

## REVIVING THE LAMOILLE

### *Water Resources Board Rejects Certificate*

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The Lamoille River, along with many of Vermont's premiere rivers, was harnessed by dams years ago for power production. Glorious waterfalls disappeared; trout, salmon, and the now-endangered lake sturgeon could no longer migrate; and other stream life—from insects to birds to plants to amphibians—suffered from fluctuations in water levels and temperature.

However, a ruling on four Lamoille River dams by the Vermont Water Resources Board on November 5, 1996, "has set the stage to bring a lot of Vermont rivers back to life," according to VNRC Water Program Director and Staff Attorney Chris Kilian.

In April of 1994, VNRC appealed a water quality certificate issued by the Vermont Agency of Natural Resources (ANR) to the Central Vermont Public Service Corporation (CVPS). The certificate is required for federal relicensing of the four CVPS dams. In its November 1996 ruling, the Water Resources Board stated that "Based on the record in this proceeding, the Board concludes that CVPS's Project, as proposed, fails to ensure compliance with the Vermont Water Quality Standards. Accordingly, the Board cannot certify compliance with the Vermont Water Quality Standards."

The ruling is a significant victory

for VNRC in its effort to return Vermont's rivers to their former healthy vitality.

The Water Resources Board decision exhaustively cataloged the adverse project effects that CVPS left unaddressed and questioned the utility's ability to meet basic water quality standards on the Lamoille.

The board focused on CVPS's failure to ensure adequate minimum flows in the river and to maintain consistent water levels in Arrowhead Lake. Flows recommended by CVPS were deemed "not sufficient" to ensure suitable wildlife habitat or to provide good

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*A free-flowing Lamoille River cascades over Milton Falls in 1909 before the waters were harnessed for hydropower.*

J.K. Smith, from the collection of John Fitzgerald.





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The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect Vermont's natural resources and environment for present and future generations through research, education, and advocacy.

VNRC is the Vermont affiliate of the National Wildlife Federation.

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## LAMOILLE RIVER

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aesthetic value. Specifically, low flows cause harmfully low levels of dissolved oxygen, dangerously high temperatures, loss of microhabitats essential to macroinvertebrate populations and fish, and restriction of passage for migrating fish. Lake draw-downs cause desiccation and freezing in the "littoral zone" (the most productive zone along the shoreline of a lake), thereby killing aquatic plants and destroying habitat for fish spawning and rearing, as well as protective cover. CVPS's suggested flows would not protect the natural appearance of Fairfax, Clark, and Milton Falls.

Besides calling attention to the shortcomings of CVPS studies, the Board questioned the scientific rigor of ANR's evaluation of project effects since ecological conditions imposed by the project are so substantially different from the natural regime of the river. Time and again, the Board found that ANR used casual visual assessments as surrogates for scientific research. Such assessments, "not supplemented by supporting data from either an incremental or other site-specific study," according to the Board's Conclusions of Law, are "simply not credible."



Jerry Jenkins

*Fairfax Falls on the Lamoille River – rated one of Vermont's waterfalls of highest significance – is obliterated by this dam.*

CVPS strongly disagrees. But instead of providing the Water Resources Board with additional information to address the concerns, CVPS has filed an appeal of the decision in the Chittenden Superior Court. VNRC is concerned and disappointed with this approach.

"We think that CVPS can put together an application that will allow it to have power generated from that project *and* that meets Vermont's water quality standards," Steve Holmes, VNRC's Acting Executive Director, said. "I think they owe it to the people of Vermont to give it another try within the regulatory process that's been set up for reviewing dams. Going to court delays positive action and will only 'muddy' the water."

## HERBICIDE SPRAYING HALTS

*Public Heard at  
Listening Sessions*

The Forest Resources Advisory Council (FRAC) recommended a moratorium on herbicide spraying in Vermont forests on December 18, 1996, following an extended review of several aspects of forestry: clear-cutting, aerial spraying of herbicides, the forest economy, and AMPs (Accepted Management Practices) for water quality. It is likely that members of FRAC will request the Legislature in January for a moratorium on herbicide spraying with a review after five years to assess if more is known about its effects.

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