



Connecticut River Joint Commissions
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VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary

Federal Energy Regulatory Commission
888 First Street, N.E. Room 1-A
Washington, D.C. 20426

Re: Comments on TransCanada Hydro Northeast Inc.'s Updated Study Results for Project Nos. 1892-026, 1855-045 and 1904-073

May 2, 2016

Dear Secretary Bose,

The Connecticut River Joint Commissions (CRJC) is writing in response to TransCanada's Updated Study Reports, filed on March 1, 2016 concerning the hydroelectric projects referenced above. The Connecticut River Joint Commissions is a public not-for profit organization incorporated in the State of New Hampshire and comprised of two entities, the New Hampshire Connecticut River Valley Resource Commission (CRVRC) and the Vermont Connecticut River Watershed Advisory Commission (CRWAC). New Hampshire's Connecticut River Valley Resource Commission (CRVRC) was created by the New Hampshire Legislature in 1987. The statutory authority of the CRVRC is to plan for and guide the development of the recreational, tourist, commercial and residential uses of the Connecticut River Valley. Vermont's Connecticut River Watershed Advisory Commission (CRWAC) was created in 1988. The CRWAC was established to develop ways to cooperate, and to initiate and encourage interstate cooperation and coordination with the state of New Hampshire.

The Connecticut River Joint Commissions has facilitated coordination of plans, programs, and projects on behalf of the two commissions since 1989. The Connecticut River Joint Commissions appreciates the level of effort put forth by the applicant, TransCanada, in collaborating with stakeholders on the Study Plans.

1) The CRJC hereby affirms its prior comments, expressed in our August 26, 2013 filing with Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission Re: Reply to Trans Canada Hydro Northeast Inc's Revised Study Plans Project Nos. 1892-026, 1855-045 and 1904-073, including, but not limited to, requests to:

- a. Incorporate into the hydraulic and operations models scenarios of more intense storm events and prolonged periods of drought that are based on recent historical data and predicted by the preponderance of climate models. Not to do so is a glaring weakness in the studies that will undermine their credibility and defensibility. Furthermore, the resulting weaknesses in the models will hamper the projects owner's ability to meet desired stakeholder outcomes in future years.
- b. Address the potential for the accumulation of increased levels of toxins (e.g., mercury in fish) within the reservoirs as a result of fluctuating water levels. As mercury adversely affects human health, data on it should be gathered through these studies. This is an appropriate subject that must be carefully reviewed during water quality certifications by New Hampshire and Vermont, under Section 401 of the Clean Water Act.
- c. Ascertain the proportion of bank erosion attributable to project operations. See discussion of Study No. 1, *Historical Riverbank Position and Erosion Study*, below.
- d. Assess the cumulative economic impact of the hydroelectric projects. These include loss of agricultural land due to shoreland erosion, flooding of developed areas, costs associated with maintaining and monitoring recreational use of the impoundments, and most importantly, threats to infrastructure (e.g., NH Route 12A between Charlestown and Walpole, and River Road in Lyme, New Hampshire) caused by shoreland erosion. The reluctance of TransCanada to compensate municipalities for assessed values of dam properties or expenses related to their operations was highlighted by TransCanada's challenges of local property tax assessments, which required expenditures by the municipalities to defend. The studies do not address the costs borne by local communities and landowners in unwilling service to a private enterprise whose profits derive from its use of our public resource, the Connecticut River.

2) The CRJC recommends that TransCanada establish, by December 2016, a mitigation and enhancement fund (similar to the fund established under the 1997 settlement agreement for Connecticut River dams at Fifteen Mile Falls) for the lower Connecticut River as part of the draft license agreement. As unequivocal scientifically defensible results of some impact studies are not likely to be forthcoming in the near term, we support the creation of this fund as a measure to compensate for unavoidable (and/or undeterminable) impacts to public and private properties.

3) Specifically, with respect to Study No. 1, *Historical Riverbank Position and Erosion Study*, filed on March 1, 2016, CRJC respectfully requests that the comment period be extended to coincide with the other two erosion studies. The results of this study are dependent on other studies (e.g., Study 2, *Riverbank Transect Study*, and Study 3, *Riverbank Erosion Study*) that have not yet been filed. Comments on all three of these studies should be due at the same time. Erosion is a significant problem affecting landowners along the reservoirs, and we look forward to providing our experience and observations when all three erosion studies can be reviewed together.

Clearly, since bank erosion appears to be one of the most serious adverse impacts from project operations, we may have additional comments on Study #1 as they relate to Study #2 and Study #3. Therefore please accept the following comments as provisional:

- a. Support O. Ross McIntyre's comments to FERC regarding Study #1 as it relates to n soil erosion in Lyme, which are generally applicable to each of the reaches affected by relicensing.
- b. Request and recommend study modifications, or additional studies, that are designed to determine the likely causes of erosion, particularly those that are designed to identify the portion of erosion that is directly attributable to project operations.
- c. Suggest the effect of historic log drives and scour by ice be considered as erosive forces.
- d. Recommend that the operational model be optimized to manage ramping rates and frequencies in a manner to minimize erosion.
- e. Point out that erosion inventories conducted in 1992 by the Grafton County Conservation District, and in 1997 for Sullivan and Cheshire Counties in New Hampshire and Windham and Windsor Counties in Vermont should be added to the inventory of prior studies.

The CRJC hopes that you carefully consider our comments. We offer them on behalf of the Joint Commissions, entrusted by the States of New Hampshire and Vermont to oversee and make recommendations to governments and the public, for the health and well being of the Connecticut River. By working in cooperation with FERC and TransCanada, we seek to ensure that the best possible license conditions are crafted, local public interests are considered, and our shared public trust resource, the Connecticut River, is protected.

If you have any questions regarding the contents of this letter, please feel free to contact either of us via e-mail at Jason Rasmussen (jrasmussen@swcrpc.org) or Richard Walling (wsqw@myfairpoint.net).

Sincerely,



Richard Walling
Chair, New Hampshire Connecticut River Valley Resource Commission



Jason Rasmussen
Chair, Vermont Connecticut River Watershed Advisory Commission