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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects

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KEI (Maine) Power Management
 (III) LLC Docket No. 2808-017
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BARKER'S MILL HYDROELECTRIC PROJECT

Hilton Garden Inn
14 Falls Avenue
Auburn, Maine
Tuesday, August 29, 2017

The evening scoping meeting, pursuant to notice,
convened at 7 p.m, before a Staff Panel:
 KAREN SUGHRUE, Project Coordinator, FERC
 MICHAEL TUST, Fish Biologist, FERC
 KEN WILCOX, FERC

1 P R O C E E D I N G S

2 MS. SUGHRUE: Welcome, everyone. My name is
3 Karen Sughrue, I'm with the Federal Energy Regulatory
4 Commission, or FERC for short; and I'm the project
5 coordinator on FERC's behalf for relicensing of the Barker's
6 Mill Hydroelectric Project. So we're here tonight for our
7 scoping meeting and I've put together this agenda.. We're
8 first going to have some brief introductions, go through
9 some housekeeping items, and then Mr. Lewis Loon will give a
10 description of the project, a short overview. Then we'll
11 talk a little bit about the purpose of scoping, the types of
12 information we're here to gain tonight.. We have a list of
13 resource issues that FERC staff has currently identified;
14 we'll talk about those. We'll talk about the Environmental
15 Assessment document that FERC will eventually put out and
16 the schedule for putting out that document. We'll talk
17 about the types of information we're requesting from the
18 public. I'll run through a little bit about our online
19 resources on how to make comments to FERC. And then we'll
20 wrap up with final comments or questions.

21 Back to introductions, again, my name is Karen
22 Sughrue. I'm going to just go ahead and introduce the rest
23 of the FERC staff that are here tonight. All right, I'm
24 going to let them introduce themselves.

25 MR. TUST: My name is Michael Tust. I'm a fish

1 biologist with FERC, so I'll be handling water quality and
2 fisheries related issues.

3 MR. WILCOX: I'm Ken Wilcox with FERC and I am a
4 recreation planner, but I also deal with aesthetics ,
5 cultural resources, socioeconomic issues and so forth.

6
7 MS. SUGHRUE: And I'd also like to point out we
8 have Dan Hawkins over here in the corner and he's our court
9 reporter, he will transcribe tonight's meeting. So, just to
10 go over the housekeeping items, I think everyone knows --
11 small crowd, but we have a sign-in sheet in the back and if
12 you haven't signed it please do so. And again, this meeting
13 is being recorded by a court reporter and transcripts will
14 be made available and made part of the public record. If
15 you do choose to speak tonight, just be considerate of time.
16 We have a small crowd so I think we have some leeway on
17 that. But if you do speak, please provide your name and
18 affiliations so the court reporter can get that down. If
19 you choose to submit written comments we have an address
20 here, and it's also in our scoping document. We do ask that
21 you identify the project by the project number which is
22 2808. The second half is a subdocument; the critical part
23 is the 2808.

24 Just a little bit about FERC. We are a federal
25 agency that regulates the interstate transmission of natural

1 gas, oil, and electricity. And we also do licensings and
2 inspecting private, municipal and state hydroelectric
3 projects. The staff here tonight, we are from the Office of
4 Energy Projects, specifically the Division of Hydropower
5 Licensing. We are also -- our headquarters are based out of
6 Washington D.C. but we do have five regional offices. All
7 right. Now we have a presentation by the company.

8 MR. LOON: Hello, my name is Lewis Loon. I
9 represent Kruger Energy. Lower Barker Hydroelectric
10 Project is one of 27 projects we own here in the US.
11 Fifteen projects in Maine that fall under Matt Ayotte
12 manages those projects. I was going to have Matt do this,
13 but I'll do it. Anyway, for those of you that didn't get to
14 tour the facility today it is a little bit of an overview of
15 our facility, where we're at in the licensing process.

16 This picture right here actually upstream looking
17 at the dam, you look to the right, those are our spillway
18 gates, dewatering gates. In the event we have to have to
19 dewater the impoundment.. This kind of aerial overview, you
20 can see the dam up above, the shot that we were trying to
21 see earlier. The power canal. Right here is the - in this
22 region is the intake. House, trash racks, an underground
23 penstock, 6 x 8 concrete penstock that goes down to the
24 powerhouse where we house one Allis Chalmers 1500 kilowatt
25 turbine and generator.

1 You can see the bypass reach, actually we don't
2 have a good picture of that but it wraps around and meets
3 back up the river in the powerhouse. Any questions on this
4 slide pictures?

5 So far studies conducted from 2005, 2017, water
6 quality study, bypass reach minimum reach flow study, night
7 time yield survey, micro invertebrate study, phase one
8 cultural resource study, the historic structure survey, and
9 our recreation study.

10 Our license proposal, we've proposed to replace
11 the turbine and the generator at that facility. Turbine and
12 generator is close to 30 years old. It's reached it useful
13 life. We're proposing to replace that to extend the life
14 and hopefully get some efficiencies.

15 We propose to increase the bypass flows from the
16 current 20 cfs up to 113 cfs. Operate, modify, fishway at
17 the dam from June 1st to November 15th for downstream
18 passage of juvenile river herring, alewives, and adult
19 American eels. Provide signage, parking, a hand carry boat
20 launch with foot access to the project's bypass reach.
21 Management of the historic resources and tribal resources if
22 discovered during the future ground disturbance activities.

23

24 License proposal. Comments and recommendations
25 by the city of Auburn and American Whitewater are currently

1 under consideration. White water releases, a flow gauge,
2 and funding for recreation improvements and maintenance.

3 That's basically it for our little overview.

4 Thank you, Karen.

5 MS. SUGHRUE: So, back to the purpose of scoping.
6 The scoping meeting is part of our legal requirement and
7 FERC's regulations. It's also required under the National
8 Environmental Policy Act or NEPA. It's basically to help
9 with the evaluation of environmental effects of licensing or
10 relicensing the Barker project. Again, scoping is part of
11 NEPA and it's used to identify issues and concerns to be
12 addressed in the NEPA documents, and input solicited from
13 federal, state, local agencies, Indian tribes,
14 non-governmental organizations and the public. So, tonight,
15 this part of scoping will be discussing the existing
16 environmental conditions potential conditions. So, the
17 resource issues that we have currently identified are listed
18 in Section 4.2 of our Scoping Document 1.

