

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Village of Morrisville , Vermont

Project No. 2629-0__

Project No. _____ - ____

**APPLICATION FOR ADMINISTRATIVE AMENDMENT
(Separation of Units of Development)**

Pursuant to Federal Power Act (“FPA”) Section 6, 16 U.S.C. § 798, and Section 4.201 of the Federal Energy Regulatory Commission’s (FERC or Commission) regulations, 18 C.F.R. § 4.201 (2021), the Village of Morrisville , Vermont (“Applicant”) files this application for an administrative amendment of the current license for the Morrisville Hydroelectric Project, FERC Project No. 2629. Specifically, the Applicant requests that the Commission amend the current license and “assign” the existing Morrisville Project’s four developments “into” two separately-licensed projects. The Green River Development and the Lake Elmore Development would remain under the license issued for Project No. 2629; and the Cadys Falls Development and the and the Morrisville Development would be administratively removed from the Morrisville Project, Project No. 2629, and would become a new project called the Morrisville-Cadys Falls Hydroelectric Project with a new project number. *See. e.g., Union Falls Hydropower L.P. and Erie Boulevard Hydropower L.P., Project Nos. 4472-028 and 15000-000, Order Approving Amendment of License and Modifying Relicensing Applicants, 169 FERC ¶62,032 (Oct. 18, 2019).*

The Applicant requests the administrative amendment so that it may pursue

relicensing of the two projects separately. The developments' separation will allow the Morrisville-Cadys Falls project to be removed from the uncertainty and pall surrounding the Green River Development, which is subject to a significant stability analysis of the ability of its arch dam to safely maintain a winter impoundment elevation mandated by VTANR's 2016 401 Certification. For example, should the ongoing assessments of the flood events likely to result from maintaining higher impoundment levels during winter for the Green River Development render that development's continued operation economically impracticable for the Morrisville Water and Light Department, the Applicant could proceed with decommissioning of the development separate from the three other developments.

The 2016 VTANR 401 WQC's mandatory terms for the Green River Development is expected to reduce average annual generation by approximately 50 percent – from an average of 1,000,000 kilowatt-hours (2015 – 2020) to 500,000 kilowatt-hours; which makes decommissioning of the site a practical consideration. Additionally, new regulations for dam and project safety recently approved by the Commission will add significantly to the Part 12 costs associated with the Green River Development's arch dam, which has a high hazard classification. Similarly, the 2016 VTANR 401 WQC's mandatory terms for the Morrisville and Cadys Falls Developments is expected to reduce average annual generation by approximately 25 percent – from an average of 6,000,000 kilowatt-hours (2015 – 2020) to 4,000,000 kilowatt-hours; which makes the replacement of turbine/generator units with new units and/or minimum flow units a practical

consideration¹.

Segregation of the developments will facilitate the ability of the Applicant to address a significant reduction in each development's expected annual generation caused by the 2016 VTANR 401 WQC's mandatory terms. With the Green River Development separated from the operating Morrisville and Cadys Falls developments, the Applicant could amend the relicensing application for the Morrisville and Cadys Falls developments to accommodate the utilization of minimum flow turbines to *discharge without alteration* the higher bypass flows that would be mandated under the 2016 VTANR 401.

The original license for Project No. 2629 was issued on August 28, 1981 and expired on April 30, 2015 (16 FERC ¶62,346); and has continued to operate under an annual license. A final Environmental Assessment was issued in December of 2014. VTANR issued in August 2016 a 401 Water Quality Certificate. The Applicant challenged the 401 WQC in state court and in 2020 did not prevail upon appeal of a prior court order by VTANR. The Applicant was unsuccessful in seeking in 2020 a declaration by the Commission that the certification requirement had been waived by VTANR. A petition for appellate review before the U.S. Court of Appeals for the District of Columbia is in abeyance pending resolution of other FERC "waiver" proceedings on appellate review. The 2016 VTANR 401 WQC mandated winter impoundment levels for the Green River Development, and related issues of safety and costs, are the gravamen of the above noted controversies and proceedings. Separating the Green River Development would facilitate ongoing discussions with the State of Vermont concerning the possible decommissioning

¹ An analysis of the reduction of annual generation is provide in the Commission's 2014 Final EA, Section 4.3 Cost Of Environmental Measures.

of the Green River Development, which remove the current controversy before the DC Circuit Court of Appeals.

The proposed amendment is administrative in nature and will not result in changes to the four developments' operations, ground disturbance, or environmental effects. *Id.* at P. 9. Further, reducing the uncertainty of and expediting the relicensing of the Morrisville-Cadys Falls Project is in the public interest. The current developments are operating under three separate 401 water quality certificates: (1) a May 7, 1981 certificate issued for the Morrisville and Cadys Falls Developments, and (2) two certificates for the Green River Development date March 24, 21981 and amended May 25, 1981. Copies of the certificates are provided in Attachment C. Thus, the administrative amendment is facilitated by the separate 401 certificates.

Revised Exhibits. Under the proposed amendment, the Green River Development, the Lake Elmore Development and their appurtenant facilities, would remain as the sole units of development under Project No. 2629 and would be renamed the Green River Hydroelectric Project. The Cadys Falls and Morrisville Developments would be administratively removed and become the Morrisville-Cadys Falls Project under a new and separate license Project number.

The Applicant requests that the Commission approve the amendment proposal with revisions, etc., requiring the Applicant to file for each license revised Exhibits A, F, and G reflecting the new project names and docket numbers. The revised Exhibit A for the Green River Hydroelectric Project, P-2629, would reflect an authorized installed capacity of

1,890 kW (2534.5 hp). The revised Exhibit A for the Morrisville-Cadys Falls Hydroelectric Project, P-15____-000, would reflect the currently authorized installed capacities for the of Morrisville and Cadys Falls developments of 1,800 kW (2413.8 hp), and 1,300 kW (1743.3 hp), respectively; for an aggregated capacity of 3,100 kW (4157.2 hp). The revised Exhibit F and G drawings would be based upon those exhibits as accepted in the relicensing proceeding for P-2629 and would be revised, as necessary, and renumbered as ordered by the Commission.

License Articles. The Applicant has attached hereto, as Appendix A, a chart setting forth a proposal for separating the current license articles that will apply to each license as amended.

