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May 5, 2014

VIA E-FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

RE: Comments on the Lower Barker Hydroelectric Project (FERC No. 2808) PAD

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. Based on our review of the PAD, the Fisheries Division of the Maine Department of Inland Fisheries and Wildlife (MDIFW) offers the following comments. The MDIFW is responsible for the management of resident fisheries in inland waters of Maine.

1.0 PAD Section 4.4.1 NORMAL OPERATIONS, 4.4.2 LOW WATER OPERATIONS, and KEI information presented at the December 17, 2013 meeting.

The document states on page 4-10, “A minimum flow of 20 cfs is conveyed to the bypass reach. Inflows less than 170 cfs (minimum hydraulic capacity plus minimum flows) are passed at the dam. Flows in excess of 520 cfs (maximum hydraulic capacity plus minimum flows) are likewise spilled.”

On Pg. 4-11, “The Project has a minimum flow requirement of 20 cfs. From June 1 through November 15, KEI (Maine) releases the minimum flow from the stoplog section, which serves as the downstream fish passage. During the remainder of the year, KEI (Maine) releases the minimum flow from one of the fixed gates (FERC, 2011). This bypass flow, determined in consultation with agencies, was intended "to enhance fishery resources" (FERC, 1979). Inflows less than 170 cfs (minimum hydraulic capacity plus minimum flows) are spilled at the dam, which occurred approximately 27 percent of the time, on average.”

During the pre-application meeting on December 17, 2013, a KEI representative indicated the bypass reach received a minimum flow of 20cfs, as well as an additional 10-15 cfs released for eel passage.

MDIFW Comments:

Based on the information above, it seems the bypass reach may experience extreme and frequent variations in flows and habitat inundation, which could be detrimental to resident and anadromous fish species. As this process proceeds, MDIFW will likely seek a better understanding and a more in-depth analysis of how daily operations effect aquatic habitat within the bypass reach.

1.2 PAD Section 5.3.1.1 FISH SPECIES AND HABITATS…Pg. 5-22 RESIDENT SPECIES

The PAD document states, "Angling opportunities for brown and rainbow trout are supported by an annual stocking of nearly 22,000 brown and rainbow trout at Mechanic Falls, Auburn, and Minot (Table 5.3-3). Within stocking areas, the Little Androscoggin is managed as a put, grow, and take trout fishery (personal communication, Francis Brautigam, MDIFW). There is currently no stocking downstream of the Lower Barker Dam though MDIFW has stocked this reach historically (personal communication, Francis Brautigam, MDIFW, December 6, 2013). MDIFW does not actively manage this reach of the Little Androscoggin for brook trout, Maine's native trout species…. Midwest Biodiversity Institute (MBI) sampled the mainstem Androscoggin River in summer 2003 near Lewiston-Auburn downstream of the Route 126 crossing (RM 21.4) (Yoder et al. 2006), 0.8 miles from the confluence with the Little Androscoggin River. MBI collected nine species via electrofishing in a 1-kilometer (km) reach – all species are typical of the lower reaches of Maine's large warmwater river systems (Table 5.3-4). Given the proximity to the Lower Barker site, KEI (Maine) expects a similar resident fish species assemblage to exist within or near project waters. According to staff from the MDIFW, no recent sampling has occurred in or near project waters (personal communication, Francis Brautigam, MDIFW, December 6, 2013)."

MDIFW Comments:

(1) The statement, "There is currently no stocking downstream of the Lower Barker Dam though MDIFW has stocked this reach historically (personal communication, Francis Brautigam, MDIFW, December 6, 2013)…" is correct; however, it should be clarified that stocking was cancelled due to poor access provisions and flow issues. The tailwater reach below Upper Barkers was also stocked historically and canceled for similar reasons. MDIFW would likely reinitiate a stocking program if these issues can be addressed through this relicensing process.
(2) The statement, "MDIFW does not actively manage this reach of the Little Androscoggin for brook trout, Maine's native trout species…" should also be clarified. MDIFW does not stock this reach or the lower Little Androscoggin River with brook trout; however, wild brook trout from tributaries utilize the lower river on a seasonal basis and are commonly caught by anglers.
(3) The last paragraph presents any known information on other resident fish species likely present in the Little Androscoggin River and refers to Yoder's work on the "Big" Androscoggin River. MDIFW has historically sampled the Little Androscoggin at various locations from Greenwood to Auburn and has documented the presence of: brook trout, brown trout, rainbow trout, landlocked salmon, blacknosed dace, creek chub, common shiner, cusk, American eel, pumpkinseed sunfish, slimy sculpin, yellow perch, smallmouth bass, largemouth bass, white sucker, sea-run alewife, brown bullhead, fallfish, golden shiner, lake chub, and chain pickerel.

