appropriate state agency. The failure to act on a request for certification within a reasonable period of time, not to exceed one year, after receipt of the request constitutes a waiver.

On September 22, 2023, GLH applied to the New Hampshire Department of Environmental Services (New Hampshire DES) for certification for the Cross Power Project. New Hampshire DES received the application on the same day.<sup>36</sup> New Hampshire DES has not yet acted on the certification request. The certification is due by September 21, 2024.

### **Endangered Species Act**

Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536, requires federal agencies to ensure that their actions are not likely to jeopardize the continued existence of any

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<sup>36</sup> GLH filed a copy of the receipt of delivery of the application to New Hampshire DES on September 22, 2023.

endangered or threatened species or result in the destruction or adverse modification of the critical habitat of such species. According to the IPaC database, the federally endangered northern long-eared bat (NLEB; *Myotis septentrionalis*), the federally threatened Canada lynx (*Lynx canadensis*), the proposed endangered tri-colored bat (*Perimyotis subflavus*) and the candidate species monarch butterfly (*Danaus plexippus*) could occur in vicinity of the project.

Our analysis of project impacts on the NLEB, tri-colored bat, Canada lynx, and monarch butterfly is presented in Appendix D, *Biological Assessment*. Avoiding the removal and trimming of trees greater than or equal to 3 inches dbh from April 15 through October 31 would reduce the likelihood of harassing or harming NLEB and their newly born pups. We conclude that licensing the Project under the staff alternative, would have no effect on the Canada lynx or the monarch butterfly, and that relicensing the project with tree-cutting and trimming restrictions from April 15 through October 31 may affect, but is not likely to adversely affect the NLEB and is not likely to jeopardize the continued existence of the tricolored bat. No further action is required under the ESA after making a determination of no effect or not likely to jeopardize. We requested concurrence from FWS with our determination of not likely to adversely affect NLEB in a letter issued June 5, 2024. On August 26, 2024, FWS filed a letter concurring with our determination.

### **Coastal Zone Management Act**

Under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 U.S.C. §1456(3)(A), the Commission cannot issue a license for a project within or affecting a state's coastal zone unless the state's coastal zone management agency concurs with the license applicant's certification of consistency with the state's CZMA program, or the agency's concurrence is conclusively presumed by its failure to act within 6 months of its receipt of the applicant's certification.

On January 18, 2022, GLH requested confirmation from the New Hampshire Coastal Program (NHCP) that the Cross Power Project is not included within the jurisdiction of the NHCP. NHCP confirmed<sup>37</sup> that the project is outside the New Hampshire coastal zone and the relicensing of the Cross Power Project is not subject to CZMA Federal consistency review by the New Hampshire Coastal Program.

### **National Historic Preservation Act**

Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, requires that a federal agency "take into account" how its undertakings could affect historic properties. Historic properties are districts, sites, buildings, structures, traditional cultural properties, and objects significant in American history, architecture, engineering, and culture that are eligible for inclusion in the National Register of Historic Places (National Register).

Commission staff designated GLH as its non-federal representative for the purposes of conducting section 106 consultation under the NHPA on September 18, 2019. Pursuant to

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<sup>37</sup> See email from NHCP filed with the Commission on March 15, 2024.

section 106, and as the Commission's designated non-federal representative, GLH initiated consultation with the New Hampshire State Historic Preservation Office (SHPO) to assess potential adverse effects on historic properties within the project's area of potential effects (APE). The Cross Power Project APE includes lands enclosed within the current project boundary. The New Hampshire SHPO concurred on the APE in a letter dated July 7, 2022.<sup>38</sup>

There are no known archaeological resources within the project boundary. The project dam, gatehouse, powerhouse, and gatehouse machinery are the only historic properties that exist at the Cross Power Project.

To meet the requirements of section 106, the Commission intends to execute a Programmatic Agreement (PA) with the New Hampshire SHPO for the protection of historic properties from the effects of operating the Cross Power Project. There are no plans for modifying project facilities or operations that could affect historic properties, but some future maintenance could, and new resources could be discovered. The terms of the PA would require GLH to address and treat all historic properties identified within the project's APE by implementing a Historic Properties Management Plan (HPMP). A draft PA was issued for review and comment on May 29, 2024. On June 4, 2024, the New Hampshire SHPO filed a letter to the record stating they reviewed the draft PA and did not have any comments. On July 15, 2024, the Advisory Council on Historic Preservation (ACHP) filed a letter stating that they have completed their review of the project and have determined that their participation in the consultation is not needed. To date, no other comments have been filed on the draft PA. A final PA will be issued following the issuance of the final EA.

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<sup>38</sup> A copy of the letter was filed on October 11, 2022.

## **APPENDIX B- ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS**

### **Issuing a Non-power License**

A non-power license is a temporary license that the Commission would terminate when it determines that another governmental agency will assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Cross Power Project should no longer be used to produce power.

### **Federal Government Takeover**

Federal takeover and operation of the Cross Power Project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence to indicate that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

### **Project Retirement**

As the Commission has previously held, decommissioning is not a reasonable alternative to relicensing in most cases.<sup>39</sup> Decommissioning can be accomplished in different ways depending on the project, its environment, and the particular resource needs.<sup>40</sup> For these reasons, the Commission does not speculate about possible decommissioning measures at the time of relicensing, but rather waits until an applicant actually proposes to decommission a project, or a participant in a relicensing proceeding demonstrates that there are serious resource concerns that cannot be addressed with appropriate license measures and that make decommissioning a reasonable alternative.<sup>41</sup>

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<sup>39</sup> See, e.g., *Eagle Crest Energy Co.*, 153 FERC ¶ 61,058, at P 67 (2015); *Public Utility District No. 1 of Pend Oreille County*, 112 FERC ¶ 61,055, at P 82 (2005); *Midwest Hydro, Inc.*, 111 FERC ¶ 61,327, at PP 35-38 (2005).

<sup>40</sup> In the event that the Commission denies relicensing a project or a licensee decides to surrender an existing project, the Commission must approve a surrender “upon such conditions with respect to the disposition of such works as may be determined by the Commission.” 18 C.F.R. § 6.2. This can include simply shutting down the power operations, removing all or parts of the project (including the dam), or restoring the site to its pre-project condition.

<sup>41</sup> See generally *Project Decommissioning at Relicensing*; Policy Statement, FERC Stats. & Regs., Regulations Preambles (1991-1996), ¶ 31,011 (1994); see also *City of Tacoma, Washington*, 110 FERC ¶ 61,140 (2005) (finding that unless and until the Commission has a

GLH does not propose decommissioning, nor does the record to date demonstrate there are serious resource concerns that cannot be mitigated if the project is relicensed; as such, there is no reason, at this time, to include decommissioning as a reasonable alternative to be evaluated and studied as part of staff's NEPA analysis.

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specific decommissioning proposal, any further environmental analysis of the effects of project decommissioning would be both premature and speculative).

## APPENDIX C- FIGURES AND TABLES

Table 1. Monthly minimum, maximum, and average flow, USGS Gage # 01054000 Androscoggin River near Gorham, New Hampshire (January 1, 1991, to December 31, 2020). (Source: license application).

Month	Minimum (cfs)	Maximum (cfs)	Average (cfs)
January	1,250	6,300	2,641
February	1,270	6,950	2,769
March	1,260	14,200	3,064
April	1,270	19,900	4,751
May	1,380	16,200	4,118
June	1,140	12,800	2,862
July	944	10,300	2,309
August	1,090	10,000	1,957
September	780	9,730	1,840
October	1,020	15,000	2,290
November	1,140	10,000	2,552
December	1,160	9,790	2,528
<b>Annual</b>	<b>780</b>	<b>19,900</b>	<b>2,805</b>

Table 2. Water Quality Criteria for Class B Waters in New Hampshire (source: application).

