

## PAUL V. NOLAN, Esq.

5515 North 17th Street  
Arlington, Virginia 22205  
Admitted D.C. Bar  
Energy Practice Limited to  
State and Federal Agencies

Work: (703) 534-5509  
Fax: (703) 538-5257  
Cell: (703) 587-5895  
E-mail: pvnnpvndiver@gmail.com

**May 24, 2021**

**Via eFiling**

Kimberly D. Bose  
Federal Energy Regulatory Commission  
Secretary of the Commission  
888 First Street, N.E.,  
Washington, DC 20426

**Re: Morrisville Hydroelectric Project, FERC Project No. 2629  
Request for Privileged Treatment**

Dear Secretary Bose:

Pursuant to 18 C.F.R. § 388.112, the Village of Morrisville, Vermont, Licensee for the above-caption project, respectfully requests privileged treatment of the attached document in its entirety.

*Justification for Privileged Treatment.* By the attached document, the Village of Morrisville is requesting advice from the Commission's staff that involves sensitive business matters concerning the Morrisville Hydroelectric Project's four developments and their utilization as part of the Village's Water and Electric Development.

*Privileged Document, etc.* The attached document is being filed separately and has been labeled as being submitted under a claim for privileged treatment. This letter is the public version. By the nature of the information requested for privileged treatment, the Village is not providing a proposed form for a protective agreement.

Please contact me with any questions concerning this request.

*Paul V. Nolan*

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Paul V. Nolan

Encl.: Privileged Material

Cc: Service List (May <sup>24th</sup>~~20~~, 2021)

### **Certificate of Service**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this <sup>24th</sup>~~20th~~ day of May 2021.

*Paul V. Nolan*

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**May 24, 2021**

**To: Vince Yearick      FERC-DHL**

**Cc: Penny Jones      Village of Morrisville  
John Spain, P.E.      FERC-NYRO**

**Fr: Paul V. Nolan** 

**Re: *Morrisville Hydroelectric Project, FERC Project No. 2629***

**Green River Development – Ongoing Assessments**

- a. Dam Breach Assessment and Inundation Mapping**
- b. Engineering Analysis and Stability Analysis**

Dear Mr. Yearick:

The Village convened on May 11, 2021 an in-person meeting with representatives from H.L. Turner to review multiple on-going project reviews and assessments that range from gaging of the four developments, automation of plants, O&M enhancements, etc. This effort included a discussion with the 8<sup>th</sup> IC's (Mr. Blanchette – H.L. Turner) of the NYRO's April 14, 2021 letter requesting an engineering analysis and stability assessment of the Green River Development's dam. The April 14<sup>th</sup> letter's enclosure requesting specific information is a copy of the information requested by your letter of March 24, 2020.

The Village is concluding a multi-year effort to complete a Dam Breach Analysis and Inundation Mapping for the Green River Development. This effort is expected to conclude with a submission to NYRO by mid-June for its review. It is the Village's expectation that the "flood assessment" will be utilized in responding to the stability assessment request made under Part 12 by NYRO's April 14, 2021 letter.

In the April 14<sup>th</sup> letter, NYRO has asked the Village to have its approved Independent Consultant (8<sup>th</sup> SIR) to comment on the potential effects of the reduced winter drawdown, and to include but not limited to the following:

- Cool season Probable Maximum Flood (PMF) (rain on snow) starting reservoir elevation and impacts to the peak headpond elevation up to the Inflow Design Flood flow;
- Stability analysis under the reduced winter drawdown condition;
- Potential for foundation and abutment scour; and
- PFM considerations and associated risk reduction measures.

Additionally, the IC must make recommendations for any additional studies required to determine if the project would be safe for continued operation under the reduced winter drawdown. The IC is required to submit a plan and schedule to address the April 14<sup>th</sup> letter's informational requests by June 1, 2021.

Information request No. 1(e) requires "if applicable, a discussion of any proposed modifications or remedial measures that would be necessary if it is determined that the WQC operations would result in significant impact on upstream and downstream flooding.

Information request No. 2 states: The current stability analysis of Green River Dam under Load Case 3 is based on an assumed winter reservoir elevation of 1210.0 feet msl with ice loading. As stated above, the WQC restricts reservoir drawdown to 1218.5 msl. Therefore, the Village of Morrisville must provide an assessment of the potential impact of the WQC operations, e.g., the higher winter impoundment level, on the stability of Green River Dam under Load Case 3.

The Village interprets the requests of NYRO *to require a more comprehensive look* at more than just the dam's stability with ice loading at 1218.5 msl. It is anticipated that the response to NYRO's letter will include consideration of the effects of maintaining a higher impoundment at that level exerting a "constant" force on the dam and in particular its spillway. *Thus, the Village expects that any reasonable discussion will include also possible modifications or remedial measures regarding dam stability.*

In addition, remedial and/or modification costs may warrant including the following regulatory considerations:

1. Splitting the licensing proceeding into two separate proceedings<sup>1</sup> so the Commission may:
  - Proceed to consider the issuance of a new license for the Cadys Falls Development and the Morrisville Development under one Project No.

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<sup>1</sup> See, e.g., *Public Service Company of Colorado*, Project No. 12589-001, 130 FERC ¶62,107 (2010).

- Remove the Lake Elmore Development from any relicense proceeding because it is not a storage or regulating reservoir that is useful for generation by any of the other developments.

The Village will keep your office informed and provide you with a copy of the plan and scheduled requested by NYRO.

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