I. Initial Statement

Pursuant to section 4.201(a) of the Commission’s regulations, Applicant provide the following information:

A. Description of Applicant

The exact name, business address, and telephone number of Applicant is:

Village of Morrisville
Water and Light Department
Penny Jones, Manager
857 Elmore Street
Morrisville, VT 05661
E-mail: pjones@mwlvt.com
Telephone: (802) 888-3348

The persons authorized to act as agent for Applicant are:

Penny Jones, Manager
Village of Morrisville
Water and Light Department
857 Elmore Street
Morrisville, VT 05661
E-mail: pjones@mwlvt.com
Telephone: (802) 888-3348

Paul V. Nolan
5515 17th Street North
Arlington, VA 22205-2722
E-Mail: pvnvndiver@gmail.com
Telephone: (703) 587-5895

The Applicant is a municipal corporation organized under the laws of the State of Vermont.

B. Proposed Amendment

Project Descriptions. The existing Morrisville Hydroelectric Project consists of four developments with a total installed capacity of 4,990 kilowatts (kW). The project’s average annual generation (2015 – 2020) is approximately 7,000,000 kilowatt-hours.

Power generated by the Project's hydroelectric developments is used to meet the power needs of the Village of Morrisville's regional retail customers within the village and surrounding communities. Green River Development's average annual generation is approximately 1,000,000 kilowatt-hours. With changes mandated by the 2016 401 WQC, the Green River Development's expected annual is 500,000 kilowatt-hours. Recent average annual generation for the Morrisville and Cadys Falls development is approximately 6,000,000 kilowatt-hours. With changes mandated by the 2016 401 WQC, the two developments expected annual generation is approximately 4,000,000 kilowatt-hours.

Green River Hydroelectric Project P-2629. This project would consist of the non-operating Lake Elmore Development and the Green River Development.

Green River Development. The Green River Development is located on the Green River and consists of: (1) a 360-foot-long, 105-foot-high concrete arch dam that includes, near its center, a 60-foot-long ungated spillway with a crest elevation of 1,220 feet above mean sea level (msl); (2) a 45-foot-long, 15-foot-high concrete gravity weir that creates a 180-foot-long, 11-foot-deep stilling pool downstream of the concrete arch dam; (3) a 200-foot-long, 16-foot-high earthen embankment with 2-foot-high wooden wave barriers approximately 1.25 miles southeast of the concrete arch dam; (4) a 690-acre impoundment with a storage capacity of 17,400-acre-feet and a normal maximum elevation of 1,220 feet msl; (5) a 16-foot-long, 12-foot-high gated intake structure; (6) a 22-foot-long, 16-foot-wide intake-valve house and a 14-foot-long, 13-foot-wide outlet-valve house;

(7) a 116-foot-long penstock, that includes a 6-foot-diameter, 94.5-foot-long buried, steel section that bifurcates into two 3-foot-diameter, 21.5-foot-long steel sections; (8) a 32-foot-long, 37-foot-wide concrete powerhouse containing two 945-kW turbine-generator units for a total installed capacity of 1,890 kW; (9) a 14.5-foot-long, concrete tailrace; (10) a 5-mile-long, 34.5-kilovolt (kV) transmission line connecting the powerhouse to the regional grid; and (11) appurtenant facilities.

The Green River Development bypasses approximately 180 feet of the Green River, including the stilling pool. The Green River development is operated in seasonal store and release mode and the Morrisville and Cadys Falls developments are operated in run-of-river mode.

The existing license requires instantaneous minimum flows of 5.5 cubic feet per second (cfs) in the tailrace of the Green River Development

Lake Elmore Development. The existing Lake Elmore Development is located on Elmore Pond Brook and consists of: (1) a 26-foot-long, 10-foot-high concrete gravity dam and spillway with a crest elevation of 1,139 feet msl; (2) a 300-acre impoundment (Lake Elmore) with a 1,000-acre-foot storage capacity and a normal maximum water surface elevation of 1,139 feet msl; (3) a 8.5-foot-long, 7.5-foot-wide gatehouse; (4) a 8.3-foot-long, 3.5-foot-high gated intake structure; (5) a 2.5-foot-long concrete-lined tailrace; and (6) appurtenant facilities.

Morrisville-Cadys Falls Project, P-15_____. This project would consist of two developments: Morrisville and Cadys Falls.

Morrisville Development. The existing Morrisville Development is located on the Lamoille River and consists of : (1) a 384-foot-long, 37-foot-high concrete gravity

dam comprised of a 138-foot-long concrete retaining wall, a 30-foot-long intake and gatehouse section, and a 216-foot-long spillway with two 108-foot-long, 4-foot-high Obermeyer inflatable crest gates and a crest elevation of 627.79 feet msl; (2) a 141-foot-long, 8-foot-high concrete wall approximately 260 feet northwest of the dam that includes a 60-foot-long overflow section (back spillway) with 2-foot-high wooden flashboards ; (3) a 15-acre impoundment with a 72-acre-foot storage capacity and a normal maximum water surface elevation of 631.79 feet msl; (4) a 28-foot-long, 36-foot-wide gatehouse; (5) a 30-foot-long, 16-foot-high gated intake structure; (6) one 7-foot-diameter, 150-foot-long buried steel penstock and one 10-foot-diameter, 150-foot-long buried, steel penstock; (7) a 54.5-foot-long, 30.5-foot-wide concrete-brick powerhouse containing a 600-kW turbine-generator unit and a 1,200-kW turbine-generator unit for a total installed capacity of 1,800 kW; (8) one 17.5-foot-long concrete-lined tailrace and one 14.0-foot-long concrete-lined tailrace; (9) a 435-foot-long, 34.5-kV transmission line connecting the powerhouse to the regional grid; and (10) appurtenant facilities. The Morrisville Development bypasses approximately 380 feet of the Lamoille River.

Cadys Falls Development. The existing Cadys Falls Development is located on the Lamoille River approximately 1 mile downstream of the Morrisville Development and consists of: (1) a 364-foot-long, 41-foot-high concrete gravity dam comprised of a 23-foot-long embankment section, a 186-foot-long spillway section with 3.5-foot-high wooden flashboards and a crest elevation of 576.89 feet msl, a 60-foot-long intake and gatehouse section, and a 95-foot-long non-overflow section; (2) a 150-acre impoundment (Lake Lamoille) with a 72-acre-foot storage capacity and a normal maximum water surface

elevation of 580.39 feet msl; (3) a 29-foot-long, 40-foot-wide gatehouse; (4) an 18.0-foot-long, 9.2-foot-high gated intake structure; (5) a buried, steel penstock that includes a 7-foot-diameter, 1,110-foot-long section leading to a 35.6-foot-high, 29.7-foot-diameter concrete surge tank and bifurcating into a 90-foot-long, 8-foot-diameter section and a 30-foot-long, 9-foot-diameter section; (6) a 96-foot-long, 46-foot-wide concrete-brick powerhouse containing a 600-kW turbine-generator unit and a 700-kW turbine-generator unit for a total installed capacity of 1,300 kW; (7) a 12-foot-long concrete-lined tailrace; (8) a 150-foot-long, 34.5-kV transmission line connecting the powerhouse to the regional grid; and (9) appurtenant facilities. The Cadys Falls Development bypasses approximately 1,690 feet of the Lamoille River.