Parameter	Criteria
Dissolved Oxygen (DO)	Instantaneous minimum concentration of 5 mg/L At least 75% saturation (daily average) <sup>1</sup>
Nutrients	Shall contain no phosphorus or nitrogen in such concentrations that would impair any existing or designated uses, unless naturally occurring
Total Phosphorous	For the protection of aquatic life: < 8 µg/L in oligotrophic waters ≤ 12 µg/L in mesotrophic waters ≤ 28 µg/L in eutrophic waters (median based on a least 5 independent samples collected between May 24 and September 15)
Chlorophyll-a	≤ 15 µg/L for protection of recreational uses in freshwater. For the protection of aquatic life: < 3 µg/L in oligotrophic waters ≤ 5 µg/L in mesotrophic waters ≤ 11 µg/L in eutrophic waters (median based on a least 5 independent samples collected between May 24 and September 15).
pH	6.5 to 8
Temperature	Any stream temperature increase associated with the discharge of treated sewage, waste or

	cooling water, water diversions, or releases shall not be such as to appreciably interfere with the uses assigned to this class
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<sup>1</sup> Unless naturally occurring or subject to (a), above, surface waters within the top 25 percent of depth of thermally unstratified lakes, ponds, impoundments, and reservoirs or within the epilimnion shall contain a dissolved oxygen content of at least 75 percent saturation, based on a daily average and an instantaneous minimum dissolved oxygen content of at least 5 mg/l. Unless naturally occurring, the dissolved oxygen content below those depths shall be consistent with that necessary to maintain and protect existing and designated uses.

Table 3. DO (mg/L and percent saturation), daily average DO percent saturation, water temperature, and pH statistics at the Cross Power Project (source: application).

<b>Site 13a and 13b Above Cross Impoundment</b>					
	DO (mg/L)	DO % saturation	Daily average DO % saturation	Water temperature (°C)	pH
Avg	8.7	101.6	101.6	21.2	6.8
Min	7.9	93.3	96.8	13.2	6.5
Max	10.9	109.0	107.6	26.2	7.4
<b>Site 14 Cross Impoundment</b>					
	DO (mg/L)	DO % saturation	Daily average DO % saturation	Water temperature (°C)	pH
Avg	8.6	100.6	100.5	21.2	6.8
Min	7.7	90.3	93.7	13.1	6.6
Max	11.0	107.6	106.6	25.2	7.1
<b>Site 15 Cross Tailrace</b>					
	DO (mg/L)	DO % saturation	Daily average DO % saturation	Water temperature (°C)	pH
Avg	8.8	102.5	102.5	21.2	6.9
Min	7.7	84.9	94.7	13.3	6.4
Max	10.9	110.6	109.4	25.2	7.1

Table 4. Fisheries Assemblage Documented Within and Near the Cross Power Project 2003 (source: application)

Species	Sawmill Impoundment	Cross Power Impoundment	Cascade Impoundment	Downstream of Cascade Dam	Gorham Impoundment	Gorham Bypassed Reach	Downstream of Gorham Dam	Shelburne Impoundment	Total by Species	Relative Percent
Fallfish	22	16	8	200	314	149	279	44	1,032	30.54
Smallmouth bass	65	132	189	125	160	32	91	95	889	26.31
White sucker			4	89	102	214	88	7	504	14.92
Longnose dace				124		203	36		363	10.74
Common shiner	1		1	3	183	1	12	14	215	6.36
Spottail shiner					61	1	3	78	143	4.23
Yellow perch		3		4	1		38	23	69	2.04
Largemouth bass	12	11	14	4	3				44	1.30
Rainbow trout	1			1		21	11		34	1.01
Lake chub						22	2		24	0.71
Golden shiner	3				2			14	19	0.56
Brown bullhead					2			10	12	0.36
Rock bass	3	1	1		6				11	0.33
Blacknose dace						6	1		7	0.21
Brown trout	2		1	1			1		5	0.15
Longnose sucker				1		2	1		4	0.12
Creek chub				1		2			3	0.09
Landlocked salmon				1					1	0.03
<b>Total catch</b>	<b>109</b>	<b>163</b>	<b>218</b>	<b>554</b>	<b>834</b>	<b>653</b>	<b>563</b>	<b>285</b>	<b>3,379</b>	<b>100</b>
<b>No. of Species</b>	<b>8</b>	<b>5</b>	<b>7</b>	<b>12</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>8</b>	<b>18</b>	

Table 5. Cost of environmental measures considered in assessing the environmental effects of operating the Cross Power Project (Source: GLH and staff).

<b>Enhancement / Mitigation Measure</b>	<b>Entity</b>	<b>Capital Cost<sup>a</sup> (2024\$)</b>	<b>Annual Cost<sup>a</sup> (2024\$)</b>	<b>Levelized Annual Cost<sup>b</sup> (2024\$)</b>
<b>Aquatic Resources</b>				
1. Operate the project as a run-of-river facility.	GLH Staff	\$0	\$0 <sup>c</sup>	\$0
2. Develop and implement an Operations Compliance Monitoring Plan.	GLH Staff	\$5,000 <sup>c,d</sup>	\$2,500 <sup>c,d</sup>	\$2,944
<b>Threatened and Endangered Species</b>				
3. Avoid tree-trimming and the removal of trees with diameters that are equal to or greater than 3 inches at breast height within the project boundary between April 15 and October 31 to protect northern long-eared and tricolored bats.	Staff	\$0	\$0	\$0
<b>Recreation Resources</b>				
4a. Revise the 1995 Comprehensive Recreation Management Plan to include: (1) developing a hand carry boat access area upstream of	GLH	\$28,080	\$4,160	\$6,654

Enhancement / Mitigation Measure	Entity	Capital Cost <sup>a</sup> (2024\$)	Annual Cost <sup>a</sup> (2024\$)	Levelized Annual Cost <sup>b</sup> (2024\$)
Cross dam on river left; (2) modifying the Cross informal access area by installing a gate, fencing and safety signage and (3) maintaining the Cross informal access area.				
4b. Develop a project specific Recreation Management Plan that includes the provisions in 5a and an implementation schedule.	Staff	\$28,080	\$4,160	\$6,654 <sup>e</sup>
<b>Cultural Resources</b>				
5. Develop and implement a Historic Properties Management Plan.	GLHA Staff	\$2,557 <sup>f</sup>	\$169 <sup>f</sup>	\$396

- <sup>a</sup> Unless otherwise noted, all cost estimates are from GLH and escalated to 2024 dollars. Commission staff reviewed these costs and determined that they are reasonable estimates.
- <sup>b</sup> All capital and annual costs are converted to equal costs over a 30-year period to give a uniform basis for comparison.
- <sup>c</sup> Cost estimated by staff.
- <sup>d</sup> Cost included in O&M cost.
- <sup>e</sup> The administrative costs to prepare a project-specific recreation plan that includes GLH’s proposed measures should be no different than revising the comprehensive plan; therefore, there would be no additional cost.
- <sup>f</sup> Costs provided by GLH of \$15,000 to develop and \$1,000 to implement GLH Historic Property Management Plans for six projects currently in relicensing. Staff divided these costs by six for each project.

Table 6. Minority and low-income populations within one mile of the project boundary (source: U.S. Census Bureau, as modified by staff).