19 They cover aquatic, terrestrial, threatened and
20 endangered species, recreational aesthetics, cultural, and
21 developmental issues. Under aquatic resources, I'll just go
22 ahead and read these out, but they are listed in the scoping
23 documents so basically, the effects of continued project
24 operation maintenance in dissolved oxygen and the water
25 temperature of the bypassed reach downstream to the

1 project's tailrace. The effects of continued project
2 operation and maintenance on stream flows, aquatic habitat,
3 and fish sources in the bypass reach and downstream at the
4 project tailrace. Effects of continued project operation
5 and maintenance on upstream and downstream movements of
6 resident and migratory fish in the Little Androscoggin
7 River; and the effects of continued project operation and
8 maintenance on fish entrainment and corresponding mortality.

9 So, just -- do we have any quick questions about
10 that, any of those issues? Aquatic. I don't see any.
11 We'll move on to terrestrial resources.

12 Effects of continued project operation and
13 maintenance on riparian, littoral and wetland habitats and
14 associated wildlife. And potential introductions of
15 invasive plant species during planned maintenance or
16 facility upgrade activities.

17 Any comments?

18 Threatened and endangered species, effects of
19 continued operation and maintenance of the project on
20 federally listed on proposed, candidates for threatened and
21 endangered species that may occur in the project area
22 including Atlantic salmon, Small Whorled Pogonia, and
23 Northern Long-Eared bats.

24 Recreation and aesthetics. Effects of the project
25 on day-use facilities and other recreational and aesthetic

1 resources in the project area, including flow related
2 effects and public access to the bypass reach for fishing
3 and boating. Any questions?

4 MR. COUSENS: : Yes.

5 MS. SUGHRUE: Again, just state your name and
6 affiliation.

7 MR. COUSENS: Erin Cousens with the City of
8 Auburn. Just had a question about Lewis Loon made reference
9 to a recreational needs study, and I'm just wondering if
10 that was the whitewater flow study that he was referencing
11 because I haven't seen a lot of details and information on
12 the recreational needs other than the basic process that was
13 submitted during the licensing process.

14 MS. SUGHRUE: All right, we'll let --.

15 MR. LOON: So, actually we are going to - Andy,
16 do you want to comment on that. You've been working a
17 little bit more on that.

18 MR. QUA: Andy Qua with Kleinschmidt Associates.
19 As part of the scoping we had the Form 80 evaluation which
20 was required by FERC on a six year basis. We also did an
21 assessment on access and numerous other studies. We are
22 going to be doing additional study work on that. But as
23 Chuck noted, we are assessing the recommendations received
24 from the American Whitewater in terms of access.

25 MR. LOON: And just to follow up to that, I

1 guess as city and county's recreation access to the river is
2 an important part of their recreational activities. We
3 would hope that FERC would look at whether or not the Form
4 80 data was adequate to qualify as a recreational study and
5 hopefully see some kind of maps or plans for what kind of
6 access the licensee is proposing as part of their continued
7 work in the licensing process.

8 MS. SUGHRUE: Thank you. For cultural resources,
9 we had the effects of continued project operation and
10 maintenance on cultural resources and historic properties
11 including Barker's Mill Dam and other potential properties
12 eligible for inclusion in the National Register of Historic
13 Places. Any comments?

14 Developmental resources, the effects of the
15 proposed environmental measures and associated costs on the
16 energy generation and the cost of project power. And for
17 cumulative effects we've identified diadramous fisheries.
18 Diadramous is basically a term meaning fish that migrate
19 between fresh water and salt water. Just for clarification.
20 The geographic scope that we've identified from this
21 resource is the Little Androscoggin River from the Marcal
22 Hydroelectric Project, which is west of here in Kenneth
23 Falls. Downstream there's a confluence with the mainstem of
24 the Androscoggin River. And the mainstem of the
25 Androscoggin River downstream to the Brunswick Hydroelectric

1 Project.

2 So that's our coverage. And for temporal scope
3 it will look 30 to 50 years into the future, concentrating
4 on the fact that the resource has a reasonably foreseeable
5 future..

6 Yes?

7 MR. NASDER: Robert Nasder with American
8 Whitewater. How many river miles is the geographic scope?

9 MS. SUGHRUE: That's a good question.

10 MR. TUST: Mike Tust with FERC. So, altogether
11 that would cover -- its in the scoping document, a 36 mile
12 stretch. So, the Marcal project is about river14 miles
13 upstream of Barker's Mill, and the Little Androscoggin
14 River, and then starting in that; and then a further 21
15 miles downstream that would be getting down to Brunswick,
16 which is pretty close to the mouth. Well, did you have any
17 comments on that in terms of, you know, anything additional?

18 MR. COUSENS: No. Just that.

19 MS. SUGHRUE: So, here's our preliminary
20 preparation schedule that we're giving out with our
21 environmental assessment. We're having our scoping meetings
22 tonight; and again based on the comments that we receive, if
23 there are any additional issues that we should consider that
24 come about during the scoping process, we may issue a
25 scoping document 2. But then a few months from that we

1 should have our notice issued saying that the project is
2 ready for environmental analysis. And then we'll have our
3 deadline for filing comments, recommendations, and agency
4 terms and conditions or prescriptions. And then we'll issue
5 a draft EA and we'll give a time period for people to
6 comment on the EA, and then we'll issue a final EA.

7 MR. MCDAVITT: Bill McDavitt, NOAA Fisheries.
8 The deadline for scoping document 1 comments is September
9 29th, correct?