1.3 PAD Section 5.3.2 TEMPORAL AND SPATIAL DISTRIBUTION OF FISH SPECIES… Pg. 5-29 RAINBOW TROUT

The document states, "Although they have been periodically stocked on an experimental basis, there has not been any long-term management for rainbow trout in Maine."

MDIFW Comments:

The statement comes from a dated management plan. Since the writing of that document MDIFW has completed several evaluations on rainbow trout, and MDIFW currently has an on-going stocking program for this species.

1.4 PAD Section 5.7.3 EXISTING PROJECT RECREATION OPPORTUNITIES

The PAD states:

(1) "KEI (Maine) permits public use of the project land and waters for recreation, however there are no formal recreation facilities within the project boundary. KEI (Maine) seasonally implements a boat barrier in the impoundment above the dam, installing it from May 31 through October 12. The Barker Mill Trail provides shoreline access to the impoundment and an informal hand-carry boat launch and an informal trail provides access to the bypass reach immediately downstream of the dam. There is no formal portage route at the Project, but paddlers can traverse the dam via an informal 0.3 mile portage route (egress from the impoundment at the Barker Mill Trail to Mill Street to Second Street to ingress downstream at the Little Andy Park boat launch)."
(2) "According to an Environmental Inspection Report conducted by FERC on September 15, 2009, there is "little potential for recreational opportunities" (FERC, 2011) at the project site."
(3) "Recreation activities at the Project are very limited, primarily consisting of shoreline fishing. According to a FERC Form 80, Licensed Hydropower Development Recreation Report, filed in 2003 there were 193 visitors to the site between the months of April and October (Ridgewood, 2003). Monitoring for a subsequent Form 80 took place from April through October of 2010. During that time there were 25 total visitors observed, resulting in an estimated 50 recreation days associated with the Project."

MDIFW Comments:

(1) During the licensing process MDIFW will seek "formal" public access to the bypass reach and the impoundment including parking areas and signage.
(2) Although the project area is relatively small, the bypass reach is much larger than other tailrace/bypass reaches on the Little Androscoggin (e.g. Welchville Dam, Hackett's Dam) where we have created popular fisheries for stocked trout.
(3) MDIFW contends use of the area will improve if formal access is provided and recreational opportunities are improved/enhanced (i.e. stocking programs). For example, the data above indicates use was almost 4 times higher in 2003 versus 2010. MDIFW had a stocking program at upper Barkers from 2001-2005, which attracted anglers to the impoundment area and even lower Barkers due to the presence of dropdown trout. Stocking programs at the Welchville Dam and Hackett's Dam attracted an estimated 1,990 and 2,897 angler trips, respectively from 2002-2005.

1.4 PAD Section 6.1.3 FISH AND AQUATIC RESOURCES (INCLUDING T&E SPECIES)

The document states, "MDMR, USFWS, MDIFW, and NMFS in both written comments and during the December 17, 2013 meeting have expressed that fish passage (upstream and downstream) is an issue at the project and an interest in evaluating bypass reach habitat."

MDIFW Comments:

Fish passage, bypass reach habitat, and minimum flow evaluations were discussed. Minimum flows were included in the discussion on pgs. 6-5, so this may simply be an oversight.

1.5 PAD Section 6.1.6 RECREATION AND LAND USE

The document states, "The City of Auburn expressed that the lands along the Little Androscoggin River are important to the City and its long-range plans for recreational access to the river. At the December 17, 2013 meeting, the City of Auburn and the Auburn Land Trust indicated a desire for impoundment and bypass reach access…"

MDIFW Comments:

MDIFW expressed similar concerns at the December 17, 2013 meeting and should be included in this section.

1.6 PAD Section 6.2.6 RECREATION AND LAND USE

The document states, "KEI (Maine) will conduct a recreation study, in compliance with Form 80 requirements, to confirm use levels and participation trends at the Project."

MDIFW Comments:

MDIFW wants to make it clear that we have low confidence in the FERC 80 assessment and that these evaluations typically reflect low recreational use, because there has been no/limited investment in any formal access provisions (i.e. signage/parking/boat launch/etc.) or recreational enhancements (i.e. stocking programs). Consequently, they do not reflect a site's potential recreational value.

1.7 PAD Section 6.4 RELEVANT RESOURCE MANAGEMENT PLANS

The document states, "In addition to the qualifying Federal, state, and Tribal comprehensive waterway plans listed in Section 6.3, some resource agencies have developed resource management plans to help guide their actions regarding specific resources of jurisdiction. The resource management plans listed in Table 6.4-1 may be relevant to the Project and may be useful in the relicensing proceeding for characterizing desired conditions."

MDIFW Comments:

It may be appropriate to add MDIFW species management plans to table 6.4-1.

Thank you for the opportunity to provide comments. Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

John Perry
Environmental Review Coordinator

Cc: James Pellerin, Francis Brautigam, MDIFW Region A
Gail Wippelhauser, Oliver Cox, MDMR
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