The Lake Elmore development has no generation facilities and is not operated to store or release flows. It is drawn-down yearly for property maintenance by local littoral owners and *does not significantly benefit downstream power generation. See Woodland Pulp LLC, Project No. 2660-029, Declaratory Order, 161 FERC ¶61,282 (December 21, 2017).*

The current license requires 5 cfs and 12 cfs in the tailrace and bypassed reach of the Morrisville Development, respectively; and 150 cfs in the tailrace of the Cadys Falls Development.

The Applicant seeks to accomplish the license separation as soon as possible, to enable it to independently pursue relicensing for the two Projects, with the expectation that the Morrisville-Cadys Falls Hydroelectric Project's license can be issued sooner than that for the Green River Hydroelectric Project's license that *must await completion of*: (1)

Commission review and approval of a June 2021 inundation assessment and mapping;² (2) a stability assessment of the Green River Development’s arch dam; (3) the possible development of remediation and enhancements to the Green River Development’s project works with cost assessments therefore; and (4) a supplemental document to the 2014 Final Environmental Assessment to address any additional costs and remediation of the Green River Development’s project works.

Administrative Amendments. Under sections 4(e) and 23(b)(1) of the Federal Power Act (FPA),³ FERC issues licenses for hydropower “project works”—that is, the physical structures of a project—as opposed to “projects,” which are “complete unit[s] of improvement or development.”⁴ Therefore, FERC has acknowledged that it “*has the flexibility to accommodate a variety of proposed licensing arrangements, for ownership or other reasons, so long as [it] retains sufficient authority to regulate the project under the comprehensive development standard of the FPA.*”⁵ There is ample FERC precedent, given this flexibility, for single or multiple licensees to separate a single “project” into separate licenses as long as those licenses collectively cover all of the “project’s” various “project works.”⁶

² As of this filing’s date, the June 2021 submission of inundation information is still under review. The Village has authorized its engineering consultants to proceed with an assessment of the flooding events likely to occur should the Village be required by the 401 VTANR WQC’s mandate to operate the Green River Development’s impoundment at a higher-level during winter.

³ 16 U.S.C. §§ 797(e), 817(1) (2012).

⁴ *Id.* §§796(11), 796(12).

⁵ *Pub. Serv. Co. of Colo.*, 130 FERC ¶62,107 at P 3 (2010); 16 U.S.C. § 803(a)(1).

⁶ *See, e.g., Pub. Serv. Co. of Colo.*, 130 FERC ¶162,107; *Pub. Serv. Co. of Colo.*, 131 FERC ¶ 62,150, *reh’g denied*, 132 FERC ¶ 161,224 (2010); *Hudson River-Black River Regulating Dist.*, 100 FERC ¶ 61,319 (2002), *reh’g granted in part*, 102 FERC ¶61,133 (2003); *Erie Boulevard*

The Applicant’s proposal to separate the Project license for P-2629 into separate licenses for the Green River Hydroelectric Project (P-2629) and the Morrisville-Cadys Falls Hydroelectric Project (P-15____-00_) development is fully consistent with the FPA and Commission precedent. *See, e.g., PacifiCorp*, Project Nos. 2082-062 and 14803-000 Order Amending License and Deferring Consideration of Transfer Application, 162 FERC ¶ 61,236 (March 15, 2018) and *Union Falls Hydropower L.P. and Erie Boulevard Hydropower L.P.*, Project Nos. 4472-028 and 15000-000, Order Approving Amendment of License and Modifying Relicensing Applicants, 169 FERC ¶62,032, (Oct. 18, 2019).

All of the project works associated with both licenses will continue to be owned and operated by the Applicant. The Commission will continue to retain sufficient authority to regulate the project works under the comprehensive development standard of the FPA for the remainder of the current license term, as well as under the term of the two “new” minor licenses.

C. Statutory and Regulatory Requirements

The proposed amendment is an administrative amendment that does not involve any impacts or changes that pertain to or involve the various statutory and/or regulatory requirements of Vermont pertaining to the proposed separate licenses. Therefore, Applicant incorporates by reference the statement of statutory and regulatory requirements included in the Applicant’s Initial Statement in the relicensing proceeding for Project No. 2629 , pp. IS-3 – IS-4 (“Initial Statement for New License”) (eLibrary 20130425-5128).

Hydropower, LP, 100 FERC ¶ 61,322 (2002), *reh’g granted in part*, 102 FERC ¶ 61,133 (2003); *Cent. Me. Power Co.*, Order Approving Partial Transfer of License, Amendment of License, and Redesignation of Project Works, 54 FERC ¶ 62,123 (1991).

II. Additional Information.

A. License Exhibits and Articles

Separation of the license requires minimal amendment of the license exhibits pursuant to section 4.201(c) of the Commission's regulations. The proposed separation of the exhibits that apply to each respective development in light of the nature of the proposed license amendment will track the above description of the individual developments.

The Applicant also has included a chart in Appendix A setting forth proposed separation of the license articles to those articles that apply to each respective development based on the August 28, 1981 License and relevant license amendments as noted in the chart.

The Vermont Agency of Environmental Conservation (AEC), after conducting site specific instream flow studies, issued Water Quality Certificates under Section 401 of the Federal Water Pollution Control Act. The developments were conditioned by the following minimum flows:

1. That a minimum flow of 5.5 cfs be released at the Green River Development unless inflow to the reservoir is less, in which case the minimum allowable release would be the inflow.
2. That minimum flows of 135 cfs below the Morrisville tailrace and 150 cfs below the Cadys Falls tailrace be maintained unless inflows to the respective reservoirs are less, in which case, the minimum allowable releases would be the respective inflows.

