

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: S.227 Name of Bill: Management of Seymour Lake Water Levels
Agency/Dept.: ANR Author of Bill Review: Susan Warren, Jeff Crocker, Blaine Hastings

Date of Bill Review: Jan 3, 2014 Status of Bill (check one):

Upon Introduction As passed by 1st body As passed by both bodies Fiscal

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill requires the Department to "actively manage" the water level of Lake Seymour to reduce the frequency and flooding along the lakeshore.

2. Is there a need for this bill? *Please explain why or why not.* No. The lake water level is currently established as part of the Clyde River Hydroelectric Project water quality certification under section 401 of the Clean Water Act. The hydro project is operated by Great Bay Hydro. As a condition of the certification the lake is treated as a natural system with no active dam management. Analyses of water level data collected at the lake with the old dam (1987-2001) and data from the new dam (2004-2012) is not able to show that a significant increase in the frequency of high water has occurred as a result of the replacement of the dam. In addition, analyses shows that Seymour Lake Association's proposal to manage water levels by operation of the dam gate will not prevent high water periods because of weather variability and physical conditions of the dam and stream channel. In addition, the Watershed Management Division's Surface Water Strategy calls for reduced artificial water level manipulation to maintain or restore aquatic habitat. Accordingly through renewal of relicensing of hydroelectric projects and other applicable permits restoration of natural water level fluctuations and reductions of winter drawdowns are pursued whenever possible.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

Actively managing the dam would require staff time to monitor the water levels and travel to Morgan to make adjustments in the dam. Currently neither the hydrology section or Dam Safety Section have staff available for this effort.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? We do not believe that any other state agencies will be affected by this bill.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example: public, municipalities, organizations, business, regulated entities, etc.)*

The dam is owned by Great Bay Hydro and is part of the Clyde River Hydroelectric Project, and Great Bay Hydro is not required to actively manage the water level as part of the water quality certification. During the dam replacement and hydro relicensing negotiations of 1994, the previous owners of the hydro project

indicated they no longer planned to actively manage the water level in Seymour Lake to augment downstream hydropower generation.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The Seymour Lake Association. The Association would like to manage water levels to maintain the lake levels between the high and low pins at all times. They believe the high water periods cause shore erosion, however Department site visit found erosion sites showed minimal damage and were caused by removal of woody vegetation on the bank.

6.2 Who else is likely to oppose the proposal and why? Vermont Natural Resource Council as they were a party involved when the water quality certification was appealed regarding the replacement of Seymour Lake dam and the water level management.

7. Rationale for recommendation: *Justify recommendation stated above.* The Department finds that the magnitude of water levels during high flow events is not significantly greater than it was as a result of the installation of the new dam. Additionally, operating the gate to artificially manipulate the lake stage in the past did not prove to be efficient in maintaining stable lake levels or preventing the lake from staging up above the high pin, and thus water level management is not warranted. Furthermore, the artificial management of lake level may result in direct stress to the aquatic organisms and may alter the chemical and physical aspects of aquatic and riparian ecosystems to the point where native species richness, abundance and distribution decline, and aquatic habitat is impaired, and for this reason the Department is moving away from active water level management when possible.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
None.

Commissioner has reviewed this document:  Date: 1/17/14

Secretary has reviewed this document:  Date: 1-17-14