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**For Immediate Release**

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## **Court Agrees with Connecticut River Watershed Council: Protects River!**

Saxtons River, VT August 28, 2006 -- According to the Connecticut River Watershed Council (CRWC) the Vermont Environmental Court ruled today that the permit allowing for the temperature increase of the Connecticut River would be halted until the appeal before the court was decided on the merits of the case.

According to the court decision, “Appellants have shown sufficient potential for irreparable injury to American shad in the Connecticut River, both at present as the juveniles become accustomed to cooler water temperatures prior to their migration down the River in the fall, and in the summer of 2007 for the growth of the next generation of juveniles.”

“The Connecticut River won one today,” said David Deen river steward for CRWC. “The heart of our appeal is that the effects of the new temperature increase are unknown and therefore should be halted until the court heard our entire case.”

The permit amendment issued March 30, 2006 and allowed Entergy to increase the temperature of the entire CT River by one additional degree over the levels previously approved by VT ANR. CRWC is at odds with VT ANR on the permit because ANR relied on Entergy to provide the scientific information that underwrites the permit. CRWC has significant questions about the soundness of the science and the public process ANR used to reach their decision.

Pat Parenteau, director of Environmental and Natural Resources Law Clinic at Vermont Law School, and one of the attorneys representing the conservation groups on the case, says

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“Judge Wright's Order reinforces the principle that the Connecticut River belongs to the public, not to Entergy. Vermont Yankee has yet to make the case that it should be allowed to shut down its cooling system and raise the temperature of the River during the critical period that American shad and Atlantic salmon are in the river so that Entergy can increase sales of electricity.”

“Now,” says Deen “we hope the court agrees with us that Entergy has not proven what the effects of the increased temperature of the river will be and overturns the permit itself or remands the entire permit back to ANR for further work on their part.” The case before the court is an appeal by CRWC, the Deerfield/Millers Rivers TU chapter and Citizens Awareness Network of the discharge permit amendment that would allow for an increase of the temperature of the entire Connecticut River caused by the cooling water discharged to the river by Entergy at their Vermont Yankee plant.

“Our case is two fold in that Entergy has not presented sufficient or reliable science on the impact of the temperature increase on the river. We are also concerned that the process does not meet the public participation requirements of federal and state law,” said David Mears, Associate Director of the Natural Resources and Environmental Law Center at the Vermont Law School in S. Royalton, VT.

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**About the Connecticut River:** In recognition of its national importance, 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:** For over 50 years, CRWC has worked in partnership with people to protect the Connecticut River watershed from source to sea. Accomplishments include helping to restore access to spawning areas for migratory fish, protecting over 8,000 acres through our Land Conservancy Program, and supporting three full-time River Stewards who bring CRWC’s on-river presence to every region of the watershed, taking action and assisting community groups. Learn more at [www.ctriver.org](http://www.ctriver.org).