B. Pre-Filing Consultation

The proposed amendment is administrative in nature; there will be no change to Project operations and no environmental effects. There will be no alteration of project discharges. Therefore, the proposed amendment would not affect the interests of any resource agencies or tribes. As a result, pre-filing consultation is not required or necessary under Section 4.38(a)(7) of the Commission's regulations.

Any interested party will have the opportunity to comment on the proposed amendment in response to the Commission's public notice of the application.

The applicant did circulate to VTANR and USF&WS a draft of this filing on December 17, 2021. A copy of the email requesting the agencies' review and comments is included in Appendix B.

USF&WS responded by an email dated December 22, 2021. VTANR responded by a letter dated December 23, 2021. The Village responded to various agency comments questioning the need for an amendment by an email dated December 23, 2021 from the Applicants regulatory consultant. Copies of the forementioned correspondence are provided in Appendix B.

III. Conclusion

For the reasons discussed above, the Village of Morrisville requests that the Commission amend administratively the license for Project No. 2629 into two separate licenses as described herein. Applicant requests that the Commission issue its approval of the amendment expeditiously to enable Applicant to pursue separate relicensing processes

for the two licenses.

Respectfully submitted this 15th day of February, 2022.

Paul V. Nolan

Paul V. Nolan
Village of Morrisville, Vermont
Regulatory Consultant
5515 17th Street North
Arlington, VA 22205-2722
E-Mail: pvnvndiver@gmail.com
Telephone: (703) 587-5895

Verification Statement

This administrative amendment application is executed in the:

Commonwealth of Virginia

County of Arlington

By:



Paul V. Nolan
Village of Morrisville, Vermont
Regulatory Consultant

5515 17th Street North
Arlington, VA 22205-2722
E-Mail: pvnvndiver@gmail.com
Telephone: (703) 587-5895

being duly sworn, depose and says that:

- A. the contents of this administrative amendment application are true to the best of his knowledge and/or belief; and,
- B. he is authorized to execute and file this application on behalf of the Applicant, the village of Morrisville, Vermont, licensee.

The undersigned has signed this application of behalf of the village of Morrisville, Vermont, licensee, this 15th day of February, 2022.

Village of Morrisville, Vermont

By:



Paul V. Nolan
Village of Morrisville, Vermont
Regulatory Consultant

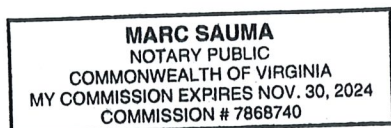
Subscribed and sworn to before me, a Notary Public, authorized by the Commonwealth of Virginia to notarize documents, this day of 15th of February, 2022.

SEAL:



My Commission Expires

11/30/2024



CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in the relicensing proceeding for project No. 2629

Respectfully submitted this 15th day of February, 2022.

Paul V. Nolan

Paul V. Nolan
Village of Morrisville, Vermont
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Cc: Penny Jones – Village of Morrisville
Jeff Crocker – VTANR
Pete LaFlamme – VTANR
Kenneth Hogan – USF&WS
Jon Groveman -- VNRC

Appendix A

License Articles

Current	P-2629	P-15____
Form L-11	Form L-10	Form L-10
24	24	24
25	Amended Article 25. Licensee shall for the purpose of protecting fish and wildlife resources discharge: at the Green River tailrace a continuous minimum flow of 5.5 cubic feet per second or the inflow to the reservoir, whichever is less; These flows may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods for fishery management purposes upon mutual agreement between the Licensee and the Vermont Agency of Environmental Conservation.	Amended Article 25. Licensee shall for the purpose of protecting fish and wildlife resources discharge: at the Green River tailrace a continuous minimum flow of 5.5 cubic feet per second or the inflow to the reservoir, whichever is less; at the Morrisville tailrace a continuous minimum flow of 135 cubic feet per second or the inflow to the reservoir, whichever is less; and at the Cadys Falls tailrace a continuous minimum flow of 150 cubic feet per second or the inflow to the reservoir, whichever is less; These flows may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods for fishery management purposes upon mutual agreement between the Licensee and the Vermont Agency of Environmental Conservation.
26	26	26
27	Amended Article 27. The Licensee within 60 days of completion of construction shall file, in accordance with the Commission's Rules and	Amended Article 27. The Licensee within 60 days of completion of construction shall file, in accordance with the Commission's Rules and

	Regulations, revised Exhibit F drawings showing the project "as-built".	Regulations, revised Exhibit F drawings showing the project "as-built".
28	28	28
29	29	None
30	None	30
31	31	31
32	Amended Article 32. The Licensee shall pay the United States the following annual charge, effective the first day of the month in which this order is issued, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 2534.5 horsepower.	Amended Article 32. The Licensee shall pay the United States the following annual charge, effective the first day of the month in which this order is issued, for the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 4157.2 horsepower.
33	33	33

Appendix B
Agency Correspondence

Draft Administrative Amendment Application

Paul Nolan <pvnpvndiver@gmail.com>

Fri, Dec 17, 2021 at 9:19 AM

To: "Crocker, Jeff" <Jeff.Crocker@vermont.gov>, "Hogan, Kenneth J" <kenneth_hogan@fws.gov>

Cc: Penny Jones <pjones@mwlvvt.com>, "Grovesman, Jon" <jgrovesman@vnrc.org>

12-17-2021

Dear Jeff and Ken,

I wish you all a safe and happy holiday.

Attached is a draft application (in Word and PDF) for an administrative amendment to the current license separating the four developments into two distinct licenses.

This application follows the August 25th recommendation of FERC Staff to look at the Klamath Relicensing proceeding, which involved an administrative amendment separating several developments.

Though an administrative amendment, the Village would like to have your review and comments (letter or email) before it files the application with FERC @ mid/late January 2022.

