



Connecticut River Joint Commissions

10 Water Street, Suite 225

Lebanon, NH 03766

(603) 727-9484

<http://www.crjc.org>

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. Preliminary Licensing Proposal for Project Nos. 1892-026, 1855-045 and 1904-073

February 28, 2017

Dear Secretary Bose,

The Connecticut River Joint Commissions (CRJC) is writing in response to TransCanada's (TC) Preliminary Licensing Proposal (PLP), filed on December 1, 2016 concerning the hydroelectric projects referenced above. The CRJC and three of its five subcommittees are actively engaged in the relicensing process and have a number of comments.

First, we appreciate the clarity with which the PLP has been prepared, and the opportunity to comment. However, as noted in the PLP cover letter, many of TC's studies were not finalized when the PLP was issued. These include, in our opinion, two of the most important studies: in-stream flow and erosion. Moreover, the latest erosion study report, released on February 4, 2017, does not appear to clarify the proportion of erosion that is attributable to project operations.

Consequently, we believe that currently, TransCanada does not have sufficient information to 1) determine the cumulative impact on public interest factors and 2) propose operational parameters for the facilities. Therefore, we respectfully reserve the right to provide more specific comments once the studies are complete, we have an opportunity to have them peer-reviewed, and TransCanada proposes operations that are based on a more comprehensive impact assessment, which includes appropriate avoidance, minimization and compensation measures.

Second, we are disappointed that the PLP does not address a number of prior requests that are of concern to citizens and communities along the river. Most of these issues were raised in previous comments to FERC <http://www.crjc.org/news-and-events/relicensing-of-connecticut-river-dams/> and are supported by river management plans prepared and published by the

Connecticut River Joint Commissions <http://www.crjc.org/pubs/connecticut-river-management-plan/>. These include:

1. Modify project operations to reduce ramping rates and frequencies to minimize water level fluctuations, which cause erosion and methylmercury production. We had hoped that TransCanada would specify protocols for monitoring erosion and periodic sampling of mercury, which it has not done. In addition, we would like to suggest that critical operational parameters be specified as mandatory (not voluntary), and that proposed operational ranges, particularly with respect to allowable water level fluctuations, be as narrow as possible in order to minimize impact.
2. Incorporate scenarios and potential responses to more intense storm events and prolonged periods of drought that are based on recent historical data and predicted by the preponderance of climate models. These might include, for example, provisions for revisiting the permit if there are significant persistent changes in river flows (e.g., greater flows due to more frequent flood events, or lower flows due to drought).
3. Identify more explicit methods for protecting listed species, natural communities and archaeological sites that may be affected by eroding banks and rapid watering and de-watering. TransCanada does not appear to be dedicated to preserving these resources but instead relies on protective regulations that are currently available under federal statutory authorities (e.g., Endangered Species Act and National Historic Preservation Act). However, with the current federal administration, many of these protective measures may be weakened or eliminated. Thus, it seems incumbent upon the project proponent to explain how these resources will be protected if federal environmental regulations change.
4. Establish a decommissioning fund to ensure the facilities can be dismantled if they become obsolete.
5. Participate in a revenue-sharing arrangement with riverfront communities in New Hampshire and Vermont. This only seems fair, as TransCanada will monopolize use of the river, a public trust resource, over the next 40-50 years to generate electricity. New Hampshire riverfront communities pay some of the highest electrical rates in the country, a major impediment to local economic development, and we are concerned that riverfront communities do not benefit enough from the generation of that electricity.
6. Conduct a cumulative economic impact analysis of the hydroelectric projects. This analysis must include loss of agricultural land due to shoreland erosion, flooding of agricultural and developed areas, costs associated with maintaining and monitoring recreational use of the impoundments, and importantly, threats to infrastructure (e.g., NH Route 12A between Charlestown and Walpole, and River Road in Lyme, New Hampshire) caused by ongoing shoreland erosion.
7. Establish a mitigation and enhancement fund for the lower Connecticut River as part of the license agreement. We support the creation of this fund as a measure to compensate for unavoidable impact to public and private resources. The establishment of this fund is supported by New Hampshire Fish and Game, and other stakeholders.
8. Maintain and enhance recreational access to the river. This is of significant interest to many communities along the river, and we are in the process of identifying a list of specific projects that are of interest to stakeholders.

Finally, some of these requests are necessarily general at this time, but we hope to provide more specific requests (e.g., improvement of specific portages) as negotiations of a license agreement and coordination with riparian owners and towns proceed.

In summary, the Connecticut River Joint Commissions sincerely appreciates the opportunity to have input in a licensing agreement. In this communication, we are setting forth some crucial omissions which need to be addressed in a final licensing proposal. 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 local public interests are considered, our shared public trust resource (the Connecticut River) is protected, and the best possible license conditions are crafted.

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](mailto:jrasmussen@swcrpc.org)) or Richard Walling ([wsqw@myfairpoint.net](mailto:wsqw@myfairpoint.net)).

Sincerely,



---

Richard Walling  
Chair, New Hampshire Connecticut River Valley Resource Commission



---

Jason Rasmussen  
Chair, Vermont Connecticut River Watershed Advisory Commission