Geographic Area	Total Population	White (%) <sup>a</sup>	African American/Black (%) <sup>a</sup>	American Indian/Alaska Native (%) <sup>a</sup>	Asian (%) <sup>a</sup>	Native HI & Other Pacific Islander (%) <sup>a</sup>	Some Other Race (%) <sup>a</sup>	Two or More Races (%) <sup>a</sup>	Hispanic Origin (any race) (%) <sup>a</sup>	Total Minority Population (%) <sup>a</sup>	Households in Poverty (%) <sup>b</sup>
NEW HAMPSHIRE	1,379,610	88.3%	1.3%	<0.1%	2.6%	<0.1%	0.3%	3.1%	4.3%	11.7%	7.7%
<b>Coos County*</b>	31,430	94.2%	1.8%	<0.1%	0.5%	<0.1%	0.1%	1.6%	1.9%	5.8%	12.0%
Census Tract 950700, Block Group 2	831	99.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.2%	0.0%	0.2%	20.6%
Census Tract 950900, Block Group 4	754	85.5%	0.0%	0.0%	7.6%	0.0%	0.0%	6.4%	0.5%	14.5%	12.8%

Census Tract 950700, Block Group 3	651	99.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.9%	0.9%	6.3%
Census Tract 950800, Block Group 3	661	97.1%	0.0%	0.0%	2.3%	0.0%	0.0%	0.0%	0.6%	2.9%	7.5%
Census Tract 950600, Block Group 2	922	99.1%	0.2%	0.0%	0.0%	0.0%	0.0%	0.4%	0.2%	0.9%	11.5%
Census Tract 950600, Block Group 3	431	97.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.5%	2.1%	2.6%	42.7%
Census Tract 950600, Block Group 4	735	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	17.8%
Census Tract 950900, Block Group 3	755	97.2%	0.1%	0.0%	0.0%	0.0%	0.0%	0.3%	2.4%	2.8%	0.0%
Census Tract 950700, Block Group 4	829	95.3%	0.0%	0.0%	3.5%	0.0%	0.0%	1.2%	0.0%	4.7%	2.9%
Census Tract 950800, Block Group 1	706	94.5%	0.0%	0.0%	0.0%	0.0%	0.0%	5.5%	0.0%	5.5%	37.7%

Census Tract 950800, Block Group 2	781	98.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.5%	0.6%	1.2%	23.6%
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\* Reference Community

<sup>a</sup> Percent of Total Population (Table B03002 – Hispanic or Latino Origin by Race. 2022 ACS 5-Year Estimates Detailed Tables. U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates. Accessed December 11, 2023.

<https://data.census.gov/table?d=ACS+5-Year+Estimates+Detailed+Tables&tid=ACSDT5Y2022.B03002>).

<sup>b</sup> Percent of Households (Table B17017 – Poverty Status in the Past 12 Months by Household Type and Age of Householder. 2022 ACS 5-Year Estimates Detailed Tables. U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates. Accessed December 11, 2023.

<https://data.census.gov/cedsci/table?d=ACS%205-Year%20Estimates%20Detailed%20Tables&tid=ACSDT5Y2022.B17017>).

Gray shading denotes an Environmental Justice community.

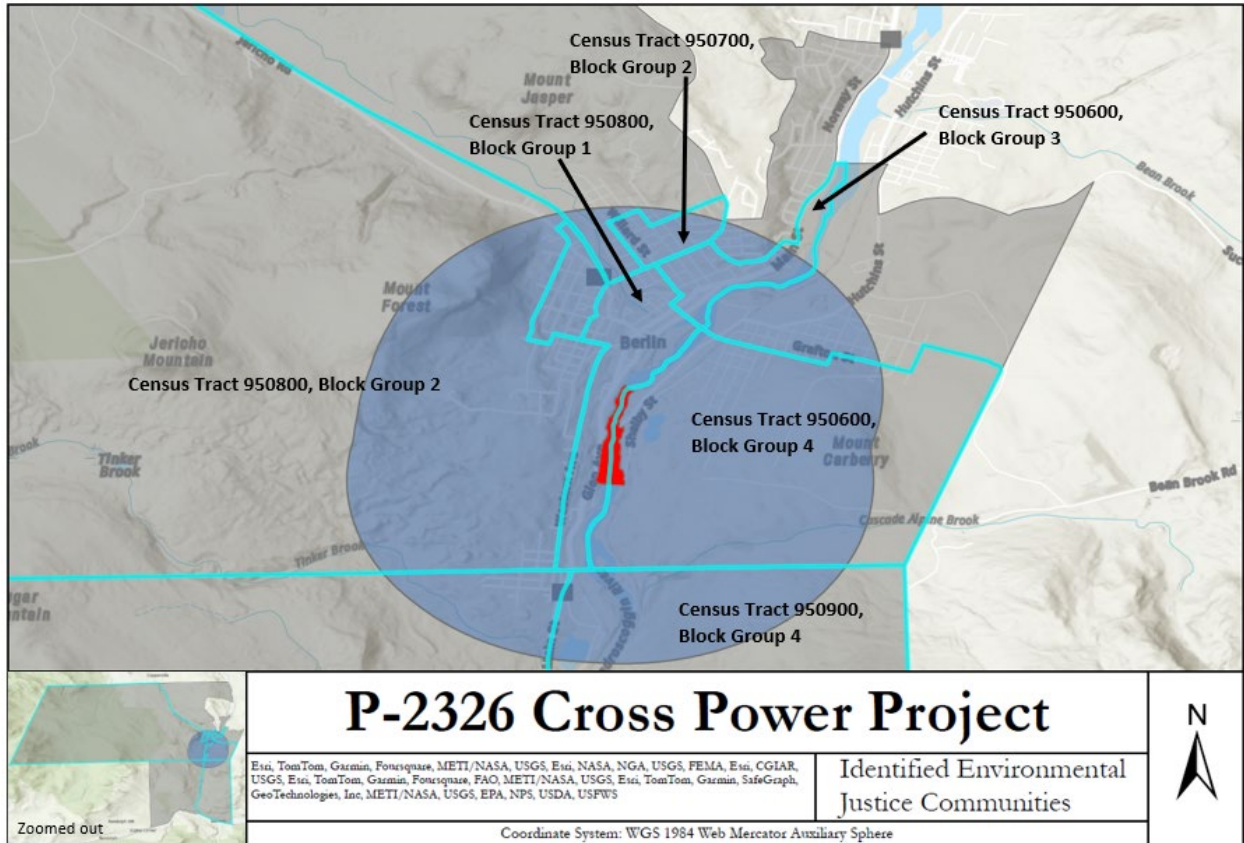


Figure 2. Identified Environmental Justice Communities (Census Tract 950700, Block Group 2; Census Tract 950900, Block Group 4; Census Tract 950800, Block Group 2; Census Tract 950800, Block Group 1; Census Tract 950600, Block Group 3; Census Tract 950600, Block Group 4) located within the one-mile radius of the project boundary (source: staff).

## APPENDIX D- BIOLOGICAL ASSESSMENT

### Affected Environment

The FWS Information for Planning and Consultation (IPaC) database indicates that the threatened Canada lynx (*Lynx canadensis*), the endangered northern long-eared bat (*Myotis septentrionalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), and candidate monarch butterfly (*Danaus plexippus*) have the potential to occur within the project boundary.<sup>42</sup> There are no proposed or designated critical habitats in the project area.