10 MS. SUGHRUE: Correct.

11 MR. MCDAVITT: So, we have one or two days to
12 determine if SD-2 is necessary?

13 MS. SUGHRUE: Ah --.

14 MR. MCDAVITT: That's September 2017.

15 MS. SUGHRUE: Right.

16 MS. SUGHRUE: Yeah, I should have -- this will
17 probably be pushed back a little bit now that we're having
18 our technically, our scoping meetings are in August, but
19 it's almost the end of August and so that made our deadline
20 for comments 30 days after that. So, you know, that's
21 technically our deadline for our scoping document 2 but
22 based on the comments, it may get pushed back. Yeah, the
23 whole schedule may get pushed back by a little bit.

24 So, we have a request for types of information
25 that would be helpful for us in our environmental analysis

1 and those are listed in section 5 of our scoping document 1.
2 SD-1 for short. Some examples are significant environmental
3 issues that should be addressed in the EA or environmental
4 assessment. Information or data describing the past or
5 present conditions of the project area. Resource plans and
6 future proposals in the project area and additional
7 comprehensive plans. We have a current list of
8 comprehensive plans and that's listed in section 8 of the
9 scoping document. But if there are additional ones that
10 should be added, let us know.

11 As far as our online resources you can go to
12 www.ferc.gov and we have a couple of different resources for
13 submitting comments and accessing information for the
14 project plan. So eFiling is basically one way to submit
15 comments electronically. If there's lengthy comments that's
16 a good way to go. If it's small, minimal comments you can
17 use quick comments, but there is a character limit on using
18 that form so just keep that in mind. We also have what's
19 called eSubscription, and that's a good resource for if you
20 want to sign up to receive filings on the project that this
21 is a good way to get an electronic notification through your
22 email and that way you don't have to necessarily always have
23 to go back to the FERC website and log in and check the
24 file. Every time there is something new that comes in
25 you'll get a notification.

1 But again, if you don't want to subscribe to the
2 project, you can use eLibrary and also access what's been
3 filed publicly by going through, and you can use, again,
4 you'll have to use their docket number which is P-2808. And
5 if you have trouble with any of that, we do have an online
6 support at FERCOnlineSupport@FERC.gov . And we have
7 numbers of FERC people to call. And the red circle down at
8 the bottom of the page is where you will find all of this.
9 . And that's pretty much it, so we have time for comments,
10 questions.

11 MAYOR LABONTE: Jonathon Labonte. I'm the Mayor
12 of the City of Auburn. I appreciate FERC being here to hear
13 comments on the scoping. We didn't raise some of these
14 items earlier; so if you're going to wait for the comment
15 period to kind of walk through. I do want to say I'm not
16 just here as Mayor, I'm also here representing the Auburn
17 City Council which has taken an extremely strong interest in
18 licensing-related issues. We have been actively engaged on
19 the mainstem of the Androscoggin with the original Highland
20 project, with the Falls project and obviously now with the
21 Lower Barker.

22 I also send apologies from the New Auburn
23 Neighborhood Association. The neighborhood where this
24 projects exist has their monthly neighborhood association
25 meeting at the same time. So, I stopped there briefly to

1 let them know I was coming here. But they cheered on making
2 sure we relay the importance of the future of that
3 neighborhood.

4 A few things in the -- and Eric here is with our
5 economic development department, and he can get all the
6 documents and we'll add that to the study lists. All of the
7 city's economic new development plans for the last 10, 15
8 years aren't listed there. Neither are our partner's
9 recreation plans for that area. The last 20 plus years,
10 starting with the National Forest Service, the city has been
11 doubling down on reconnecting what was one of the ten most
12 polluted rivers in the country back to our neighborhoods.
13 And back to the city. I'm not sure how in your scoping
14 effort we can model for lost time, but what we've found is
15 that this river literally would peel paint off of buildings
16 because it was so polluted. It was the inspiration for Ed
17 Muskie and the Clean Water Act. Over the last ten years as
18 the river has been deemed fishable and folks have recognized
19 that, recreation has continued to grow significantly year
20 over year.

21 And that's why we have some concerns about the
22 "recreation" study. Just looking at the Form 80's, (1) we
23 have questions about the methodology of the Form 80's, of
24 the conclusion that the licensee had started the process
25 that recreation was not going to be an issue with this

1 license was very different than what we see when we had
2 public meetings around recreation. I once ran the Amscot
3 land trust, and when we had planning meetings about trails
4 for access to river views we would get 75 to 100 people
5 coming to the meetings wanting to give input. So it's sort
6 of day and night on that.

7 So we'll make sure that we file the recreation
8 documents that we have, the plans around that, public input
9 around that, and we'll work with Eric and his department to
10 get that. I had not heard that something that I had
11 concerns about with respect to the scope of this license is
12 the interconnection between the Upper and Lower Barker. The
13 city is planning for a corridor in a neighborhood. This
14 process around recreation and aesthetics and fisheries seems
15 to make an arbitrary end just above the dam on the Lower
16 Barker, knowing that about a mile upstream is another
17 facility whose licensing process begins in a couple of
18 years. Why these aren't linked.

19 I had one conversation about this section of
20 river corridor. I'd like to understand this process or at
21 least have FERC reconcile why that license isn't connected
22 with this one. So, when it's not connected and we start
23 this process again in two years, we're going to have a lot
24 of people in our community scratching their heads wondering,
25 why are we doing this again? Having all the same

1 conversations, in the same neighborhood.

2 With respect to cultural resources, it really
3 doesn't appear to get much attention, and maybe FERC can
4 help me understand if we need to engage in the next 30 days
5 so our partners can provide more detailed information.
6 Laurel Hill, which is a high point overlooking the project
7 area, was once the site of a Native American camp that in
8 the history of the community was also the point of a major
9 battle where settlers were taken hostage and crews were sent
10 in, and there was a large massacre of Native Americans
11 there and there is a known burial ground on that hill. I
12 fully expect that was a major military encampment of Native
13 Americans, the use of the project area would have been
14 instrumental in that encampment for fishing and other wants.
15 Historical society woefully may have had some information,
16 but I don't think there has been in-depth analysis around
17 that.