--

Paul V. Nolan
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2 attachments



P-2629 Application for Administrative Amendment.rtf

198K



P-2629 Application for Administrative Amendment Draft 12-17-2021.pdf

180K

Draft Administrative Amendment Application

Hogan, Kenneth J <kenneth_hogan@fws.gov>
To: Paul Nolan <pvnpvndiver@gmail.com>, "Crocker, Jeff" <Jeff.Crocker@vermont.gov>
Cc: Penny Jones <pjones@mwlvt.com>, "Groverman, Jon" <jgroverman@vnrc.org>

Wed, Dec 22, 2021 at 1:29 PM

Hi Paul,

I have reviewed your request, the proposed Administrative Amendment Application, and the Project's administrative record, and offer the following comments:

- (1) During the August 25, 2021 Conference Call with the Applicant and Interested Stakeholders, Commission staff recommended that the Village of Morrisville file an amendment of its license application, along with a decommissioning plan to remove the Green River Development from the License. Commission staff noted that in most cases where licensees consider decommissioning or making substantial changes to the application late in the relicensing process they attempt to reach a settlement agreement with the stakeholders and recommended that Morrisville researches cases like Klamath and Condit in Oregon, and Childs Irving in Arizona as similar examples (See pages 5 & 6 if the meeting minutes; Accession Number 20210908-3002).
- (2) In response to your inquiry of the possibility of filing an amendment application to split the project license, as you propose below, Commission staff noted that the most recent example of this is the Klamath Project, in which the Commission created a new docket number and split the license into two licenses. However, also Commission staff also noted that there would be no point in splitting the project if Morrisville would be the licensee for both resulting licenses, as you propose (see page 7).
- (3) On Page 7 of the meeting minutes, you note Morrisville's intent in splitting the Project in to two licenses is to expedite the licensing proceeding for the viable developments, while the Green River Development undergoes a lengthy stability analysis (due in the Spring of 2022). In response, Commission staff noted that splitting the license into multiple projects could be time consuming as well.

Based on my review, I question Morrisville's ability to expedite the licensing through the proposed Administrative Amendment. I suspect the Administrative Amendment route will result in a delay in the licensing proceeding and substantial delay in the decommissioning of the Green River Development. Alternatively, as indicated by Commission staff, an amendment of the license application, accompanied by a decommissioning plan, as suggested would likely be the most expeditious path forward for the Project's licensing and decommissioning of the Green River Development. For these reasons, the U.S. Fish and Wildlife Service does not support the proposed Application for Administrative Amendment. We would, however, support the development of an amendment to the final license application and a decommissioning plan for the Green River Development developed in consultation with the Resource Agencies. Please let me know if you have any questions or concerns with this assessment.

Sincerely,

Ken

Kenneth Hogan || Hydropower Program

U.S. Fish & Wildlife Service || New England Field Office

70 Commercial Street, Suite 300
Concord, New Hampshire 03301

(603) 227-6426

Kenneth.Hogan@fws.gov | fws.gov/newengland/FERC/

From: Paul Nolan <pvnpvndiver@gmail.com>**Sent:** Friday, December 17, 2021 9:20 AM**To:** Crocker, Jeff <Jeff.Crocker@vermont.gov>; Hogan, Kenneth J <kenneth_hogan@fws.gov>

Cc: Penny Jones <pjones@mwlvf.com>; Groveman, Jon <jgroveman@vnrc.org>

Subject: [EXTERNAL] Draft Administrative Amendment Application

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

[Quoted text hidden]

Draft Administrative Amendment Application

Paul Nolan <pvnpvndiver@gmail.com>

To: "Hogan, Kenneth J" <kenneth_hogan@fws.gov>

Cc: Penny Jones <pjones@mwlvt.com>, "Crocker, Jeff" <Jeff.Crocker@vermont.gov>, "Groverman, Jon" <jgroverman@vnrc.org>

Wed, Dec 22, 2021 at 2:21 PM

12-22-2021

Thank you for the comments, concerns, etc.

The administrative amendment was utilized in the Klamath proceeding, which Staff recommended that the Village "look at as an example."

Best wishes for a safe and joyous holiday to all.

[Quoted text hidden]

Draft Administrative Amendment Application

Crocker, Jeff <Jeff.Crocker@vermont.gov>

To: Paul Nolan <pvnpvndiver@gmail.com>, Penny Jones <pjones@mwlvt.com>

Cc: jgroveman <jgroveman@vnrc.org>, "Hogan, Kenneth J" <kenneth_hogan@fws.gov>, "LaFlamme, Pete" <Pete.LaFlamme@vermont.gov>

Thu, Dec 23, 2021 at 10:21 AM

Paul,

Please find attached the Agency's comments on the draft application for an administrative amendment to the current Morrisville Hydroelectric Project license.

Please let me know if you have any questions.

Have a safe and happy holiday season.

Jeff

**Jeff Crocker** | Supervising River Ecologist

Vermont Agency of Natural Resources

Department of Environmental Conservation

Watershed Management Division // Rivers Program

Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522

802-490-6151 (cell)

<https://dec.vermont.gov/watershed>

From: Paul Nolan <pvnpvndiver@gmail.com>**Sent:** Friday, December 17, 2021 9:20 AM**To:** Crocker, Jeff <Jeff.Crocker@vermont.gov>; Hogan, Kenneth J <kenneth_hogan@fws.gov>**Cc:** Penny Jones <pjones@mwlvt.com>; jgroveman <jgroveman@vnrc.org>**Subject:** Draft Administrative Amendment Application**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

[Quoted text hidden]

 **2021-12-23; ANR Response MWL Adm Amend.pdf**
197K

Vermont Department of Environmental Conservation*Agency of Natural Resources*

Watershed Management Division

1 National Life Drive, Davis 3

[phone] 802-490-6151

Montpelier, VT 05620-3522

<http://www.watershedmanagement.vt.gov>

DISTRIBUTED ELECTRONICALLY

December 23, 2021

Penny Jones, Manager
Morrisville Water & Light
857 Elmore Street
Morrisville, Vermont 05661

Paul V. Nolan
Representative for Morrisville
5515 North 17th Street
Arlington, Virginia 22205-2722

RE: Morrisville Hydroelectric Project – FERC Project No. 2629
VANR Comments on draft Application for Administrative Amendment

Dear Ms. Jones & Mr. Nolan,

The Vermont Agency of Natural Resources (Agency) has reviewed the draft Application for Administrative Amendment prepared for Morrisville Water & Light (Morrisville) to be submitted to the Federal Energy Regulatory Commission (FERC) for the Morrisville Hydroelectric Project. The draft administrative amendment to the current FERC license seeks to separate the four developments into two distinct licenses with the Green River Development remaining under the existing project number and the other three developments being issued a new license and project number. The Agency provides comments based on its review of the application and the administrative record on the draft Application for Administrative Amendment, herein.

On August 25, 2021, FERC staff held a public conference call with Morrisville and interested parties at the request of Morrisville who sought FERC guidance on its pending application to relicense the Morrisville Hydroelectric Project, including potential amendments to the license application or the current license.¹ During the call, FERC staff specifically addressed Morrisville's questions regarding an application for an administrative amendment to the current license to split the project into two license, as Morrisville is seeking to do. While FERC staff noted that Klamath Project was the most recent example of such a process which transferred four developments to another party. FERC noted there would be no point in splitting the project if Morrisville would be the licensee for both resulting licenses, as is being proposed by Morrisville.

