

VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Middlesex Hydroelectric Project – Water Quality Certification

Response to Public Comments

July 10, 2020

The Agency of Natural Resources' Department of Environmental Conservation (Department) placed its tentative decision and draft water quality certification on public notice from June 5 – July 8, 2020 for the purpose of receiving written statements and data bearing on the issuance of a water quality certification to Green Mountain Power Corporation authorizing dam repair work on the Middlesex Hydroelectric Project, located on the mainstem of the Winooski River. The Department also conducted a public hearing on July 7, 2020 for the purpose of receiving oral testimony. The public hearing had to be held online because of current public health pandemic (COVID-19) for the safety of the public and staff.

A total of four persons, representing themselves or organizations, presented oral and/or written testimony at the hearing or filed letters with the Department. Written comments were received from the Vermont Natural Resources Council, the Mad Dog Trout Unlimited Chapter, and Middlesex Planning Commission.

The following is a summary response to the substantive comments received. Some of the comments have been paraphrased. The full text of these comments is available upon request for review at the Vermont Department of Environmental Conservation – Watershed Management Division. A recording of the hearing is also available upon request.

The Department notes that there may be changes to the certification related to its continuing review and not related to the public comments. Interested persons should carefully review the final decision.

Comment 1: Mad Dog Chapter of Trout Unlimited expressed concerns with construction occurring during our current low flow conditions and the potential for the construction to result in a release of sediment or turbidity.

Response 1: The Agency identified the potential for the construction activities associated with the dam repair to result in a discharge of sediment, debris, or other materials into the State waters. The Agency addressed these concerns by conditions B (Flow and Water level management during drawdown, refill, and construction), C (Drawdown and sediment mobilization), E (Erosion and sediment control), F (Management of construction materials), G (Maintenance of machinery), and H (Restoration). Specifically, the conditions limit the depth of drawdown and condition how the drawdown is completed to minimize the potential for a sediment release. Additionally, the installation of erosion and sediment control measures are being required, as well as the restoration of any disturbed land to be properly graded, seeded, and mulched.

Comment 2: Mad Dog Chapter of Trout Unlimited has concerns with the low flows listed in the current 401 water quality certification because they are higher than current flows in the river. Additionally, that the project operates in run-of-river mode at all times while the work is taking place and once the work is complete.

Response 2: The flow and water level management for the drawdown, refill and construction period are addressed in condition B of the certification. They require the project to operate during the construction period and to increase outflow by 10 percent of inflow for the drawdown and reduce outflow by 10 percent for the refill. After the work is completed, the project will be required to operate in true run-of-river mode pursuant to condition I while maintaining a conservation flow in the bypass reach. The concern of maintaining run-or-river operations is addressed in Condition K of the certification as GMP is required to file a Flow Management and Monitoring Plan which will document how compliance with run-of-river operation will be met.

Comment 3: The Middlesex Planning Commission submitted comments indicating that they are currently in the process of evaluating options to improve the walkability of the Middlesex Village. One option that has emerged from this process is the opportunity work with landowners to create a walking path near the river on its north side in the vicinity of the Middlesex hydroelectric project.

Response 3: The Agency supports establishment of nature path and encourages the parties to work together. Additionally, findings have been added to the final Section 401 water quality certification recognizing the town of Middlesex current efforts establish a walking path near the village and that the Applicant own a small parcel adjacent to the dam that may be crossed by the path. Further the Agency is available to help facilitate a conversation between the Applicant and town once a final plan is adopted by the Planning Commission.

Comment 4: Vermont Natural Resource Council had clarifying questions regarding the trashrack design specification of the U.S. Fish and Wildlife Service design criteria that are cited in finding 88.

Response 4: The trashrack design specifications used by the US Fish and Wildlife Service to minimize entrainment and impingement require angled trashracks with one-inch spacing (full depth) and an approach velocity of two feet per second or less. The design criteria are cited in finding 50 of the water quality certification.