#### Northern Long-eared Bat

The northern long-eared bat (NLEB) was listed by the FWS as threatened on May 4, 2015 (FWS, 2015). In January 2016, the FWS finalized the ESA section 4(d) rule for this species, which focuses on preventing effects on bats in hibernacula associated with the spread of white-nose syndrome<sup>43</sup> and effects of tree removal on roosting bats or maternity colonies (FWS, 2016a). As part of the 4(d) rule, take incidental to certain activities conducted in accordance with the following habitat conservation measures, as applicable, would not be prohibited: (1) occurs more than 0.25-mile from a known, occupied hibernacula; (2) avoids cutting or destroying known, occupied maternity roost trees during the pup season (June 1 – July 31);<sup>44</sup> and (3) avoids cutting or destroying any tree within a 150-foot radius of a known, occupied maternity tree during the pup season. On January 5, 2016, FWS developed an optional streamlined consultation framework that allows federal agencies to rely on a programmatic biological opinion on FWS's final 4(d) rule to fulfill section 7(a)(2) consultation requirements for northern long-eared bat (FWS, 2016b).

On November 30, 2022, FWS reclassified the NLEB from a threatened species to an endangered species, effective January 30, 2023.<sup>45</sup> FWS extended the effective date of the final reclassification by 60 days, from January 30, 2023, to March 31, 2023.<sup>46</sup> The final rule removes the 4(d) rule for this species, because 4(d) rules apply only to species listed as threatened species under the ESA. In March 2023, FWS released a new range-wide NLEB determination key (Dkey), available through the IPaC website, to streamline the review of routine, predictable

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<sup>42</sup> See Interior's list of threatened and endangered species, last accessed by staff using the IPaC database (<https://ipac.ecosphere.fws.gov>) on April 10, 2024.

<sup>43</sup> A hibernaculum is where a bat hibernates over the winter, such as in a cave. White-nose syndrome is a fungal infection that agitates hibernating bats, causing them to rouse prematurely and burn fat supplies. Mortality results from starvation or, in some cases, exposure.

<sup>44</sup> Pup season refers to the period when bats birth their young.

<sup>45</sup> 87 Fed. Reg. 73,488 (Nov. 30, 2022).

<sup>46</sup> 88 Fed. Reg. 4908-4910 (Jan. 26, 2023).

projects and receive automatic verification or concurrence for some actions (FWS, 2023b). This Dkey replaces the previous key that was based on the 4(d) rule biological opinion.

Traditional ranges for NLEB include most of the central and eastern U.S., as well as the southern and central provinces of Canada, coinciding with the greatest abundance of forested areas. NLEB, whose habitat includes large tracts of mature, upland forests, typically feeds on moths, flies, and other insects. These bats are flexible in selecting roost sites, choosing roost trees that provide cavities and crevices, and trees with a diameter of 3 inches or greater at breast height.<sup>47</sup> Human-made structures, such as buildings, barns, bridges, and bat houses can be considered potential summer habitat. However, trees found in highly developed urban areas (e.g., street trees, downtown areas) are unlikely to be suitable NLEB habitat (FWS, 2014). NLEB are generally active from April through October (FWS, 2015, FWS, 2016c), and hibernate over the winter season. Winter hibernation typically occurs in caves and areas around them, and hibernacula can also be used for fall-swarming<sup>48</sup> and spring-staging.<sup>49</sup>

The project is located within the white-nose syndrome buffer zone for NLEB,<sup>50</sup> but no critical habitat has been designated for the species. Although there is no documentation of NLEB use of habitat at or near the project, forests near the project boundary may provide suitable habitat for NLEB summer roosting and foraging activities.

### **Tricolored Bat**

FWS proposed on September 14, 2022, to list the tricolored bat as endangered,<sup>51</sup> based upon the range-wide impacts of white-nose syndrome which have caused estimated declines of more than 90 percent in affected colonies. No critical habitat is being designated because current or threatened destruction, modification, or curtailment of the species' habitat or range is not having large range wide effects on the species.

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<sup>47</sup> Diameter at breast height refers to the tree diameter as measured about 4 to 4.5 feet above the ground.

<sup>48</sup> Fall-swarming fills the time between summer and winter hibernation. The purpose of swarming behavior may include: introduction of juveniles to potential hibernacula; copulation; and gathering at stop-over sites on migratory pathways between summer and winter regions.

<sup>49</sup> Spring-staging is the time period between winter hibernation and migration to summer habitat. During this time, bats begin to gradually emerge from hibernation and exit the hibernacula to feed, but re-enter the same or alternative hibernacula to resume daily bouts of torpor (i.e., a state of mental or physical inactivity).

<sup>50</sup> The white-nose syndrome buffer zone encompasses counties within 150 miles of a U.S. county or Canadian district in which white-nose syndrome or the fungus that causes white-nose syndrome is known to have infected bat hibernacula.

<sup>51</sup> 87 Fed. Reg. 56381 (Sept.14, 2022).

Tricolored bats are known to occur in 39 states, including all of the central and eastern United States.<sup>52</sup>

Male and female tricolored bats converge at cave and mine entrances between mid-August and mid-October to swarm and mate. During the winter, tricolored bats hibernate in caves and mines, although in the southern U.S., where caves are sparse, tricolored bats often hibernate in road-associated culverts and sometimes tree cavities and abandoned water wells.

During the spring, summer, and fall (i.e., non-hibernating seasons), tricolored bats disperse and primarily roost among live and dead leaf clusters of live or recently dead deciduous hardwood trees (FWS, 2021b). Female tricolored bats exhibit high site fidelity, returning year after year to the same summer roosting locations. Female tricolored bats form maternity colonies and switch roost trees regularly (e.g., between 1.2 days and 7 days at roost trees in Indiana). Females typically give birth to two young between May and July. Limited reproductive potential severely limits the ability of bat populations to respond quickly to perturbations. Upland forests near the project boundary contain suitable habitat for tricolored bat summer roosting and foraging activities.

### **Canada Lynx**

The Canada lynx was listed as a threatened species under the ESA on March 24, 2000, with its critical habitat and a boundary revision of a distinct population segment listed on October 14, 2014.<sup>53</sup> All critical habitat within New England is in northern Maine, none of which is near the project in New Hampshire. According to the species listing, only 2 reports of lynx occurred in New Hampshire in the 1990s. Lynx are adapted to undisturbed higher elevation boreal forest with deep snow where it preys on snowshoe hare, none of which exist near the project.

### **Monarch Butterfly**

The monarch butterfly was listed as a candidate species under the ESA on December 17, 2020.<sup>54</sup> The monarch butterfly exclusively uses milkweed (*Asclepias* spp.) as its larval host plant. Adults drink nectar from milkweed and other species' flowers, while trees and shrubs are used for shade and roosting. Monarchs are not known to overwinter near the project area. Common milkweed is not commonly found at higher elevation areas within northern New Hampshire and monarch butterflies are unlikely to be attracted to the project area specifically.

### **Environmental Effects**

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<sup>52</sup> FWS. 2021. Species Status Assessment Report for the Tricolored Bat (*Perimyotis subflavus*), Version 1.1. December 2021. Hadley, MA., [https://www.fws.gov/sites/default/files/documents/Tricolored\\_Bat\\_SSA.pdf](https://www.fws.gov/sites/default/files/documents/Tricolored_Bat_SSA.pdf).

<sup>53</sup> 79 Fed. Reg. 54,782 (Oct. 14, 2014).

<sup>54</sup> 85 Fed. Reg. 81,813 (Dec. 17, 2020).

The following discussion addresses environmental effects on threatened and endangered species that would result from relicensing the project under the Staff Alternative. This alternative includes relicensing the project with all staff recommended environmental measures and modifications to CRP's proposal as outlined in section 2.3 of this draft EA.

No entity has proposed any measures for the protection of Canada lynx or monarch butterfly. Staff are proposing a time of year restriction for tree trimming to protect bat species.