18 Also, that this area of Auburn was annexed. It
19 was a separate town until 1867. This is the 150th
20 anniversary of that. That this section of Auburn was
21 annexed from the town of Danville because of the potential
22 to develop this hydroelectric facility, or the mechanical
23 power to build the Barker Mill. View corridors into the
24 project area were essential parts of the development of the
25 community, particularly downtown Auburn, and our original

1 high school site looking into the project area. So, the
2 cultural component as well as the aesthetic component really
3 has not been given the attention it ought to have. We have
4 some of our studies that show preference for view corridors
5 in some of that history. How much detail FERC would need
6 for the scoping component versus efforts to write the EA
7 perhaps to provide some clarification on.

8 And from an socioeconomic standpoint, I think
9 it's important to understand -- the speaker at the meeting I
10 just left is the principal of the neighborhood school. In
11 this area, it is Auburn's poorest elementary school. The
12 City Council has been aggressively investing in both real
13 estate acquisition as well as allocating resources to build
14 signature parks in recreation areas in this neighborhood
15 along the river as part of our effort to improve quality of
16 life for these families as well as attract property
17 investment. We've been doing that with our resources only.
18 We've recognized the need and demand to help turn around
19 poor neighborhoods and how that interconnects with whether
20 the project licensee has any obligation to be part of that,
21 or for what extent additional recreation or fisheries access
22 would play a role would be as important as well.

23 That's the end of my long list. Thank you.

24 MS. SUGHRUE: Does anybody or somebody else who
25 indicated that they wanted to give comments, or do you know?

1 MR. NASDER: I do have a question.

2 MS. SUGHRUE: Yes, yes.

3 MR. NASDER: Again, Bob Nasder, American
4 Whitewater. I'd like to act out some of the Mayor's
5 comment. You know, as we have a bit of hindsight in this
6 process, and this was FERC approved, the TLP as the
7 procedure for the relicensing, in hindsight I think it
8 might have been better to use the ILP process and take a
9 more basin approach. We are sort of looking at this
10 project in isolation of the Upper Barker Dam and other
11 upstream dams. We've got issues that will affect a broader
12 area. I would wonder whether the geographic scope of the
13 project should be extended further upstream., at least
14 through the Upper Barker project, perhaps further.

15 But I guess we are where we are in the process
16 now, it's the TLP process, and we kind of move forward. I
17 think there are two possible approaches here. And one is to
18 look at the project as it's currently operating, determine
19 what the impacts are, assess what sort of mitigation might
20 be appropriate and you know, so we've been involved with
21 this from the beginning. First, I want to thank the company
22 for this morning for giving us a tour of the project
23 facility, I found that very insightful, answering all of the
24 questions that we had which was certainly very much
25 appreciated. And I'd also like to thank them -- we worked

1 with them on the whitewater boating portion of the
2 recreation study. Invaluable information which came through
3 that study, so we can appreciate it and assist FERC with its
4 NEPA process so we can better inform what sort of conditions
5 or what license, if FERC issues the license, might be
6 appropriate.

7 From the tour today it becomes apparent, you
8 know, that there are at least from my perspective, American
9 Whitewater -- we've long been involved in the FERC process,
10 evaluating recreation needs, the aquatic needs. And looking
11 at some of the recreation issues that were presented today,
12 a few of them I'd like to mention to get as part of the
13 record.

14 First, you know we've looked at what's called the
15 Barker's Mill trail. It's identified from the dam upstream
16 extending from the Lower Barker Dam, it's all the way to the
17 Upper Barker Dam and this is not property owned by the power
18 company, but it's conservation land. It seems to me that
19 that trail should be extended further downstream. There's
20 sort of a hodge-podge of trails and access from the dam to
21 the powerhouse, there, you know, I don't know if these are
22 deer paths or whether these are old trails that exist in
23 several sections of it. But it's clear that linking those
24 parts, improving certain sections there, you can -- with the
25 recreation trail that extended throughout the project area

1 along the riverfront giving the public ability to interact
2 with the bypass reach, the natural river channel, connecting
3 the community back to its waterfront area. But I think
4 those are things that it would be positive to see.

5 Boat launch areas. Certainly in the impoundment
6 area, there's a need for an improved boat launch there.
7 Below the dam the trail that was used during the whitewater
8 boating study to get down to the river was sort of a class 4
9 trail, I guess I would call it. It's manageable but you
10 might hurt yourself driving a boat down there. So I see
11 opportunity for improvement there. No real trail certainly
12 at the powerhouse to get back to the Little Androscoggin
13 River. So, I think those are the things that we've
14 identified.

15 Flow information. The flow gauge at 22 miles
16 upstream or something with multiplying, times a factor of
17 4.9, how long is the travel time doesn't really provide the
18 public with the ability to know what the flows are at the
19 project. I think there's a need for real time flow
20 information. We've been involved with that for a number of
21 other rivers, you know, that we are involved with, giving
22 the public information about what flows are present whether
23 it's for fishing or boating, I think that would be valuable.

24

25 The Whitewater Boating study identified a number

1 of flows and assessed the value of those from minimal
2 acceptable to optimal. When you look at that range, the
3 range that was evaluated in this study, there were only two
4 flows evaluated; but even trying to extrapolate from that
5 you could include that flows in range of 300 to 1000 cfs had
6 recreational value.

7 So, I think there's a recognition that this is a
8 boating resource at the lower end for novice boaters could
9 certainly enjoy and learn. I have a boat on this stretch of
10 the reach, certainly recreational boaters. At the higher
11 end, more intermediate boaters with features and other
12 aspects of this we could have some challenge. You know,
13 it's not a five mile long stretch with big waterfalls; at
14 the same time, there are features there that are valuable
15 and I think the public could enjoy utilizing those
16 features. The public could enjoy watching people utilize
17 those features so I think they're of value for the community
18 there.

19 Beyond recreational issues there are aquatic
20 issues that are -- I have some records here. I do, you
21 know, credit the company for looking to increase the bypass
22 flows from the current 20 cfs to, what was it; 117 or
23 whatever was suggested during the presentation. I think
24 that's a positive but whether that provides optimal habitat,
25 I'm not sure. I think some of the studies would suggest

1 that perhaps higher numbers would be more appropriate. So,
2 I think you have to look at providing adequate flows for
3 optimal habitat.

