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July 28, 2023

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

RE: Comments on Application for Surrender of License and Request for Expedited Review and Approval; Kelley's Falls Hydroelectric Project, FERC No. 3025-029, -032, Piscataquog River, Hillsborough County, New Hampshire

Dear Secretary Bose:

On March 22, 2023, Green Mountain Power Corporation (GMP), filed with the Federal Energy Regulatory Commission (Commission) an Application for Surrender of License (Application), for its Kelley's Falls Hydroelectric Project (Project; FERC No. 3025). The Project is located on the Piscataquog River in Hillsborough County, New Hampshire. On June 29, 2023, the Commission issued a Notice of Application for Surrender of License Accepted for Filing, Soliciting Comments, Motions to Intervene, and Protests. The NH Fish and Game Department (NHFGDF) has reviewed GMP's Application and supports the surrender of the Project's license as proposed by GMP.

As discussed in its Application, GMP does not propose to remove the Project dam or any of the power generating and appurtenant equipment from the powerhouse. Upon surrender, the New Hampshire Department of Environmental Service's (NHDES) will assume jurisdiction over the Kelley's Falls Dam and provide for its routine and dam safety maintenance. As such, GMP's proposal would not result in any (1) ground disturbing activities; (2) alteration to reservoir elevations, water quality, or water quantity; or (3) alteration to the Piscataquog River's flow regime. Therefore, no adverse environmental effects to geology and soil, water, fish and wildlife, wetland and terrestrial, recreational, or historic resources are expected if the Commission were to approve the Application as proposed by GMP.

NHFGD consulted with and supported The US Fish and Wildlife Service's (Service) comments¹ on GMP's draft license application (DLA).² In their comments the Service noted that the primary interest in the Project's licensing proceeding, is to provide safe, timely, and effective upstream and downstream fish passage for alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*) (collectively, river herring); American shad (*Alosa sapidissima*); American eel

¹Accession Number: 20220131-5170.

²Accession Number: 20211101-5237.

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(*Anguilla rostrata*); and sea lamprey (*Petromyzon marinus*) at the Project. This objective is supported by the 2021 Merrimack River Watershed Comprehensive Plan for Diadromous Fishes (Merrimack Comprehensive Plan) and filed with the Commission on June 17, 2021.³ The goals outlined in that plan are designed to guide future fisheries management actions. These include recommendations for new upstream and downstream fish passage facilities to provide safe, timely, and effective passage for target species, and escapement targets to support the diadromous fish production potential of the habitats throughout the Merrimack River watershed. The Merrimack Comprehensive Plan classifies the Piscataquog River as Type I focus watershed (highest priority) for diadromous fish restoration.

For Projects where license surrender and decommissioning are pursued, dam removal is typically the preferred alternative. Dam removal is the most effective fish passage strategy for migratory and resident species and typically results in the greatest ecological benefit. However, the NHFGD recognizes that Namaske Lake is a valued public resource, and in this case, dam removal is not being pursued.

The Infrastructure Investment and Jobs Act and the Inflation Reduction Act (collectively, the Acts) provide substantial funding for the Service's *National Fish Passage Program* and the National Oceanic and Atmospheric Administration's (NOAA) Restoration Center Community Based Restoration Program and support fish passage and aquatic connectivity projects throughout the country. However, much of this funding may not be applied to hydroelectric projects under the Commission's jurisdiction. The state of New Hampshire has demonstrated an interest in the commissioning of a study to assess and design fish passage at Kelley's Falls Dam. Surrender of the Kelley's Falls license and the Commission's jurisdiction will render the site eligible for these funding opportunities and facilitate the pursuit of grant funding to aid in the assessment and potential design of fish passage.

The solicitation of grant proposals is eminent. For this reason, the NHFGD respectfully requests that Commission expedite the review and approval of GMP's application to surrender its license for the Kelley's Falls Hydroelectric Project.

The NHFGD appreciates the Commission's consideration of this request. If you have any questions or require additional information, please contact Mike Dionne at michael.a.dionne@wildlife.nh.gov.

Sincerely,



Michael Dionne
Environmental Review Coordinator

cc: Matt Carpenter (NHFGD)
Corey Clark (NHDES)
James Tilley (NHDES)
Ken Hogan (USFWS)
Benjamin German (NOAA)
John Greenan (GMP)

³ Accession Number: 20210617-5016.
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