



May 22, 2024

Debbie-Anne Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E. Room 1-A
Washington, D.C. 20426

Re: Great River Hydro, LLC; FERC Project Nos. 1892, 1855 and 1904
Applications Accepted for Filing; February 22, 2024
Response to Notice for Solicitation of Comments and Preliminary Conditions

Dear Secretary Reese,

The Southwest Region Planning Commission (SWRPC) was established in 1971 under New Hampshire law [NH RSA 36] as a regional planning commission with planning jurisdiction over thirty-four towns in the southwestern part of the State. Twenty-four of the towns in our planning district are part of the Connecticut River watershed and four communities are located directly adjacent to the river. Great River Hydro, LLC's (GRH) application to relicense the Wilder, Bellows Falls and Vernon hydroelectric dams (Federal Energy Regulatory Commission Project Numbers 1892, 1855 and 1904, respectively), represents a momentous event that will have a substantial impact on our communities for decades to come.

It is our understanding that the FERC must give equal consideration to recreational opportunities, protection of habitat and water quality, and cultural and historic resources as well as power generation when issuing operating licenses. We are concerned that the Amended Final License Application (AFLA) does not adequately address all these areas and therefore submit the following observations and recommendations.

Observation 1: The application does not include monitoring of bank erosion and sediment transport changes after implementation of the proposed major operational change. Recommendation: Require that the licensee develop an *Erosion and Riverbank Monitoring and Erosion Control Plan* as a condition for relicensing the three hydroelectric dams.

Measurable and noticeable erosion of private property, including prime agricultural lands, bordering the river and within GRH's flowage rights has occurred over the course of the current license. Bank erosion has contributed to the loss of private property, compromised recreational access points to the river and degraded water quality through excess sediment entrainment after storms. Erosion control and streambank stabilization are not addressed within the AFLA beyond the mention that the proposed operational changes resulting in an anticipated more stable surface water elevation "would further reduce the factors." While the proposed operational change should improve erosion control, we recommend that FERC require long-term monitoring of bank stability and erosion metrics at time intervals that enable nuanced interpretation of seasonal versus operational fluctuations and the past and future influence of these fluctuations on erosion. Should these studies indicate that the change in project operations (in the short term) or continued project operations (in the long term) have outsized influence on past, continued, or future erosion, mitigation measures must be instituted before another generation of property owners experience loss and/or degradation of land. Ideally, an *Erosion and Riverbank Monitoring and Erosion Control Plan* would be created, providing guidelines on study specifications, public involvement, timelines, identified countermeasures, and planned investments that could be made to mitigate erosion and sediment transport.

Observation 2: Residents and visitors have limited recreational access to the river. Recommendation: Require that the licensee develop a *Recreation Management Plan* as a condition for relicensing the three hydroelectric dams.

While we appreciate GRH's maintenance of current facilities along the river, the AFLA includes little mention of increased or improved recreational facilities beyond what has previously been provided under the current license. This is not adequate for our growing community or to support shifting economies in our region. Additionally, we suggest that the results of the Recreation Study conducted over seven years ago no longer represents the region's current and future needs. For instance Hinsdale, NH and Brattleboro, VT, towns with very little public access to the river, have identified new riverfront access opportunities supported by robust public involvement such as a proposed [Hinsdale-Brattleboro Greenway](#). Other communities, including Walpole, NH and Bellows Falls, VT have indicated that the portage facilities around the Bellows Falls dam are insufficient. While it appears GRH anticipates providing recreational capital improvements on the property they own, there is little information about their plans. Without a Recreation Management Plan written into the AFLA, it is difficult for us to determine whether what GRH anticipates is in line with our region's needs or will include adequate coordination with regional stakeholders. We recommend that FERC require a comprehensive recreation management plan that addresses increased boat access areas, ADA improvements to recreation facilities, recreational assets maintained in optimal useable condition, investments in recreation mitigation and enhancement beyond GRH owned property, and dramatically improved portage conditions. In a good faith commitment to working with the communities, we recommend that GRH engage in a public planning and involvement process to develop a *Recreation Management Plan* that provides recreational opportunities that are regionally beneficial, equitably distributed throughout the project area, and financially supported over the entire life of the license.