4 I think you also have to look at the issue of
5 fish passage. On the downstream side, there's a need for
6 some improvements that were discussed this morning. But
7 there's no upstream passage here and that's a big concern.
8 Near the mouth of the Androscoggin River, and I think
9 there's questions here about whether fish passage upstream
10 ought to be included as part of this project. These are not
11 insubstantial issues. You know, from a whitewater boating
12 standpoint, from the provision of adequate flows, between
13 300 and 1000 involve -- for generation during a certain
14 number of days. I've envisioned daytime hours during
15 weekends and holidays during the boating season, for
16 cogeneration and allow natural flows to be present in the
17 river so that that could be enjoyed.

18 But all of these things together, I think you
19 have to question whether mitigation is the right approach
20 here. I think one of the things that FERC does here is it
21 balances the power that is generated by this project against
22 the environmental impacts. And they are substantial. And I
23 think, I don't know where the balance lies, but I notice in
24 SD-1 that FERC does not consider project decommissioning and
25 dam removal. And I would urge FERC to put that back on the

1 table. To consider issuing an SD-2 here to evaluate that
2 option. You look at the economics of the project, this
3 project barely makes any money. Even if you consider
4 installing a new turbine and if that somehow makes it more
5 profitable with greater efficiency than its current
6 operations. It really doesn't make very much money
7 considering the loss, you know, of the revenue that would
8 result from increased minimum flows for recreational
9 releases. This is an old project. It's something like 80
10 years old, I think. So, we're nearing the end of its
11 natural life. You consider a 30 to 50 term of a new
12 license, you know, what are we up to now? 110? 120? 130
13 years old this project would be at the end of the next
14 license. How is that going to be sustained economically if
15 this dam is going to have to be replaced? It's not going to
16 last that long.

17 There are dam safety issues. I heard today about
18 a leaking penstock. There are a lot of issues here so I
19 think all in all, FERC should consider whether this project
20 makes sense overall. So, I think both mitigation has to be
21 looked at, but I think also decommissioning of the project
22 might also be considered in this process. Thank you.

23 MS. SUGHRUE: Just to be clear, is that your
24 recommendation that the project be decommissioned or is that
25 just sort of a suggestion?

1 MR. NASDER: We would support dam decommissioning
2 and dam removal if that was the ultimate decision for a
3 number of agencies here. The fisheries agencies, there's
4 the Town; I think there are others that need to weigh in on
5 this. I think FERC needs to look at whether this makes
6 sense if a recommendation came forward for decommissioning,
7 we would support that. We would also support continued
8 operation with appropriate mitigation. So, I think there
9 are two alternatives that would be considered here. Whether
10 the cost involved in that mitigation, you know, make this
11 project no longer economically viable, I think everybody
12 needs to take a hard look at that. And I would recommend
13 that FERC look at that, so, there are two alternatives here.

14 MS. SUGHRUE: All right.

15 MR. COUSENS: Eric Cousens with the City of
16 Auburn. I would just like to add to a lot of the things
17 that were said by our Mayor and American Whitewater. This
18 has been helpful to get a sense of which plans FERC already
19 has on file. Our comprehensive plan has been found to be
20 consistent with the State of Maine Informed Growth Act. I
21 don't know if that makes it qualify as a comprehensive plan
22 that could be included on the list, but it references of a
23 lot of recreational goals in the project area. We've
24 submitted references to it in our comments but we haven't
25 tried to formally submit the actual plan. So hopefully we

1 will get a sense of that; and our new master plan, and some
2 of the recreational plans should be submitted in their
3 entirety to make sure they're looked at.

4 MS. SUGHRUE: If you do submit a plan we have
5 FERC staff that reviews that to see if it's consistent with
6 our comprehensive plan, and under the Federal Power Act, and
7 then we weigh in and we'll let you know.

8 MR. COUSENS: All right.

9 MS. SUGHRUE: But if you can always file it.

10 MR. COUSENS: We were just trying not to
11 overwhelm FERC staff with information because there's a lot
12 to sort through to find the relevant references to that
13 particular area. So we were really just trying to submit
14 it in pieces rather than give you the whole thing.

15 MR. WILCOX: Hi. Ken Wilcox with FERC. You can
16 file anything you want, first of all. There's comprehensive
17 plans under the Federal Power Act that are a little
18 different from say, community planning and comprehensive
19 plans, or your parks and recreation plans at the local level
20 and that sort of thing so there's -- it's not really
21 necessary to file the broader plans for a local area.
22 Especially if they don't pertain specifically to the vision
23 for our waterway and the future of that waterway. So, I'm
24 not saying you shouldn't do it, but it's probably going to
25 be a little more effective to pick out the pieces of that

1 and include those in your comments. So, if there's
2 something in the city's plan or some other plan that really
3 addresses this particular area, this reach of the river,
4 then that's useful information to file. Even if the plan
5 isn't sort of recognized by FERC as an official plan under
6 the Federal Power Act, it's still an information source
7 that we can refer to when we're looking through these
8 different issues.

9 MR. COUSENS: Thank you for that clarification.
10 Just a little more about it. The facility really does have
11 activity along the river for paddlers. And we really ask
12 that, as part of the process, hopefully we can review some
13 kind of maps or plans that show what is meant by providing
14 access to the bypassed reach; and would hope that that would
15 provide a way to get out of the impoundment and around the
16 facility to access the bypass reach safely. Access to the
17 bypass reach could be anything from, you know, a
18 well-constructed hard surface access to what's there
19 today. So, not knowing what those exact plans are it's hard
20 to weigh in on whether or not that's adequate. Thank you.

21 MS. SUGHRUE: Thank you.

22 Are there any other comments or questions?

23 MR. TUST: Actually, Mike Tust, FERC. I had a
24 couple just clarification comments; we've covered a lot of
25 ground here. And we appreciate that, we really like the

1 input, it's why we're here.