Additionally, in the draft Application for Administrative Amendment, Morrisville states the administrative amendment to split the current license is being sought to allow the other facilities to move forward as the Green River development is subject to a lengthy stability analysis, which is due in spring 2022. As expressed during the call with FERC this is an attempt to expedite the relicensing for the other facilities. However, FERC staff specifically addressed the issue of timing during the conference call stating that splitting the license into multiple projects could be a time-consuming process.

¹ Kartalia, S. (September 8, 2021). *Public Files for Morrisville Hydroelectric Project: Summary of August 25, 2021 Conference Call with Applicant and Interested Stakeholders*. Federal Energy Regulatory Commission 10pp.

Ms. Penny Jones
Morrisville Hydroelectric Project
ANR Comment on Administrative Amendment
December 23, 2021
Page 2

Alternatively, during the conference call FERC staff recommended that Morrisville file an amendment to its current license application pending before FERC along with a decommissioning plan to remove the Green River development from the license. FERC also noted that in cases such as this where a licensee is considering decommissioning or making changes to the application late in the process, they attempt to reach a settlement agreement with the stakeholders.

Therefore, the Agency does not support Morrisville's proposed Application for Administrative Amendment. The proposed administrative amendment process would likely result in further delay of the relicensing proceeding. The Agency does support a process where Morrisville and other stakeholders engage in consultation to develop an amendment to the final license application and the decommissioning plan for the Green River development with the aim to make this process as transparent and with robust public process as possible.

Sincerely,



Jeff Crocker
Supervising River Ecologist

c: Ken Hogan, USFWS
Jon Groveman, Vermont Natural Resource Council
Peter LaFlamme, VT DEC

Draft Administrative Amendment Application

Paul Nolan <pvnnpvndiver@gmail.com>

Thu, Dec 23, 2021 at 4:18 PM

To: "Crocker, Jeff" <Jeff.Crocker@vermont.gov>

Cc: Penny Jones <pjones@mwlv.com>, jgroveman <jgroveman@vnrc.org>, "Hogan, Kenneth J" <kenneth_hogan@fws.gov>, "LaFlamme, Pete" <Pete.LaFlamme@vermont.gov>, Alex MacLean <alex@leoninepublicaffairs.com>

12-23-2021

Dear Jeff and Kenneth,

Thank you for the prompt replies.

Jeff, I am informed that you are aware of certain discussions at the Village and State level wherein the State has asked for the stability analysis before entertaining a proposal (settlement) whereby the State would acquire the Green River Dam as part of a decommissioning plan. I do not have a seat at that table. so, I will limit my comments to the August 25 conference call, etc.

The FERC memorandum of the August 25th meeting provides (page 7):

- Nick Jayjack (Commission staff) stated that the most recent example of this is the Klamath Project, in which the Commission created a new docket number and split the license into two licenses. He stated that the new license has the same expiration date and the same terms as the original license, and Morrisville could follow that example if Morrisville can find an entity who would accept the license for the two developments to be decommissioned. He stated that in his view, there would be no point in splitting the project **if Morrisville would be the licensee for both cases.**

In light of the comments of USF&WS and ANR, I would like to clarify that the settlement discussions will not lead to Morrisville remaining or being the licensee for both "projects," or the state being a licensee (unless it wants to), e.g., non-power licensee, co-licensee, etc.

It might be helpful for the state's dam safety engineers to chime in as they should understand the sequence of submissions and approvals that the village needs for conducting the stability analysis of an arch dam with a high hazard classification like the Green River Dam.

As your engineer should appreciate, higher winter levels are a significant concern given the difficulty in accessing the dam, gates and powerhouse during adverse winter conditions.

If ANR needs a written offer of settlement before the dam breach/stability analysis is completed, please let me know in early January.

An obvious alternative is to remove the Green River Development administratively and file, when

the state is ready, a license surrender and decommissioning plan that would require the licensee as a condition to surrender to lower the impoundment elevation to 10 feet below the crest; thus, avoiding the issues of flooding and stability. Then, once the license is surrendered (effective upon post order conditions for decommissioning), if the state wants to raise the impoundment during the recreational season or for all year round it can do so under state standards for stability, etc.

As for delays, etc., Morrisville is awaiting FERC's review and approval of the flood assessments and mapping filed with NYRO late June 2020.

As you will recall from the August conference call, flooding assessments were noted in the conference call by FERC Staff:

Paul Shannon (Commission staff) confirmed Steve Kartalia's statements, and added that due to the required changes in the operation and reservoir level (included in Vermont's section 401 certification), a dam stability and ***flooding analysis are required.***

Again, thank you for your comments.

Jeff and Kenneth. I am planning to be in Vermont in late January. I will suggest to Morrisville that a meeting with the agencies might be useful in getting a draft written settlement before FERC, while we await the stability analysis. Your **Comment please.**

Best wishes for the weekend,

Paul

P.S. I will copy Mr. LaFlamme going forward with regard to this application and any proposed settlement. Please do so with Ms. MacLean.

[Quoted text hidden]

Draft Administrative Amendment Application

Paul Nolan <pvnvndiver@gmail.com>

Wed, Jan 19, 2022 at 2:42 PM

To: "Crocker, Jeff" <Jeff.Crocker@vermont.gov>

Cc: Penny Jones <pjones@mwlv.com>, jgroveman <jgroveman@vnrc.org>, "Hogan, Kenneth J" <kenneth_hogan@fws.gov>, "LaFlamme, Pete" <Pete.LaFlamme@vermont.gov>, "MacLean, Alex" <alex@leoninepublicaffairs.com>

01-19-2022

Jeff,

I believe that an in-person meeting is preferable at your offices(?) Is that possible?
We should schedule it as such and then revert to a virtual meeting format if COVID concerns persist.

An in person meeting makes sharing documents and exchanging ideas easier.

I have checked with the Village manager's ability against mine.

We are both available March 3 , 4, 7 and 8.

The 9th and 10th are possible back updates.

I am still planning on filing the administrative amendment as I have concerns that the study on the Green River Dam's safety may result in FERC not licensing the development.