### *Our Analysis*

#### **Northern Long-eared Bat**

The applicant is not proposing any large-scale land clearing, but maintenance activities along the transmission line right of way during the term of a new license would likely require periodic tree trimming and vegetation management. In the absence of protocol-level surveys indicating the NLEB is not present in the project area, we assume the species may be present and could be adversely affected by tree cutting and trimming during the bats' active summer period. Placing seasonal limits on planned tree-clearing and trimming activity for trees that are equal to or greater than 3 inches dbh would reduce the likelihood of harassing and harming NLEB and their newly born pups during their active season at the project. It is unknown whether there are or would be any live or dead trees greater than 3 inches dbh that have exfoliating bark, cracks, crevices and/or cavities that could be subject to removal or trimming during future maintenance activities. Regardless, given the small area where such activities may take place (less than 0.1 acres), the effect of the removing or trimming of any such trees would be minimal and would not significantly impair an essential behavior pattern such that it is likely to result in the death or injury of NLEB if it is conducted during the hibernation period.<sup>55</sup>

The FWS states that inactive season dates for NLEB in summer habitat outside of swarming/staging areas in New Hampshire are November 1 to April 14.<sup>56</sup> Because no surveys for maternity roosts have been conducted in the 1.5-mile vicinity of the project, limiting removal and trimming of trees greater than or equal to 3 inches to the period of November 1 through April 14 (inactive season) would protect the northern long-eared bat in a manner consistent with

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<sup>55</sup> Endangered and Threatened Wildlife and Plants: Endangered Species Status for northern Long-eared Bat Final Rule, 87 Fed. Reg. 73,488 (Nov. 30, 2022). The following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive. (2) Insignificant amounts of suitable forested/wooded habitat removal provided it occurs during the hibernation period and the modification of habitat does not significantly impair an essential behavior pattern such that it is likely to result in the actual killing or injury of northern long-eared bats after hibernation.

<sup>56</sup> FWS. 2023. Available at: [https://www.fws.gov/sites/default/files/documents/Inactive%20Season%20Dates%20for%20Areas%20Outside%20of%20Swarming%20and%20Staging%20Areas\\_0.pdf](https://www.fws.gov/sites/default/files/documents/Inactive%20Season%20Dates%20for%20Areas%20Outside%20of%20Swarming%20and%20Staging%20Areas_0.pdf)

section 7 of the ESA. With the implementation of a cutting restriction for non-hazardous trees that are equal to or greater than 3 inches dbh from April 1 through October 31, we conclude that relicensing the Shelburne Project may affect, but is not likely to adversely affect NLEB.

### **Tricolored Bat**

Project maintenance activities that may affect the tricolored bat are the same as those noted above for the NLEB. Project maintenance is not expected to require the removal of any trees that could affect the bat or its habitat but could require tree trimming that could remove leaf clusters that provide roosting habitat. Limiting planned trimming and removal of trees  $\geq 3$  inches within the project boundary to the period of November 1 through April 14 to protect NLEB would also avoid cutting or destroying any potential maternity roost trees that may be occupied by tricolored bats during the tricolored bat pup season, which generally overlaps with that of NLEB. Therefore, we conclude that relicensing the project with tree-cutting restrictions from April 15 through October 31 is not likely to jeopardize the continued existence of the tricolored bat.

### **Canada Lynx**

Canada lynx are not known, nor are they expected, to occur in the project area. There is little suitable habitat for the lynx near the project area and its main prey species, snowshoe hare, is also unlikely to occur there. Because Canada lynx are not expected to occur within the project area, even as a possible transient, we conclude the project will have no effect on the species.

### **Monarch Butterfly**

Current maintenance activities at the project that could affect monarch butterflies include minor clearing and trimming of brush and other vegetation management, but there is no information to suggest that these activities would potentially remove or degrade monarch butterfly habitat. Therefore, any project effects to the monarch butterfly and its habitat would likely be minimal, and continued operation of the project will have no effect and is not likely to jeopardize the continued existence of the species.

## APPENDIX E- POWER AND DEVELOPMENT BENEFITS OF THE PROJECT

Table 7 summarizes the assumptions and economic information used in the analysis. Most of this information is provided by the applicant in its license application. Some is developed by Commission staff, as noted below. Cost items common to all alternatives include taxes and insurance; estimated capital investment required to develop the project or major modifications for relicensing; licensing costs; normal operation and maintenance cost; and Commission fees. All costs are adjusted to current year dollars.

Table 7. Parameters for economic analysis of the project (Source: license application; staff).

Parameter	Value
Installed Capacity	3.22 MW
Average annual generation (under no action alternative)	13,175 MWh
Period of analysis	30 years
Federal income tax rate	Included in the O&M cost
Local Tax Rate	Included in the O&M cost
Property Tax	\$127,824
Insurance	Included in the O&M cost
Interest rate	8%
Net Investment	\$14,096,733
Application cost	\$ 70,095
Operation and maintenance <sup>a</sup>	\$354,589/year
Estimated Commission annual charges <sup>b</sup>	\$17,680
Cost of Alternative Power (2022) <sup>c</sup>	
1) Energy cost (2022)	\$71.42/MWh
2) Dependable Capacity Cost (2022)	\$179.08/kw-year

<sup>a</sup> CRP's value for the project's operation and maintenance cost includes insurance, interim replacements, and administrative and general expenses.

<sup>b</sup> The Commission collects an annual administration charge for all licensed projects which is based on the authorized installed capacity of the project.

<sup>c</sup> The alternative source of power cost is based on the current cost of providing the same amount of generation and capacity benefit from a natural gas-fired combined cycle plant, as reported by the most recent publication of The U.S. Energy Information Administration (EIA), Annual Energy Outlook. This analysis is based on The U.S. Energy Information Administration (EIA), Annual Energy Outlook 2023, for the Division 1, New England Region. The alternative source of power cost is reported in Table 8 and is a combination of the cost of energy and capacity benefit.

Table 8. Summary of the annual cost of alternative power and annual project cost for three alternatives for the Cross Power Project (Source: staff).

	<b>No Action</b>	<b>Applicant's Proposal</b>	<b>Staff Alternative</b>
Installed capacity	3.22 MW	3.22 MW	3.22 MW
Annual generation	13,175 MWh	13,175 MWh	13,175 MWh
Capacity benefit <sup>a</sup>	2.7	2.7	2.7
Current alternative source of power cost <sup>b</sup>	\$1,424,475	\$1,424,475	\$1,424,475
Total annual project cost (2023) <sup>c</sup>	\$1,758,496	\$1,765,547	\$1,765,547
Difference between the alternative source of power's cost and total annual project cost <sup>d</sup>	(\$334,021)	(\$341,072)	(\$341,072)

<sup>a</sup> Staff estimated the capacity benefit based on the ratio of the mean annual flow available for generation for each of 12 months, and the hydraulic capacity of the project. This ratio is multiplied by the authorized installed capacity to determine the capacity benefit.

<sup>b</sup> The value of power for the Cross Power Project is based on the alternative source of power cost in the New England Region, as identified in table 8 above.

<sup>c</sup> Project costs include the cost of environmental measures listed in table 5 in Appendix C, and the costs identified in table 7. All project costs were adjusted to 2024 dollars.

<sup>d</sup> A number in parentheses denotes that the difference between the alternative source of power's cost and the total project cost is negative; thus, the project's cost to produce power is greater than the alternative source of power cost.

## COMPARISON OF ALTERNATIVES

Table 8 summarizes the installed capacity, annual generation, capacity benefit, alternative source of power's cost, estimated total project cost, and difference between the alternative source of power's cost and total project cost for each of the alternatives considered in this EA: no-action, the applicant's proposal, and the staff alternative.