Observation 3: Traditional Cultural Properties (TCPs) are insufficiently documented and deserve further study and protection with active coordination from the Abenaki tribes. Recommendation: Require implementation of the recommendations in the 2016 *Traditional Cultural Properties Study Report*.

The 2016 *Traditional Cultural Properties Study Report*, a study conducted for the FERC relicensing of the Wilder, Bellows Falls and Vernon Hydroelectric projects, noted that even there was known to be a significant presence of Western Abenaki settlements and activities within the hydroelectric project's Area of Potential Effect (APE). However, it noted that there were limitations to the findings of the report because the resource literature did not include information sharing from the descendants of the Abenaki and was "largely historic in nature, written by and for a non-tribal perspective, and much of it was generated to justify European conquest and settlement." The report recommended four actions including 1) consultation with recognized tribes to determine if areas identified in the report have cultural significance and to determine if there are locations that have not been identified; 2) consultation with tribes to collect oral history information about the area (not adequately documented in the resource literature for the report); 3) if traditional cultural properties are identified, the licensee should play a role even for lands privately owned by third parties in documenting and working to protect the mutual understanding of the cultural significance of the place and examine opportunities to preserve its heritage; and 4) if places are held in fee by GRH, it should coordinate with the tribes to develop an understanding of the cultural significance of the place, examine opportunities to protect its heritage and to the extent possible, implement measures to do so.

Observation 4: There is insufficient detail about how known and unanticipated negative externalities associated with the operation of the hydroelectric dams will be mitigated by GRH actions and investments. Recommendation: Require implementation of a Mitigation Enhancement Fund, modeled after the fund prepared for the Fifteen Mile Falls hydroelectric facilities as a condition for relicensing the three hydroelectric dams.

During the current license period of the three dams, dam operations resulted in negative externalities including but not limited to habitat degradation, bank erosion on private riverine lands, and limitations to recreational access and navigation on the river. A Mitigation Enhancement Fund (MEF), as recommended by the Connecticut River Joint Commissions and based on a precedent funding mechanism established for the licensure of the Fifteen Mile Falls (FMF) hydroelectric facilities on the northern reach of the Connecticut River, would serve as a vehicle for ensuring GRH is making appropriate mitigation-related investments in the APE. Coupled with plans, such as the previously mentioned *Erosion and Riverbank Monitoring and Erosion Control Plan* and the *Recreation Management Plan*, GRH would demonstrate meaningful and transparent stewardship of the publicly owned resource. We support the CDC's recommendation of a MEF, which could be used to a) protect and improve habitats for fish and wildlife in the contributing watershed of the three dams; b) monitor fish populations; c) monitor and document invasive species, conduct public education, and eradicate where feasible; d) monitor bank erosion; e) establish and protect riparian buffers on suitable sections of riverbanks; f) conduct a comprehensive economic assessment of the impacts due to dam operations; g) establish recreation facilities such as docks, picnic sites, boat launches, trails for marine patrol, hikers, bikers, and walkers that improve access and enjoyment of the river; h) protect and interpret early American and Native American assets in the vicinity of the river; i) provide public education about natural resources and wise use of the river and nearby lands; and, j) provide emergency patrol services.

Supporting Documentation for Recommendations

The recommendations in this correspondence are based on the regional plan for Southwest New Hampshire entitled *Monadnock Region Future*¹ prepared and adopted by SWRPC pursuant to NH RSA 36:47 I. The Connecticut River is one of the most important natural, cultural, and recreational resources and destinations in our region, making the relicensing of the dams a landmark moment that will have significant impact on this precious resource for decades to come. *Monadnock Region Future's* (Plan) vision is “a Southwest Region where thriving communities rich in culture, educational opportunities and natural resources, work together to support a resilient and robust regional economy, which offers residents freedom of choice and embraces our heritage and distinct sense of place.” (p. 14) The Plan's vision is supported by several interconnected themes including stewardship, community vitality, economic prosperity, and preparedness. The remainder of this letter discusses these four themes and how they support the four recommendations in this letter.