[Quoted text hidden]

Vermont Department of Environmental Conservation

Watershed Management Division

1 National Life Drive, Davis 3

[phone] 802-490-6151

Montpelier, VT 05620-3522

<http://www.watershedmanagement.vt.gov>*Agency of Natural Resources*

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December 23, 2021

Penny Jones, Manager
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Arlington, Virginia 22205-2722

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¹ Kartalia, S. (September 8, 2021). *Public Files for Morrisville Hydroelectric Project: Summary of August 25, 2021 Conference Call with Applicant and Interested Stakeholders*. Federal Energy Regulatory Commission 10pp.

Ms. Penny Jones
Morrisville Hydroelectric Project
ANR Comment on Administrative Amendment
December 23, 2021
Page 2

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Sincerely,



Jeff Crocker
Supervising River Ecologist

c: Ken Hogan, USFWS
Jon Groveman, Vermont Natural Resource Council
Peter LaFlamme, VT DEC

Appendix C
401 Water Quality Certificates

WATER QUALITY CERTIFICATION

(P.L. 92-500, Section 401)

In the matter of: Morrisville Water and Light Department
Morrisville, Vermont 05661
Application for hydroelectric
generation facilities at Morrisville
and Cadys Falls

The Water Quality Division of the Vermont Department of Water Resources and Environmental Engineering has examined the information submitted by the applicant and made the following findings:

1. Morrisville Water and Light Department (MWLD) owns and operates two existing hydroelectric generation facilities located on the Lamoille River in the Town of Morristown. In requesting this certification MWLD has indicated that there will be no changes to either of the two physical plants.

2. The Morrisville plant, constructed in 1924, consists of a gravity type dam, with 72 acre feet of useful storage, an intake, penstocks, and two generating units of 600 kw and 1200 kw capacity. Output will vary between 100 kw and 1800 kw depending on water availability. During normal operation, the pond would be drawn slightly during the day and allowed to refill at reduced power output during the night.

3. The Cadys Falls project, originally constructed in 1894, consists of a gravity type dam, with 525 acre feet of useful storage, an intake, a penstock, a storage tank, and two generator units of 600 kw and 700 kw capacity. The headwater of this plant is the tail water of the Morrisville plant and the entire fall of the water in the Lamoille River in a three mile reach is utilized for power generation. The generation output varies between 100 kw and 1400 kw depending on water availability. As with the Morrisville plant, during normal operation, the pond is drawn slightly during the day and refilled at reduced power output during the night. This project includes a penstock

bypass of approximately 1800 feet of stream.

4. Operation of both facilities is such that the average daily discharge from the plants is equivalent to the average daily inflows. Both plants are operated on a 24 hour a day basis with a continuous discharge to provide water for downstream hydroelectric plants. The Morrisville plant incurs only a nominal pond level variation while the Cadys Falls plant operates with a maximum daily drawdown of approximately two feet.

5. The Department of Water Resources and Environmental Engineering as a result of field work associated with the Department's Fishery Flow Needs Methodology and subsequent analyses completed with the cooperation of the Vermont Department of Fish and Game has determined that the minimum acceptable aquatic base flows for the Cadys Falls and Morrisville projects are instantaneous flows of 150 cfs and 135 cfs respectively. The species studied were brown and rainbow trout in their various life stages along with food production capabilities of the river to sustain the fishery at different flow regimes. Flows lower than those stated were found to severely restrict macroinvertebrate food production, the propagation of fish, and the resident fishery in its different life stages. At Cadys Falls, a flow of 150 cfs has an exceedance probability of approximately 75 percent. By letter dated April 1, 1981, MWLD has stated through their consultant that MWLD would accept a minimum stream flow constraint in accordance with the Department of Water Resources and Environmental Engineering's flow study.

6. No new construction or other activities are proposed.

Certification is being requested as part of the FERC licensing process.

CONDITIONS

The Department of Water Resources and Environmental Engineering hereby certifies these projects as meeting Vermont Water Quality Standards with the following conditions imposed:

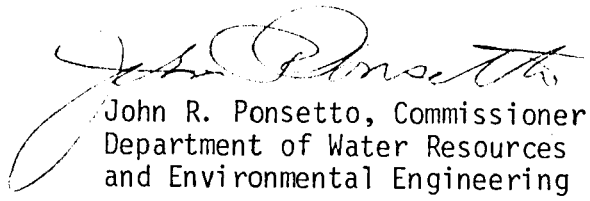
A. At the Cadys Falls project, an instantaneous stream flow of 150 cfs or greater shall be maintained at all times below the tailrace when available from inflow to the impoundment. When inflow rates fall below 150 cfs the instantaneous outflow rate shall be at least equal to the instantaneous inflow.

B. At the Morrisville plant, an instantaneous stream flow of 135 cfs or greater shall be maintained at all times below the tailrace when available from inflow to the impoundment. When inflow rates fall below 135 cfs the instantaneous outflow rate shall be at least equal to the instantaneous inflow.

C. MWLD shall measure stream flows directly below the projects during the release of minimum stream flows to demonstrate that the mechanisms for releasing minimum stream flows are correctly calibrated. This data and the procedure for releasing minimum stream flows shall be submitted to the Department of Water Resources and Environmental Engineering for review within 30 days following first operation of the project. If excessive stream flows make meeting this deadline impossible, the Department of Water Resources and Environmental Engineering shall be contacted.

D. Any significant changes to the physical plants or operations must be submitted to the Department of Water Resources and Environmental Engineering for review and approval. Such changes shall only be implemented after receipt of written approval from the Department of Water Resources and Environmental Engineering.

E. Trash rack debris shall be disposed of at a location which will preclude reentry into the Lamoille River.


John R. Ponsetto, Commissioner
Department of Water Resources
and Environmental Engineering

Dated at Montpelier, Vermont this
17th day of May, 1981.

JRC/rh

WATER QUALITY CERTIFICATION

(P.L. 92-500, Section 401)

In the matter of: Village of Morrisville
Water and Light Department
Morrisville, Vermont 05661
Application for Green River Project

The Water Quality Division of the Vermont Department of Water Resources and Environmental Engineering has examined the information submitted by the applicant and made the following findings:

1. The Village of Morrisville owns a concrete arch dam, 105 feet in height and 250 feet in length, on the Green River in the Town of Hyde Park upstream of the locality of Garfield.
2. The impoundment has been managed in the past as flow augmentation for power generation at two existing plants operated by the applicant on the main stem of the Lamoille River (the Morrisville and Cadys Falls plants). This use has resulted in average maximum annual reservoir drawdown of 31 feet and minimum flow releases of leakage during non-release periods estimated at about 1 cfs. Maximum releases for augmentation were estimated by the applicant at 120 cfs.
3. The applicant proposes to construct hydroelectric generating facilities at the dam site incorporating two turbines rated at a total installed capacity of 1700 kw. The project would entail the extension of the existing 6 foot diameter penstock 140 feet downstream along the left streambank to a proposed 25'X30' powerhouse adjacent to the existing stilling pool weir.

