



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
284 STATE STREET
41 STATE HOUSE STATION
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK
COMMISSIONER

June 17, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington D.C. 20426

RE: Study Request, Lower Barker Hydroelectric (FERC No. 2808), KEI (Maine) Power Management (III)

Dear Secretary Bose:

On January 31, 2014, KEI (Maine) Power Management (III) LLC [KEI (Maine)] filed the Pre-Application Document (PAD) for the Lower Barker Hydroelectric Project (FERC No. 2808) with the Commission. On March 19, 2014 the Commission granted the use of the Traditional Licensing Process (TLP) for the Lower Barker Project. On May 5, 2014 the Fisheries Division of the Maine Department of Inland Fisheries and Wildlife (MDIFW) filed initial comments on the PAD.

This filing contains MDIFW's formal study request based on the PAD and 5/19/14 consultation meeting. The MDIFW is the state agency responsible for the management of resident fisheries in inland waters of Maine. The Maine Department of Marine Resources (MDMR) is responsible for the management of marine and diadromous fish.

The PAD identifies a year-round minimum flow of 20 cfs as an existing license requirement within the lengthy bypass channel which extends approximately ½ mile to the confluence with the tailrace. The river extends an additional ¼ mile beyond the tailrace to the confluence with the Androscoggin River. The required minimum flow supports downstream fish passage for migratory fish (managed by the MDMR) from June 1 through November 15. During a December 17, 2013 agency consultation meeting a KEI representative indicated that an additional 10 to 15 cfs is also released for migratory eel passage. During the 5/19/14 consultation meeting a KEI representative indicated that the actual total year round minimum flow maintained in the bypass is approximately 30 CFS.

The bypass channel (original river channel) associated with Lower Barker Dam was stocked by the MDIFW with both brook trout and brown trout until 2000, when scheduled stockings were suspended due to low flows and concerns regarding availability of public access and parking. At times the bypass flows were so low that MDIFW hatchery personnel expressed concerns about stocking the bypass. Available observations and anecdotal reports suggest highly variable flow conditions in the bypass channel, including low flows that are not conducive to developing successful trout fisheries. The Department has developed successful, well-used fisheries at other upriver locations below existing dams including Hackett's and Welchville dams.

The MDIFW's fishery management goal for the lower Androscoggin River, including the bypass associated with Lower Barker Dam, is to develop a trout fishery that persists through the open water fishing season (April 1 – Oct 31), with the expectation of some trout holding over from one year to the next. The relatively long bypass channel offers an abundance of potential trout habitat (under suitable flows). Furthermore, the juxtaposition of the bypass to a heavily populated urban area offers high public use opportunity. The availability of suitable year round flows in the bypass would enable the MDIFW to create a highly desired and well used trout fishery and would likely utilize a similar stocking plan to that used at upriver locations, which would include stocking legal size brown and rainbow trout, and possibly some brook trout.

In support of the MDIFW's trout management objective for Lower Barker Bypass the following information/studies are requested:

We request a flow demonstration study to assess habitat suitability for adult rainbow trout in the bypass under a range of flow releases, including a release that will extend beyond optimal suitability for target species life stages. The collected information will be used to identify recommended minimum flow releases to enhance trout habitat in the bypass in support of MDIFW trout management objectives. The bypass currently provides good substrate habitat for trout management, but lacks suitable flows to support successful management by MDIFW.

KA, the applicant's consultant, recently conducted a semi-quantitative incremental flow evaluation of a series of flow releases below West Buxton Dam on the Saco River to assess trout habitat suitability. The evaluation was designed to evaluate trout habitat suitability using agreed upon rating curves (HSC depth/velocity/cover) for target species life stages and reference transects identified in the field. Current minimum flow and three agreed upon alternative flows were released for evaluation. Transect data was collected at each flow and each flow was photo documented, along with observations to reflect bypass changes not documented in association with transect data collection. This relatively low cost assessment methodology relied upon KA staff and interested fishery agency reps to participate in the rating of each release. The methodology relied on quantitative data collection at selected transect locations, as well as more qualitative interpretive observations made by raters regarding changes in habitat suitability. The MDIFW would support and participate in this type of low cost collaborative assessment at Lower Barker Dam, but is also open to considering more qualitative and costly assessment methodologies.

In addition, the applicant is proposing a Form 80 assessment to document the level of existing recreation use on the project. The MDIFW is requesting a recreation use study/investigation with different objectives than those provided under the Form 80 process. MDIFW objectives include an inventory of (including pictures) and to map of existing recreational infrastructure including but not limited to facility locations, amenities, angler access and parking, trails, signage, portage take outs and put-ins, as well as portage routes. The map would clearly define the extent of flowage rights (KEI indicated flowage rights extend to 165.7 MSL) and especially property ownership, particularly along the bypass and along the head pond. Additional existing "public" access infrastructure in state/city/land trust ownership located within or in close proximity to the project foot print that may already provide recreational access opportunities should also be identified and mapped. Furthermore, future recreational access improvements proposed by the applicant should be identified and schematically displayed on a map and should at a minimum address the need for:

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- walk-in access and parking associated with planned MDIFW trout management under enhanced minimum bypass flows and subsequent MDIFW stocking;
- suitable parking and safe, environmentally responsible canoe/kayak put-in and take out accommodations, along with a safe, sign-marked portage trail from the head pond to below the tailrace;
- hand carry boat access to the small head pond may be developed at the portage take out, with the expectation that parking accommodations are located in very close proximity to the launch site.

The MDIFW is also seeking a clear understanding of how KEI will manage public access in regards to flows, time of year, and time of day restrictions to understand when recreational use by the public would not be permitted. In addition, the City of Auburn has expressed an interest in developing lands along the Little Androscoggin River for recreational access to the river. That interest and any associated planning that has been developed by the City should be included in the development of a recreational use study requested by MDIFW to provide a broader understanding of how to integrate state and local interests associated with identified recreational access needs.

Evidence of incidental recreational use was observed during the 5/19/14 site walk, but none of the existing points of access are “developed and acknowledged with inviting signage”, and the current condition of these informal sites do not encourage public use and awareness of any available access to KEI property. Recreational use is an important consideration on this project based on comments expressed to date by the public, the City of Auburn, and MDIFW. The requested low cost assessment will provide baseline information to make informed coordinated decisions regarding the need, location and placement of recreational access amenities.



Francis Brautigam
MDIFW Regional Fisheries Biologist
Sebago Lake Region