



United States Department of the Interior

FISH AND WILDLIFE SERVICE



New England Field Office
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<https://www.fws.gov/office/new-england-ecological-services>

July 27, 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 an application for surrender of license (Application) with the Federal Energy Regulatory Commission (Commission) for the 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 and Soliciting Comments, Motions to Intervene, and Protests. The U.S. Fish and Wildlife Service (Service) 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's dam or any of the power generating and appurtenant equipment from the powerhouse. 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, provided the New Hampshire Department of Environmental Services, or other entity, assumes jurisdiction for routine and dam safety maintenance, we do not anticipate any change to the existing environment upon the Commission's approval of the Application.

Our primary interest in the Project's licensing proceeding, as noted in the Service's comments¹ on GMP's draft license application,² is to provide safe, timely, and effective upstream and downstream passage for alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), American shad (*Alosa sapidissima*), American eel (*Anguilla rostrata*), and sea lamprey (*Petromyzon marinus*) at the Project.

¹Accession Number: 20220131-5170.

² Accession Number: 20211101-5237

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The Infrastructure Investment and Jobs Act and the Inflation Reduction Act provide substantial funding for the Service's *National Fish Passage Program* and the National Oceanic and Atmospheric Administration's Restoration Center *Community Based Restoration Program* to support fish passage and aquatic connectivity projects. 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 Kelly's Falls Dam. Surrender of the Project's 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 at Kelley's Falls Dam.

The solicitation of grant proposals for the programs is imminent. For this reason, the Service 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 Service appreciates the Commission's consideration of this request. If you have any questions or require additional information, please contact Ken Hogan at kenneth_hogan@fws.gov.

Sincerely yours,

AUDREY MAYER

Digitally signed by AUDREY
MAYER

Date: 2023.07.27 15:04:51 -04'00'

Audrey Mayer
Supervisor
New England Field Office

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NHFGD, Mike Dione (via e-mail)
NHDES, Corey Clark (via e-mail)
NHDES, James Tilley (via e-mail)
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