### No-Action Alternative

Under the No Action alternative, the project has an installed capacity of 3.22 MW, a capacity benefit of 2.7 MW, and an average annual generation of 13,175 MWh. The alternative source of power's current cost to produce the same amount of energy and provide the same capacity benefit is \$1,424,475. The total annual project cost is \$1,758,496. Subtracting the total annual project cost from the alternative source of power's current cost, the project's cost to produce power and capacity is \$334,021 more than that of the alternative source of power's cost.

## **Applicant's Proposal**

Under the applicant's proposal, the project has an installed capacity of 3.22 MW, a capacity benefit of 2.7 MW, and an average annual generation of 13,175 MWh. The alternative source of power's current cost to produce the same amount of energy and provide the same capacity benefit is \$1,424,475. The total annual project cost is \$1,765,547. Subtracting the total annual project cost from the alternative source of power's current cost, the project's cost to produce power and capacity is \$341,072 more than that of the alternative source of power's cost.

## **Staff Alternative**

Under the staff-recommended alternative, the project has an installed capacity of 3.22 MW, a capacity benefit of 2.7 MW, and an average annual generation of 13,175 MWh. The alternative source of power's current cost to produce the same amount of energy and provide the same capacity benefit is \$1,424,475. The total annual project cost is \$1,765,547. Subtracting the total annual project cost from the alternative source of power's current cost, the project's cost to produce power and capacity is \$341,072 more than that of the alternative source of power's cost.

## **Cost of Environmental Measures**

Table 5 in Appendix C presents the cost of each of the environmental enhancement measures considered in our analysis for the Cross Power Project. All costs are in 2024 dollars. We convert all costs to equal annual (levelized) values over a 30-year period of analysis to give a uniform basis for comparing the benefits of a measure to its cost.

## APPENDIX F- COMPREHENSIVE DEVELOPMENT

### **Additional Measures Recommended by Staff**

Below, we discuss the basis for staff's recommended additions or modifications to GLH's proposal.

#### **Time of Year Restrictions for Tree Removal**

The NLEB may occur in the project area because project lands and adjacent areas support forests that may provide opportunities for summer roosting and foraging activities. Clearing vegetation for ongoing project maintenance activities and along the transmission line during the term of a new license could require unanticipated tree removal and trimming within the project boundary. To protect NLEB, FWS recommends state-specific dates that suggest avoiding tree removal in New Hampshire between April 15 and October 31. Under FWS's recommendation, it states that the time-of-year restriction would not apply under public safety or other emergencies, and in those instances, the applicant should notify FWS within two business days of the unplanned safety/emergency action and provide details of the action and response.

NLEB are not known to use trees less than 3 inches in diameter at breast height; therefore, there would be little benefit to NLEB by prohibiting the removal of trees 3 inches in diameter or less. Avoiding the removal and trimming of trees greater than and equal to 3 inches dbh between April 15 and October 31 would protect the NLEB.

The tri-colored bat may also occur in the project area and may use similar hardwood habitats for summer roosting. Prohibiting the removal of trees 3 inches or greater or the trimming of trees between April 15 and October 31 would also protect the tri-colored bat.

Accordingly, we recommend that the license include a license requirement that prohibits the removal and trimming of trees equal to or greater than 3 inches in diameter at breast height between April 15 and October 31, unless required for public or project safety. If trees are removed during this time period, the licensee must notify FWS within two business days of the unplanned safety/emergency action and provide details of the action and response. The costs to prohibit tree removal between April 15 and October 31 should be negligible or zero.

#### **Recreation Plan and Project Boundary Modification**

There are no recreation facilities at the Cross Project required by the current license. The Cross informal access area, also referred to as Glenside Park, is located downstream of Cross dam on river right and is not currently located within the project boundary; however, the site is owned and maintained by GLH. The site contains a 60-foot by 70-foot parking area that provides space for 12 vehicles, safety signage, an informational kiosk, and a viewing area of the river and the project. The informal access area is in good condition.

GLH proposes to revise the 1995 Comprehensive Recreation Management Plan to include the following enhancements: (1) develop a hand carry boat access to the impoundment

at a site on river left currently used by GLH to install/remove the project boat barrier, convert the site to a public facility that would be open from dawn to dusk when the boat barrier is in place, and control access by installing a new gate across the access road leading to the site that would be open when the boat barrier is in place; (2) modify the area known as Glenside Park or Cross Informal Access Area by installing a gate and fencing along the slope towards the dam and installing improved safety signage, such as No Trespassing,” “Unsafe Due to Steep Embankment,” and “Unsafe at High Flows;” and (3) maintain the Cross informal access area.

GLH installs a floating boat barrier at the proposed hand-carry launch site across the Androscoggin River annually from June 15 through September 15 to keep recreational boaters from approaching the project intake. Providing the public dawn to dusk access via a hand-carry launch when the boat barrier is installed as proposed by GLH would provide more opportunities for the public to safely access the Androscoggin River during the summer recreating season.

The facilities at the Cross Informal Access are lightly used and adequate to meet current and future recreation demands as long as they are properly maintained. GLH’s proposed fencing, gate, and signage would not impede public access to the fishing area but would improve public safety. However, signage stating “no trespassing” could confuse users into believing that access was prohibited. Therefore, we do not recommend installing signs stating, “No trespassing.”

The 1995 Comprehensive Recreation Management Plan has become dated and includes recreation monitoring measures that are no longer required by the Commission (i.e., the periodic filing of a FERC Form 80). It also addresses recreation measures at all six of GLH’s projects on the Androscoggin River in New Hampshire. While revising the 1995 Comprehensive Recreation Plan to include GLH’s proposed enhancement measures would provide for coordinated management of all of GLH’s proposed recreation facilities, it could make administering the license difficult if the project was sold and the license transferred. Therefore, we recommend that GLH prepare a separate project-specific recreation management plan that includes GLH’s proposed measures as modified above, a description of the signage and its proposed placement, and an implementation schedule. Because both the proposed impoundment access and Cross Informal Access are needed to provide project recreation access, are on lands owned by GLH, and would be maintained by GLH, we recommend that they be licensed project facilities, and as such, be brought into the project boundary. The recreational benefits of our recommended measures, including ensuring hand-carry boating access to the project’s impoundment, would be worth the levelized annual cost of \$6,654.

## **APPENDIX G- DRAFT LICENSE CONDITIONS RECOMMENDED BY STAFF**

Draft Article 001. Project Modification Resulting from Environmental Requirements. If environmental requirements under this license require modification that may affect the project works or operations, the licensee must consult with the Division of Dam Safety and Inspections – Regional Engineer. Consultation must allow sufficient review time for the Commission to ensure that the proposed work does not adversely affect the project works, dam safety, or project operation.

Draft Article 002. Project Operation. The licensee must operate the project in a run-of-river mode by maintaining the impoundment within 1 foot of the headwater elevation of 921.7 feet NGVD 29 such that, at any point in time, the sum of all outflows from the project approximates the sum of all inflows to the project.

### Reporting of Planned Deviations

Run-of-river operation and impoundment level requirements of this article may be temporarily modified for short periods, of up to 3 weeks, after mutual agreement among the licensee and the U.S. Fish and Wildlife Service and the New Hampshire Department of Environmental Services (collectively, resource agencies). After concurrence from the resource agencies, the licensee must file a report with the Secretary of the Commission as soon as possible, but no later than 14 days after the onset of the planned deviation. Each report must include: (1) the reasons for the deviation and how project operations were modified, (2) the duration and magnitude of the deviation, (3) any observed or reported environmental effects and how potential effects were evaluated, and (4) documentation of consultation with the resource agencies. For planned deviations exceeding 3 weeks, the licensee must file an application for a temporary amendment of the operational requirements and receive Commission approval prior to implementation.