2 One question I had was you were mentioning about
3 trying to look at the scope of the project to not have the
4 arbitrary end point and to include the above the Upper
5 Barker, I guess is what you're referring to, if I'm not
6 mistaken. Now, I just want to kind of clarify. So we are
7 looking beyond just the initial project area in terms of the
8 cumulative effects analysis on fisheries, diadromous
9 fisheries. And so, was your question more in relation to
10 our cumulative geographic scoping we've identified, that
11 means to go beyond what we've already identified or were you
12 thinking in terms of a recreational issue, or what was the
13 context for saying we need to expand our scope? I was a
14 little confused.

15 MR. NASDER: I guess I'd like to understand how
16 far upstream from the dam you're currently filing within the
17 recreational scope. From a recreational standpoint, I'd
18 like to get a better sense of the impoundment, because this
19 is not a run-of-river operation here at the Lower Barker.
20 You know, upstream of this project, are there other
21 impoundments which could effect the recreational use at
22 Lower Barker, so, I did kind of looking upstream and I don't
23 know where the logical endpoint is, where we should be
24 considering that, certainly from the fisheries standpoint
25 there are others here who can speak to that better than I.

1 But that would certainly extend beyond the project. The
2 restoration of the river extends through a series of dams
3 going upstream.

4 MR. TUST: So, are you suggesting at this time
5 that we include recreational resources as an additional item
6 on your cumulative effects analysis?

7 MR. COUSENS: Yes, I would.

8 MR. TUST: All right. I just wanted to clarify
9 that. That's what I thought you were going for.

10 I had one other thing but I can't deal with it
11 right now, so if I do, I'll bring it up.

12 MS. SUGHRUE: All right. Any further comments,
13 questions?

14 All right. I guess that concludes the meeting
15 for tonight. I want to thank you again, everyone, for
16 coming, participating and sharing your thoughts, and again
17 tomorrow morning we're doing the same type of scoping
18 meeting -- tomorrow it's more focused towards agencies, but
19 it's open to the public and anyone can come It's at 9am.
20 Here. Same place.

21 MR. WILCOX: Just to follow up on the cumulative
22 effects question there. You know, this, that was a brief
23 comment so if you could elaborate in the formal comments,
24 written comments you submit that's going to make it a lot
25 easier for us to evaluate that issue. I just emphasize, you

1 know, all the effects that are laid out in the scoping
2 document are kind of that first take. So you can get into
3 the nitty gritty if you like on many of those things but
4 that would be one where it would be helpful to elaborate a
5 little bit in the written comments.

6 MS. SUGHRUE: All right. Thanks everyone for
7 coming.

8
9 [Whereupon at approximately 8 p.m., the
10 scoping meeting concluded.]

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding: Barker's Mill Hydroelectric
7 Project

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17 Docket No.: 2808-017

18 Place: Auburn, Maine

19 Date: Tuesday, August 29, 2017

20 were held as herein appears, and that this is the original
21 transcript thereof for the file of the Federal Energy
22 Regulatory Commission, and is a full correct transcription
23 of the proceedings.

24 Daniel Hawkins

25 Official Reporter

Federal Energy Regulatory Commission



SIGN-IN SHEET

Barker's Mill Hydroelectric Project Scoping Meeting

August 29, 2017 at 7:00 PM

Hilton Garden Inn Auburn Riverwatch

14 Great Falls Plaza, Auburn, Maine 04210

	Name	Affiliation	Making a Public Comment? (Y/N)
1	Michael Trust	FERC	
2	Matt Ayotte	Kruger	
3	Lewis Loon	Kruger	
4	Ken Wilcox	FERC	
5	Eric Cousens	City of Auburn	Y
6	Jordan Tate	Auburn Conservation Commission	
7	Jonathan LaBonte	City of Auburn	N
8	Sherri Loon	Kruger	N
9	Lewis Loon	Kruger	
10	Audrey Qua	Kleinschmidt	N
11	Dave Huntress	Maine Council Atlantic Salmon Federation	N
12	ROBERT NASTOR	AMERICAN WHITEWATER	Y
13	Antonio Bertivoglio	US Fish & Wildlife	N
14	Bill McDevitt	NOAA Fisheries	N
15	ROCK WATSON	AUBURN HOUSING AUTH (BARKER MILL)	
16	Kevin Mendik	National Park Service	N
17	Karen Sugrue	FERC	
18			
19			
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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Office of Energy Projects

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KEI (Maine) Power Management

(III) LLC Docket No. 2808-017

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BARKER'S MILL HYDROELECTRIC PROJECT

Hilton Garden Inn
14 Falls Avenue
Auburn, Maine

Tuesday, August 29, 2017

The evening scoping meeting, pursuant to notice,
convened at 7 p.m, before a Staff Panel:

- KAREN SUGHRUE, Project Coordinator, FERC
- MICHAEL TUST, Fish Biologist, FERC
- KEN WILCOX, FERC

1 P R O C E E D I N G S

2 MS. SUGHRUE: Welcome, everyone. My name is
3 Karen Sughrue, I'm with the Federal Energy Regulatory
4 Commission, or FERC for short; and I'm the project
5 coordinator on FERC's behalf for relicensing of the
Barker's
6 Mill Hydroelectric Project. So we're here tonight for our
7 scoping meeting and I've put together this agenda.. We're
8 first going to have some brief introductions, go through
9 some housekeeping items, and then Mr. Lewis Loon will give
a
10 description of the project, a short overview. Then we'll
11 talk a little bit about the purpose of scoping, the types
of
12 information we're here to gain tonight.. We have a list of
13 resource issues that FERC staff has currently identified;
14 we'll talk about those. We'll talk about the Environmental
15 Assessment document that FERC will eventually put out and
16 the schedule for putting out that document. We'll talk
17 about the types of information we're requesting from the
18 public. I'll run through a little bit about our online
19 resources on how to make comments to FERC. And then we'll
20 wrap up with final comments or questions.

21 Back to introductions, again, my name is Karen
22 Sughrue. I'm going to just go ahead and introduce the rest
23 of the FERC staff that are here tonight. All right, I'm
24 going to let them introduce themselves.

25

MR. TUST: My name is Michael Tust. I'm a fish

1 biologist with FERC, so I'll be handling water quality and
2 fisheries related issues.

