

**From:** Markowitz, Deb [Deb.Markowitz@vermont.gov]  
**Sent:** Wednesday, April 06, 2011 4:51 PM  
**To:** MacLean, Alex  
**CC:** Recchia, Chris  
**Subject:** FW: Blue Heron Hydro - West River hydro Projects

**Importance:** High

HEADS UP

Here is some background on the Ball Mountain and Townshend hydro-electric projects. You may hear from the developer Tom Willard, or Lori Barg or Robert King on behalf of the developer.

First, the project must have a license by December 31 or it loses ARRA funding.

There is a NEPA scoping site visit and meeting, scheduled by FERC (Fed energy reg commission) for May 10 and 11. ANR staff will attend. FERC has received pressure from the applicant to waive scoping in order to expedite the FERC process. Blue Heron Hydro (BHH) has been lobbying the FERC commissioners and congressional delegation. Note that there are significant unresolved issues (e.g., fish passage, pool elevation) and considerable public interest in both projects. The public has limited opportunities to participate in the FERC process, and scoping is one of them. For that reason, we are not in favor of foregoing scoping.

Tom Willard has asked ANR and others who have intervened in the FERC proceeding (CRWC, Windham Regional Commission, towns of Jamaica and Townshend, American Whitewater, et al.) for explicit support for the project at the scoping meeting. He would like ANR to tell FERC these are good projects that should receive expedited review. We have told Mr. Willard that we could not do that since it's still not clear BHH can develop fish passage that will actually work (BHH wants to put that issue off until the projects are licensed) and BHH has proposed a significant change to operations at Ball Mountain (65-foot permanent pool) since we issued the 401 certification. Our fisheries biologists have indicated that fish passage is not a post license matter. In addition, the change in pool elevation at Ball Mtn does not comply with the 401 permit for the project.

The Agency typically comments on FERC's scoping document when it is issued and we plan to comment on this one. It is our opportunity to influence the scope of the environmental assessment and be sure issues we think are important are covered. The Governor may hear from Tom or other Blue Heron representatives.

Please let me know if you or the governor need further briefing.