### Reporting of Unplanned Deviations

Run-of-river operation and impoundment level requirements may be temporarily modified if required by operating emergencies beyond the control of the licensee (i.e., unplanned deviations). For any unplanned deviation from run-of-river operation or impoundment level and minimum flow requirements that lasts longer than 3 hours or results in visible environmental effects such as a fish kill, the licensee must notify the resource agencies within 24 hours and the Commission within 14 days, and file a report with the Commission as soon as possible, but no later than 30 days after each such incident. The report must include: (1) the cause of the deviation, (2) the duration and magnitude of the deviation, (3) any pertinent operational and/or monitoring data, (4) a timeline of the incident and the licensee's response, (5) any comments or correspondence received from the resource agencies, or confirmation that no comments were received from the resource agencies, (6) documentation of any observed or reported environmental effects and how potential effects were evaluated, and (7) a description of measures implemented to prevent similar deviations in the future.

For unplanned deviations from run-of-river operation or impoundment level requirements lasting 3 hours or less that do not result in visible environmental effects, the licensee must file an annual report, by March 1, describing each incident that occurred during the prior January 1 through December 31 time period. The report must include for each 3 hours or less deviation: (1) the cause of the deviation, (2) the duration and magnitude of the deviation, (3) any pertinent operational and/or monitoring data, (4) a timeline of the incident and the licensee's response to each deviation, (5) any comments or correspondence received from the resource agencies, or confirmation that no comments were received from the resource agencies, and (6) a description of measures implemented to prevent similar deviations in the future.

Draft Article 003. Operation Compliance Monitoring Plan. Within six months of license issuance, the licensee must file, for Commission approval, an Operation Compliance Monitoring Plan. The Operation Compliance Monitoring Plan must include, at a minimum, the following:

(1) a detailed description of how the licensee will monitor and document compliance with the operational requirements of Draft Article 002;

(2) a description of each gage or other measuring device that will be used to monitor compliance with Draft Article 002, including gage or measuring device location;

(3) a description of the procedures for maintaining and calibrating all monitoring equipment;

(4) standard operating procedures to be implemented outside of normal operating conditions, including during: (a) scheduled facility shutdowns and maintenance; and (b) emergency conditions such as unscheduled facility shutdowns and maintenance; and

(5) an implementation schedule.

The licensee must prepare the plan after consultation with the U.S. Fish and Wildlife Service and New Hampshire Department of Environmental Services (collectively, resource agencies). The licensee must include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the resource agencies, and specific descriptions of how the resource agencies' comments are accommodated by the plan. The licensee must allow a minimum of 30 days for the resource agencies to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing must include the licensee's reasons, based on project-specific information.

The Commission reserves the right to require changes to the plan. The licensee must not begin implementing the plan until the Commission notifies the licensee that the plan is approved. Upon Commission approval the licensee must implement the plan, including any changes required by the Commission.

Draft Article 004. Exhibit G Drawings. Within 90 days of the issuance date of this license, the licensee must file, for Commission approval, a revised Exhibit G drawing labeling

within the project boundary all project recreation facilities listed in Article 007. The Exhibit G drawing must comply with sections 4.39 and 4.41(h) of the Commission's regulations.

Draft Article 005. *Reservation of Authority to Prescribe Fishways.* Authority is reserved to the Commission to require the licensee to construct, operate, and maintain fishways as may be prescribed by the Secretary of the Interior pursuant to section 18 of the Federal Power Act.

Draft Article 006. *Northern Long-Eared Bat and Tricolored Bat Protection.* The licensee must not remove trees on project lands equal to or greater than 3 inches diameter at breast height or conduct tree-trimming from April 15 to October 31 to protect northern long-eared bats and tricolored bats. Tree removal during this period is not prohibited to ensure public or project safety (e.g., removing dead fall trees). If trees are removed during this period on an emergency basis, the licensee must notify the U.S. Fish and Wildlife Service within two business days of the unplanned safety/emergency action and provide details of the action and response.

Draft Article 007. *Recreation Management Plan.* Within one year of license issuance, the licensee must file with the Commission for approval, a Recreation Management Plan that includes a plan and schedule for: (1) developing a hand carry boat access to the impoundment at the existing site used by GLH on river left to install/remove the boat barrier and convert the site to public facility that would be open from dawn to dusk when the boat barrier is in place and control access by installing a new gate across the access road leading to the site that would be open when the boat barrier is in place; (2) modify the Cross Informal Access Area by installing a gate and fencing along the slope to the tailrace and installing improved safety signage, such as "Unsafe Due to Steep Embankment," and "Unsafe at High Flows;" and (3) procedures for maintaining the Cross informal access area. The plan must include a description of the signage to be installed and its placement.

The licensee must maintain and operate the hand-carry access on the impoundment and the Cross Informal Access Area, which includes the 60-foot by 70-foot gravel parking area and access to the tailrace fishing area. The license must post a sign designating the site as a project recreation facility that conforms to the requirements of section 8.2 of the Commission's regulations.

The licensee must prepare the plan after consultation with the New Hampshire Department of Natural and Cultural Resources and the Town of Berlin. The licensee must include with the plan documentation of consultation, copies of comments and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific documentation of how the agencies' comments are accommodated by the plan. The licensee must allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the plan with the Commission. If the licensee does not adopt a recommendation, the filing must include the licensee's reasons, based on specific information.

The Commission reserves the right to require changes to the plan. The licensee must not begin implementing the plan until the Commission notifies the licensee that the plan is approved.

Upon Commission approval the licensee must implement the plan, including any changes required by the Commission.

Draft Article 008. Programmatic Agreement and Historic Properties Management Plan.

The licensee must implement the “Programmatic Agreement Between the Federal Energy Regulatory Commission and the New Hampshire State Historic Preservation Officer (New Hampshire SHPO) for Managing Historic Properties that May be Affected by Issuance of a License to Great Lakes Hydro America, LLC (GLH) for the Continued Operation of the Cross Power Project in Coos County, New Hampshire FERC No. P-2326-054,” executed on *(date)*, and including, but not limited to, the historic properties management plan (HPMP) for the project. Pursuant to the requirements of this programmatic agreement, the licensee must file, for Commission approval, a HPMP within one year of issuance of this order. When filing the HPMP for Commission approval, the licensee must include any documentation of consultation with the New Hampshire SHPO during the development of the HPMP.

The Commission reserves the authority to require changes to the HPMP at any time during the term of the license. If the programmatic agreement is terminated prior to the Commission approval of HPMP, the licensee must obtain approval from the Commission and the New Hampshire SHPO before engaging in any ground-disturbing activities or taking any other action that may affect any historic properties within the project’s area of potential effects.

Draft Article 009. Use and Occupancy. (a) In accordance with the provisions of this article, the licensee must have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensee must also have continuing responsibility to supervise and control the use and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee must take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The type of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancement. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee must require multiple use and occupancy of facilities for

access to project lands or waters. The licensee must also ensure that, to the satisfaction of the Commission's authorized representative, the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensee must: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the impoundment shoreline. To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

(c) The licensee may convey easements or rights-of-way across, or leases of project lands for: (1) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kilovolts or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project impoundment. No later than January 31 of each year, the licensee must file with the Commission a copy of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed. No report filing is required if no conveyances were made under paragraph (c) during the previous calendar year.

