

October 15, 2004

BY FAX AND MAIL

Ms. Linda Mitry
Acting Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1-A
Washington, DC 20426

Re: Waterbury Hydroelectric Project, FERC Project No. 2090-003, Vermont,
Comments on Environmental Assessment

Dear Secretary Mitry:

The Vermont Natural Resources Council (VNRC) appreciates the opportunity to comment on the Environmental Assessment (EA) for the Waterbury Hydroelectric Project.

Drawdown

The conclusion reached in the EA with regard to a winter drawdown is flawed. The EA states on page 22 that "Compared to GMP's proposal, VANR's proposal would result in an additional 40 acres surrounding the impoundment being inundated once every two years, and 43 acres surrounding the impoundment would be inundated once every 10 years during the spring flooding. Flooding would result in soil being loosened and eroded." Under the Vermont Agency of Natural Resources' (VANR) proposal the reservoir would remain stable. Thus spring flooding would affect land that is mostly stable and vegetated. In contrast GMP's proposed 20-foot drawdown would effect land that is mostly unstable and unvegetated and result in additional erosion and turbidity downstream of the reservoir. The EA fails to consider the erosion and turbidity that would occur along the shoreline from the dewatering and subsequent freezing of the area of the impoundment subject to the 20-foot winter drawdown.

The EA also fails to consider the biological impacts of the winter drawdown on the wetlands and littoral zone of the reservoir. Much evidence exists of the degradation that occurs from reservoir drawdowns, particularly winter drawdowns (Vermont Agency of Natural Resources, 1989, *The Lake Bomoseen Drawdown: An Evaluation of its Effects on Aquatic Plants, Wildlife, Fish, Invertebrates and Recreational Uses*). Such degradation includes a decrease in the diversity of plants and animals, the elimination of sensitive plants and animals, an increase in nuisance species that are able to colonize new areas, and the freezing of herptiles that have buried into the drawdown zone.

Flood Control

The EA concludes that VANR's proposal for a stable reservoir could compromise flood control. However, the EA does not provide any analysis to support this conclusion. In fact, a winter drawdown is not required for flood control purposes.

Downstream flows

We agree with the EA that a run-of-river flow regime downstream is necessary to provide habitat for fish species and establish a stable temperature regime. The EA, however, is unclear on the flow regime that will occur during the winter drawdown. If a winter drawdown is allowed, a peaking regime will occur in the Little River degrading the aquatic habitat. The EA also recommends whitewater releases for boaters. It is unclear how these releases will impact the recommended run-of-river regime and what impact it will have on aquatic habitat. This discrepancy must be rectified.

Mercury

The EA does not address mercury bioaccumulation in fish of the Waterbury Reservoir and the role of the drawdown in exacerbating this problem. Some data and analysis developed by the VANR (letter to Bob Doherty, Gomez and Sullivan dated August 6, 1999) show that mercury concentrations found in yellow perch and large smallmouth bass from Waterbury reservoir are higher than that found in natural lakes. Mercury is a neurotoxin, and Vermont has a fish consumption advisory in place warning individuals to limit their consumption of particular fish species from Vermont waters. Reservoir drawdowns have been implicated as one factor that can increase mercury bioaccumulation in fish and other aquatic species. The EA should address this important wildlife and human health problem.

Conclusion

VNRC requests that FERC revise its EA to address the comments and concerns raised by VNRC. In addition, VNRC believes that based on the fact that the EA calls for a 20-foot winter drawdown and provisions that appear to conflict with true run of river conditions that this will be a federal action significantly affecting the quality of the environment. Accordingly, unless these issues are addressed FERC must prepare an Environmental Impact Statement (EIS) for the project.

Sincerely,

Jon Groveman
General Counsel and Water Program Director

CC: VANR Brian Fitzgerald
VANR Rod Wentworth
USFWS Melissa Grader
TU Dana Baker
American Whitewater - Thomas Christopher
Gomez and Sullivan - Tom Sullivan
Vermont Paddlers Club – Ray Ingram