4. As proposed the turbines would generate in the range of 85 cfs (420 kw) to 317 cfs (1700 kw). During non-generation periods, the applicant has agreed to pass a minimum stream flow of at least 5.5 cfs when available from reservoir inflow. The flow of 5.5 cfs is based on the application of the Department of Water Resources and Environmental Engineering's Fisheries Flow Needs Assessment Methodology in order to provide a base flow sufficient to protect the aquatic habitat.

5. Operation during the critical winter period (December-February) will be on a load following procedure automatically controlled by the system demand. As proposed the applicant has estimated that during the average winter period flows would fall in the range of 283 cfs to 317 cfs for 31 non-consecutive hours. A flow of 220 cfs would be exceeded 171 hours on the average. The average natural spring peak at the site is estimated at 390 cfs. Normal winter drawdown below full pool is six (6) feet while no maximum drawdown will exceed ten (10) feet.

6. High spring inflows (March-April) will be utilized to refill the reservoir while generating at a reduced capacity of around 800 kw for duration up to 12 hours daily.

7. From May through November operation will be with a maximum drawdown of one foot from the full pool elevation of 1220' msl using only one turbine except during periods of excessive precipitation when the second turbine will be used to prevent spillage.

8. On March 11, 1981, the applicant released a flow estimated at 210 cfs at the dam in the presence of the Department of Water Resources and Environmental Engineering staff for

observation of the impact of high flows on the stream. Water samples taken during this period by the applicant was tested for turbidity levels. Those levels were found to be less than 10 ntu.

CONCLUSIONS AND CONDITIONS

Based on its review and findings, the Department of Water Resources and Environmental Engineering certifies that the discharge from the proposed facility will not violate Vermont Water Quality Standards, provided that the following conditions and limitations are met:

A. An instantaneous stream flow of 5.5 cfs or greater shall be released at all times when available from inflow to the impoundment. When inflows fall below 5.5 cfs, the instantaneous outflow rate shall be at least equal to the instantaneous inflow rate.

AMENDED -- SEE ATTACHED AMENDMENT
B. Operation shall be substantially as described in the findings of fact. Any variation shall be subject to amendment of this certification and shall not be undertaken until approved by the Vermont Department of Water Resources and Environmental Engineering. Releases in excess of 283 cfs instantaneous discharge shall be allowable only when equal to the instantaneous rate of inflow. During the period of May through November, the generation release shall only exceed 160 cfs when necessary to prevent spillage due to high inflows.

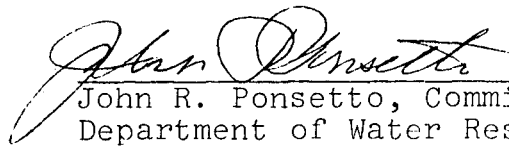
C. The applicant shall measure stream flows below the tailrace during release of minimum stream flows to demonstrate that the mechanism for releasing 5.5 cfs is correctly calibrated. This data and procedure for releasing 5.5 cfs shall be submitted to the Department of Water Resources and Environmental Engineering for review within 30 days following first operation of the project.

D. During the final engineering phase or earlier, the applicant shall file a comprehensive erosion and sediment control plan with the Department of Water Resources and Environmental Engineering for review and approval. The plan shall cover temporary and permanent measures to limit adverse impacts on water quality from turbidity and sedimentation with regard to all construction activity both within the river channel and outside the channel. It may be beneficial to consult with the Department for input during the development of the plan.

E. The applicant shall insure that every reasonable precaution is taken during construction to limit the discharge of petro chemicals, wet concrete and debris to state waters.

F. Any significant changes to the project must be submitted to the Department of Water Resources and Environmental Engineering for review and approval.

G. No construction may commence until the Department of Water Resources and Environmental Engineering has issued written approval for condition D and F. Operational changes made after project completion are subject to condition F and must be approved prior to effecting the change.



John R. Ponsetto, Commissioner
Department of Water Resources
and Environmental Engineering

copy
10/1/81

WATER QUALITY CERTIFICATION AMENDMENT

(P.L. 92-500, Section 401)

In the matter of: Village of Morrisville
Water and Light Department
Morrisville, Vermont 05661

Application for amendment to Green River Project
Water Quality Certification

The Water Quality Division of the Vermont Department of Water Resources and Environmental Engineering has reviewed the information submitted by the applicant by letter dated May 4, 1981 and finds:

1. The Village of Morrisville needs to have the capability to generate at full capacity during the month of November when requested by NEPOOL to meet the two hour audit test and when the load on the system dictates full use of project.

2. Based on system records and the operational design of the project, system demand would only rarely be necessary during the month of November. The Village of Morrisville indicates that the worse case situation would be for the plant to generate at full capacity two hours per day for two or three consecutive days during the month of November, and that such would not be an annual occurrence.

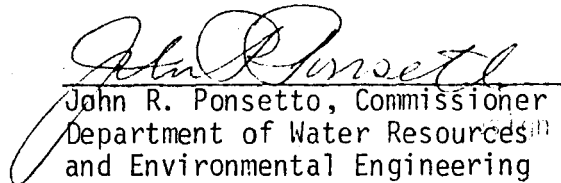
3. This request is not a change to the project description submitted for the original Water Quality Certification.

4. As generation at full capacity during the month of November would be of low frequency and duration, such action would not significantly degrade the aquatic environment.

CONDITIONS

Based on its review and findings, the Department of Water Resources and Environmental Engineering hereby amends the Green River Project Water Quality Certification by changing condition B to read:

B. Operation shall be substantially as described in the findings of fact. Any variation shall be subject to amendment of the Certification and shall not be undertaken until approved by the Vermont Department of Water Resources and Environmental Engineering. Releases in excess of 283 CFS instantaneous discharge shall be allowable only when equal to the instantaneous rate of inflow. During the period of May through October, the generation release shall only exceed 160 CFS when necessary to prevent spillage due to high inflows.


John R. Ponsetto, Commissioner
Department of Water Resources and Environmental Engineering

Dated at Montpelier, Vermont
this 25th day of May, 1981.

JRC/rh