(d) The licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 water craft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 60 days before conveying any interest in project lands under this paragraph (d), the licensee must file a letter with the Commission, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a

marked Exhibit G map may be used), the nature of the proposed use, the identity of any federal or state agency official consulted, and any federal or state approvals required for the proposed use. Unless the Commission's authorized representative, within 45 days from the filing date, requires the licensee to file an application for prior approval, the licensee may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article:

(1) Before conveying the interest, the licensee must consult with federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the licensee must determine that the proposed use of the lands to be conveyed is not inconsistent with any approved report on recreational resources of an Exhibit E; or, if the project does not have an approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed must not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee must take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee must not unduly restrict public access to project lands and waters.

(4) The Commission reserves the right to require the licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project must be consolidated for consideration when revised Exhibit G drawings would be filed for approval for other purposes.

(g) The authority granted to the licensee under this article must not apply to any part of the public lands and reservations of the United States included within the project boundary

## **APPENDIX H- COMPREHENSIVE PLANS**

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

New Hampshire Office of State Planning. 1977. Wild, scenic, & recreational rivers for New Hampshire. Concord, New Hampshire. June 1977.

New Hampshire Office of State Planning. 1989. New Hampshire wetlands priority conservation plan. Concord, New Hampshire.

New Hampshire Office of Energy and Planning. New Hampshire Statewide Comprehensive Outdoor Recreation Plan (SCORP): 2008-2013. Concord, New Hampshire. December 2007.

New Hampshire Office of State Planning. 1991. Public access plan for New Hampshire's lakes, ponds, and rivers. Concord, New Hampshire. November 1991.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

## APPENDIX I- LITERATURE CITED

- Appalachian Mountain Club (AMC). 2003. Ecological Atlas of the Upper Androscoggin River Watershed. Appalachian Mountain Club.
- Appalachian Trail Conservancy (ATC). 2024. Explore by State. Available online: <http://appalachiantrail.org/home/explore-the-trail/explore-by-state/new-hampshire>. Accessed January 11, 2024.
- Boucher, D.P. 1997. Fishery Progress Report No. 97-4, Androscoggin River Survey (New Hampshire to Rumford Falls). Maine Department of Inland Fisheries and Wildlife. Augusta, Maine. 7pp.
- Brautigam, F. and Pellerin, J. 2014. Upper Androscoggin River Fishery Management Plan. Maine Department of Inland Fisheries and Wildlife. Division of Fisheries and Hatcheries.
- Inglis, Jeff., Van Heeke, Tom., Weissman, Gideon., Hallock, Lindsey. 2014. "Waterways Restored: The Clean Water Act's Impact on 15 American Rivers, Lakes and Bays." Environment America Research and Policy Center. Available online: [https://environmentamerica.org/sites/environment/files/EA\\_waterways\\_scrn.pdf](https://environmentamerica.org/sites/environment/files/EA_waterways_scrn.pdf).
- New Hampshire Department of Environmental Services (NHDES). 2020. 2020/2022 Section 305(b) and 303(d) Consolidated Assessment and Listing Methodology. February 18, 2022.
- N.H. Department of Environmental Services (NHDES). 2021. New Hampshire Freshwater Fish Consumption Guidelines. Available online: <https://www.wildlife.state.nh.us/fishing/consume-fresh.html>.
- New Hampshire Department of Natural and Cultural Resources (NHDNCR). 2024a. Presidential Recreational Rail Trail. Available online: <https://www.nhstateparks.org/find-parks-trails/recreational-rail-trails/presidential-recreational-rail-trail>. Accessed January 11, 2024.
- New Hampshire Department of Natural and Cultural Resources (NHDNCR). 2024b. New Hampshire State Parks Moose Brook State Park. Available online: <https://www.nhstateparks.org/find-parks-trails/moose-brook-state-park>. Accessed January 11, 2024.
- New Hampshire Department of Natural and Cultural Resources (NHDNCR). 2024c. New Hampshire State Parks. Milan Hill State Park. Available online: <https://www.nhstateparks.org/find-parks-trails/milan-hill-state-park>. Accessed January 11, 2024.

New Hampshire Department of Natural and Cultural Resources (NHDNCR). 2024d. New Hampshire State Parks. Nansen Wayside Park. Available online: <https://www.nhstateparks.org/find-parks-trails/nansen-wayside-park>. Accessed January 11, 2024.

Recreation in Gorham, NH. 2024a. Winter Recreation. Available online: [https://www.gorhamnewhampshire.com/recreation\\_winter.html](https://www.gorhamnewhampshire.com/recreation_winter.html). Accessed February 4, 2024.

Yoder, C., Kulik, B., Audet, J., and Apell, B. 2006b. 2005 Maine Rivers Fish Assemblage Assessment. 124 pp.

## **APPENDIX J- LIST OF PREPARERS**

### **Federal Energy Regulatory Commission**

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Ryan Hansen – Project Coordinator, Aquatic Resources (Environmental Biologist; M.S., Environmental Science and Public Policy; and B.S., Biology).

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Maryam Zavareh – Geologic and Soil Resources, Developmental Analysis (Civil and Environmental Engineer; Ph.D. Civil and Environmental Engineering)

**APPENDIX K- STAFF RESPONSE TO COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT**

Commission staff issued its draft environmental assessment (DEA) for the relicensing of the Cross Power Hydroelectric Project on May 23, 2024. Staff requested comments on the DEA to be filed by June 24, 2024. The following entities filed comments pertaining to the DEA.

<u>Commenting Entity</u>	<u>Date Filed</u>
<u>GLH</u>	<u>June 20, 2024</u>
<u>City of Berlin</u>	<u>June 25, 2024</u>

Below, we summarize the comments that pertain to our analysis; respond to those comments; and indicate, where appropriate, how we modified the EA. The comments are grouped by topic for convenience. We do not summarize and respond to comments that request legal determinations, only express general opinions either for or against the proposed project or the staff alternative, or simply reiterate a stakeholder’s position or recommendation.

*Comment:* The City of Berlin states that the Emergency Action Plan (EAP) for the project, or in the alternative the Operations Compliance Monitoring Plan, needs to include certain provisions to address flooding events at the project and potential adverse effects. The recommended provisions include monitoring snowpack in the upper basin and area weather stations, and stationing operations personnel close to the project during anticipated flood events to respond quickly to needed operational changes to prevent flooding and overtopping of the dam,

*Response:* Flood events are addressed through the project’s EAP rather than the Operations Compliance Monitoring Plan. The purpose of an operations compliance monitoring plan is to document the procedures a licensee will implement in order to ensure that they comply with the operational requirements of the license. Generally, its purpose is not to direct flood control procedures.

Section 12.20 (a) of the Commission's regulations requires every licensee to develop and file an EAP with the Commission’s Regional Engineer unless granted a written exemption in accordance with Section 12.21 (a) of the regulations. An EAP is a formal document that identifies potential emergency conditions at a dam and specifies preplanned actions to be followed to minimize property damage and loss of life. The project’s current EAP (April 2023) describes actions that the licensee will take to moderate or alleviate a problem at the dam, as well as what actions the licensee, in coordination with emergency management authorities, should take to respond to incidents or emergencies related to the dam. It presents procedures and information to assist the licensee in issuing early warning and notification messages to responsible downstream emergency management authorities. The EAP also contains inundation maps to assist the licensee and emergency management authorities by identifying critical infrastructure and population-at-risk sites that may require protective measures, warning and

evacuation planning. The EAP clearly defines the responsibilities of all those involved in managing the incident and how those responsibilities should be coordinated. EAPs are periodically updated and reviewed by Commission staff throughout the term of the license to ensure the continued protection of the public and critical infrastructure.