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## **Citing Impact On Fish, Regional Conservation Group Asks Court to Stay Vermont Yankee's Permit**

Saxton's River, VT, June 20, 2006--Connecticut River Watershed Council (CRWC) announced today that it has filed a motion to stay Vermont Yankee's permit to increase the temperature of the Connecticut River until the conservation group's appeal has been heard by the Vermont Environmental Court. "This is a new level of stress for life in the Connecticut River. Given the negative impact that current temperature pollution seems to be having on aquatic life, particularly shad, we think it is irresponsible to increase the temperature further simply to benefit Vermont Yankee's bottom line," said David Deen River Steward for CRWC in the upper valley.

The new permit allows Vermont Yankee to raise the temperature of the Connecticut River between June 16<sup>th</sup> and October 14<sup>th</sup>. This is a critical time in the life cycle of the American shad, a fish native to the Connecticut River and the focus of a major recovery effort. Adult shad spawn in the Connecticut between April and July and young shad remain in the river until August or September before starting their difficult journey to the Atlantic Ocean.

Dr. Ross Jones provided testimony on the negative affects higher temperatures can have to shad and salmon metabolism, resulting in adverse effects on growth, reproduction, mortality, and ability to adapt to life in the ocean. Entergy will be discharging hotter water during peak shad migration, which may also disorient fish, resulting in further mortality.

Also of concern to CRWC is the discrepancy between Vermont Agency of Natural Resources' and Vermont Public Service Board's requirements in the event of a malfunction of its waste cooling system. The Public Service Board requires Vermont Yankee to shut down operations at a rate not to exceed 10% per minute, bringing the thermal discharge within permitted limits in 30 minutes. The Agency of Natural Resource

permit under appeal allows for 24 hours of ongoing operations regardless of the impact on the river.

In its motion, the Connecticut River Watershed Council argues that its appeal to Vermont's Environmental Court has a strong likelihood for success, that irreparable injury may occur to the river if the temperature increase is allowed, that the stay will not harm Vermont Yankee, and that the best interest of the public lie with granting the stay. "Our case against this temperature increase is persuasive and we are optimistic that the Court will grant our motion. We only hope they move quickly before irreparable damage is done." Deen said.

Pat Parenteau of the Natural Resources and Environmental Law Clinic at Vermont Law School submitted the motion for a stay on behalf of CRWC, the Deerfield/Miller chapter of Trout Unlimited and Citizen Awareness Network of Massachusetts. The brief to the Court contends that Vermont Yankee bears the burden of proof to show that its request for a waiver of the thermal limitations under the Clean Water Act will not have an adverse impact. There is no information on when the court will take up the motion. CRWC's motion to stay is available online at [www.ctriver.org](http://www.ctriver.org).

**About the Connecticut River:** In recognition of its national significance, the Connecticut River was designated an American Heritage River in 1997, just one of fourteen in the nation. In 1991, the entire watershed was also designated a national wildlife refuge. The watershed provides habitat for a wide diversity of plants and animals including 142 species of fish and over 1,000 species of aquatic invertebrates. There are ten federally-listed endangered or threatened species, including the Dwarf wedge mussel, whose historic range includes the reach of the river affected by Vermont Yankee's discharge.

**About CRWC:** The Connecticut River Watershed Council has been a non-profit advocate for the 11,000 square-mile watershed of the Connecticut River emphasizing fisheries restoration, erosion prevention, land conservation, and water quality since 1952. For more information about our mission and to become a member, please visit [www.ctriver.org](http://www.ctriver.org).

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