Stewardship

Based on guidance in the Plan, we encourage that GRH operate the three hydroelectric dams in a responsible way that protects and conserves environmental quality, history, and public enjoyment of the Connecticut River and its surrounding environment. The Plan, specifies that “[s]tewardship ensures that resources, which are necessary for public health and well-being, and that help define the region's landscape, are protected for the use and enjoyment of current and future generations.” Supporting our stewardship goals are several key objectives including 1) inventorying resources and conditions, 2) conducting routine monitoring, 3) conserving important resources (not conserved today), 4) adopting and enforcing policies and regulations, 5) promoting the use of best management practices, 6) enhancing awareness and education, 7) developing management plans, and 8) ensuring public involvement and oversight. Each of these objectives reflect important components to the approach and guidance that we feel will ensure effective stewardship of the Connecticut River and the APE during future hydroelectric operations, are not adequately addressed in the AFLA.

Community Vitality

Community vitality is another important theme of the Plan, including the objectives to “provide opportunities to be socially and civically engaged”. The recommendations in this letter point to

¹ The plan is available online at https://www.swrpc.org/wp-content/uploads/2021/03/MonadnockRegionFuture_RegionalPlan_FINAL.pdf

opportunities that can improve access to social engagement in the region by improving the quality of existing recreational areas and helping expand recreational access to the river. Ideally, social engagement opportunities should be made available for people of all ages and abilities. Recreational opportunities should cater to the area's growing senior population, which will have a higher incidence of mobility challenges. In addition to creating facilities for people to participate in boating, fishing, and swimming, places are needed to facilitate passive walks and picnics along the river. Our recommendations seek to increase and improve civic engagement opportunities as well. By conducting planning activities with meaningful public involvement, the GRH's future management activities on the river can resemble more of a public-private partnership. This approach can lead to the identification of outside resources that can leverage GRH's investments in the river from other funding sources as well as develop partnerships with volunteer groups to clean up, monitor, and maintain the river and its public access points.

Economic Prosperity

Our recommendations also support the need for enhanced economic prosperity in the region. The Plan recognizes the need to maintain a diverse economy, providing opportunities for new businesses, while supporting established businesses needing opportunities to grow. Among the objectives of the Plan is the need "to increase opportunities for tourism." Recreational tourism is underdeveloped in our region, and the expansion of recreational access points and improvements to the environmental quality of the river can lead to growth and prosperity in this economic sector. The creation of a *Recreation Management Plan* as a component of the GRH relicensing process is paramount to providing the predictability and reassurance small business owners need to develop business plans that involve recreational access to the river.

Preparedness

Another theme of the Plan is the recognized need to improve the region's preparedness for man-made and natural disasters. Objectives include enhancing regional resilience, protecting private property and public infrastructure, and improving public safety. Southwestern New Hampshire has experienced increased incidences of severe storm events causing serious flooding and erosion issues that have claimed lives and cost millions of dollars. Our recommendation to develop an *Erosion and Riverbank Monitoring and Erosion Control Plan* is a critical need that can identify plans for addressing expected or unanticipated flooding and erosion events that can cause irreparable damage to private property and public infrastructure in the APE. Given the threat of climate change, the Mitigation and Enhancement Fund will provide responsible oversight and resources to prevent further degradation of erosion prone areas of the river as well as address unanticipated private property and public infrastructure impacts related to the operation of the hydroelectric facilities during heavy weather events.

We appreciate your consideration of these comments and recommendations. Please feel free to contact me to discuss or if you require additional information. I can be reached at thorner@swrpc.org or by calling 603-357-0557.

Sincerely,



Todd Horner
Executive Director