3 MR. WILCOX: I'm Ken Wilcox with FERC and I am a
4 recreation planner, but I also deal with aesthetics ,
5 cultural resources, socioeconomic issues and so forth.

6
7 MS. SUGHRUE: And I'd also like to point out we
8 have Dan Hawkins over here in the corner and he's our court
9 reporter, he will transcribe tonight's meeting. So, just

to

10 go over the housekeeping items, I think everyone knows --
11 small crowd, but we have a sign-in sheet in the back and if
12 you haven't signed it please do so. And again, this

meeting

13 is being recorded by a court reporter and transcripts will
14 be made available and made part of the public record. If
15 you do choose to speak tonight, just be considerate of

time.

16 We have a small crowd so I think we have some leeway on
17 that. But if you do speak, please provide your name and
18 affiliations so the court reporter can get that down. If
19 you choose to submit written comments we have an address
20 here, and it's also in our scoping document. We do ask

that

21 you identify the project by the project number which is
22 2808. The second half is a subdocument; the critical part
23 is the 2808.

24 Just a little bit about FERC. We are a federal

25 agency that regulates the interstate transmission of
natural

1 gas, oil, and electricity. And we also do licensings and
2 inspecting private, municipal and state hydroelectric
3 projects. The staff here tonight, we are from the Office
of
4 Energy Projects, specifically the Division of Hydropower
5 Licensing. We are also -- our headquarters are based out
of
6 Washington D.C. but we do have five regional offices. All
7 right. Now we have a presentation by the company.

8 MR. LOON: Hello, my name is Lewis Loon. I
9 represent Kruger Energy. Lower Barker Hydroelectric
10 Project is one of 27 projects we own here in the US.
11 Fifteen projects in Maine that fall under Matt Ayotte
12 manages those projects. I was going to have Matt do this,
13 but I'll do it. Anyway, for those of you that didn't get
to
14 tour the facility today it is a little bit of an overview
of
15 our facility, where we're at in the licensing process.

16 This picture right here actually upstream
looking
17 at the dam, you look to the right, those are our spillway
18 gates, dewatering gates. In the event we have to have to
19 dewater the impoundment.. This kind of aerial overview,
you
20 can see the dam up above, the shot that we were trying to
21 see earlier. The power canal. Right here is the - in this
22 region is the intake. House, trash racks, an underground

23 penstock, 6 x 8 concrete penstock that goes down to the
24 powerhouse where we house one Allis Chalmers 1500 kilowatt
25 turbine and generator.

1 You can see the bypass reach, actually we don't
2 have a good picture of that but it wraps around and meets
3 back up the river in the powerhouse. Any questions on this
4 slide pictures?

5 So far studies conducted from 2005, 2017, water
6 quality study, bypass reach minimum reach flow study, night
7 time yield survey, micro invertebrate study, phase one
8 cultural resource study, the historic structure survey, and
9 our recreation study.

10 Our license proposal, we've proposed to replace
11 the turbine and the generator at that facility. Turbine
and
12 generator is close to 30 years old. It's reached it
useful
13 life. We're proposing to replace that to extend the life
14 and hopefully get some efficiencies.

15 We propose to increase the bypass flows from the
16 current 20 cfs up to 113 cfs. Operate, modify, fishway at
17 the dam from June 1st to November 15th for downstream
18 passage of juvenile river herring, alewives, and adult
boat
19 American eels. Provide signage, parking, a hand carry
20 launch with foot access to the project's bypass reach.
21 Management of the historic resources and tribal resources
if
22 discovered during the future ground disturbance activities.
23

24 License proposal. Comments and recommendations
25 by the city of Auburn and American Whitewater are currently

1 under consideration. White water releases, a flow gauge,
2 and funding for recreation improvements and maintenance.

3 That's basically it for our little overview.

4 Thank you, Karen.

5 MS. SUGHRUE: So, back to the purpose of
scoping.

6 The scoping meeting is part of our legal requirement and
7 FERC's regulations. It's also required under the National
8 Environmental Policy Act or NEPA. It's basically to help
9 with the evaluation of environmental effects of licensing
or

10 relicensing the Barker project. Again, scoping is part of
11 NEPA and it's used to identify issues and concerns to be
12 addressed in the NEPA documents, and input solicited from
13 federal, state, local agencies, Indian tribes,

14 non-governmental organizations and the public. So,
tonight,

15 this part of scoping will be discussing the existing
16 environmental conditions potential conditions. So, the
17 resource issues that we have currently identified are
listed

18 in Section 4.2 of our Scoping Document 1.

19 They cover aquatic, terrestrial, threatened and
20 endangered species, recreational aesthetics, cultural, and
21 developmental issues. Under aquatic resources, I'll just
go

22 ahead and read these out, but they are listed in the
scoping

23 documents so basically, the effects of continued project
24 operation maintenance in dissolved oxygen and the water
25 temperature of the bypassed reach downstream to the

1 project's tailrace. The effects of continued project
2 operation and maintenance on stream flows, aquatic habitat,
3 and fish sources in the bypass reach and downstream at the
4 project tailrace. Effects of continued project operation
5 and maintenance on upstream and downstream movements of
6 resident and migratory fish in the Little Androscoggin
7 River; and the effects of continued project operation and
8 maintenance on fish entrainment and corresponding
mortality.

9 So, just -- do we have any quick questions about
10 that, any of those issues? Aquatic. I don't see any.
11 We'll move on to terrestrial resources.

12 Effects of continued project operation and
13 maintenance on riparian, littoral and wetland habitats and
14 associated wildlife. And potential introductions of
15 invasive plant species during planned maintenance or
16 facility upgrade activities.

17 Any comments?

18 Threatened and endangered species, effects of
19 continued operation and maintenance of the project on
20 federally listed on proposed, candidates for threatened and
21 endangered species that may occur in the project area
22 including Atlantic salmon, Small Whorled Pogonia, and
23 Northern Long-Eared bats.

24 Recreation and aesthetics. Effects of the
project

25 on day-use facilities and other recreational and aesthetic

1 resources in the project area, including flow related
2 effects and public access to the bypass reach for fishing
3 and boating. Any questions?

4 MR. COUSENS: : Yes.

5 MS. SUGHRUE: Again, just state your name and
6 affiliation.

7 MR. COUSENS: Erin Cousens with the City of
8 Auburn. Just had a question about Lewis Loon made
reference
9 to a recreational needs study, and I'm just wondering if
10 that was the whitewater flow study that he was referencing
11 because I haven't seen a lot of details and information on
12 the recreational needs other than the basic process that
was
13 submitted during the licensing process.

14 MS. SUGHRUE: All right, we'll let --.

15 MR. LOON: So, actually we are going to - Andy,
16 do you want to comment on that. You've been working a
17 little bit more on that.

18 MR. QUA: Andy Qua with Kleinschmidt Associates.
19 As part of the scoping we had the Form 80 evaluation which
20 was required by FERC on a six year basis. We also did an
21 assessment on access and numerous other studies. We are
22 going to be doing additional study work on that. But as
23 Chuck noted, we are assessing the recommendations received
24 from the American Whitewater in terms of access.

25

MR. LOON: And just to follow up to that, I

is
1 guess as city and county's recreation access to the river
2 an important part of their recreational activities. We
3 would hope that FERC would look at whether or not the Form
4 80 data was adequate to qualify as a recreational study and
5 hopefully see some kind of maps or plans for what kind of
6 access the licensee is proposing as part of their continued
7 work in the licensing process.

8 MS. SUGHRUE: Thank you. For cultural
resources,
9 we had the effects of continued project operation and
10 maintenance on cultural resources and historic properties
11 including Barker's Mill Dam and other potential properties
12 eligible for inclusion in the National Register of Historic
13 Places. Any comments?

14 Developmental resources, the effects of the
15 proposed environmental measures and associated costs on the
16 energy generation and the cost of project power. And for
17 cumulative effects we've identified diadramous fisheries.
18 Diadramous is basically a term meaning fish that migrate
19 between fresh water and salt water. Just for
clarification.

20 The geographic scope that we've identified from this
21 resource is the Little Androscoggin River from the Marcal
22 Hydroelectric Project, which is west of here in Kenneth
23 Falls. Downstream there's a confluence with the mainstem
of

24 the Androscoggin River. And the mainstem of the

25 Androscoggin River downstream to the Brunswick
Hydroelectric

1 Project.

2 So that's our coverage. And for temporal scope
3 it will look 30 to 50 years into the future, concentrating
4 on the fact that the resource has a reasonably foreseeable
5 future..

6 Yes?

7 MR. NASDER: Robert Nasder with American
8 Whitewater. How many river miles is the geographic scope?

9 MS. SUGHRUE: That's a good question.

10 MR. TUST: Mike Tust with FERC. So, altogether
11 that would cover -- its in the scoping document, a 36 mile
12 stretch. So, the Marcal project is about river14 miles
13 upstream of Barker's Mill, and the Little Androscoggin
14 River, and then starting in that; and then a further 21
15 miles downstream that would be getting down to Brunswick,
16 which is pretty close to the mouth. Well, did you have any
17 comments on that in terms of, you know, anything
additional?

18 MR. COUSENS: No. Just that.

19 MS. SUGHRUE: So, here's our preliminary
20 preparation schedule that we're giving out with our
21 environmental assessment. We're having our scoping
meetings
22 tonight; and again based on the comments that we receive,
if
23 there are any additional issues that we should consider
that

24 come about during the scoping process, we may issue a
25 scoping document 2. But then a few months from that we

1 should have our notice issued saying that the project is
2 ready for environmental analysis. And then we'll have our
3 deadline for filing comments, recommendations, and agency
4 terms and conditions or prescriptions. And then we'll
issue
5 a draft EA and we'll give a time period for people to
6 comment on the EA, and then we'll issue a final EA.

7 MR. MCDAVITT: Bill McDavitt, NOAA Fisheries.
8 The deadline for scoping document 1 comments is September
9 29th, correct?

10 MS. SUGHRUE: Correct.

11 MR. MCDAVITT: So, we have one or two days to
12 determine if SD-2 is necessary?

13 MS. SUGHRUE: Ah --.

14 MR. MCDAVITT: That's September 2017.

15 MS. SUGHRUE: Right.

16 MS. SUGHRUE: Yeah, I should have -- this will
17 probably be pushed back a little bit now that we're having
18 our technically, our scoping meetings are in August, but
19 it's almost the end of August and so that made our deadline
20 for comments 30 days after that. So, you know, that's
21 technically our deadline for our scoping document 2 but
22 based on the comments, it may get pushed back. Yeah, the
23 whole schedule may get pushed back by a little bit.

24 So, we have a request for types of information
25 that would be helpful for us in our environmental analysis

1 and those are listed in section 5 of our scoping document
1.

2 SD-1 for short. Some examples are significant
environmental

3 issues that should be addressed in the EA or environmental
4 assessment. Information or data describing the past or
5 present conditions of the project area. Resource plans
and

6 future proposals in the project area and additional
7 comprehensive plans. We have a current list of
8 comprehensive plans and that's listed in section 8 of the
9 scoping document. But if there are additional ones that
10 should be added, let us know.

11 As far as our online resources you can go to
12 www.ferc.gov and we have a couple of different resources
for

13 submitting comments and accessing information for the
14 project plan. So eFiling is basically one way to submit
15 comments electronically. If there's lengthy comments
that's

16 a good way to go. If it's small, minimal comments you can
17 use quick comments, but there is a character limit on using
18 that form so just keep that in mind. We also have what's
19 called eSubscription, and that's a good resource for if you
20 want to sign up to receive filings on the project that this
21 is a good way to get an electronic notification through
your

22 email and that way you don't have to necessarily always
have

23 to go back to the FERC website and log in and check the
24 file. Every time there is something new that comes in
25 you'll get a notification.

1 But again, if you don't want to subscribe to the
2 project, you can use eLibrary and also access what's been
3 filed publicly by going through, and you can use, again,
4 you'll have to use their docket number which is P-2808.

And

5 if you have trouble with any of that, we do have an online
6 support at FERCOnlineSupport@FERC.gov . And we have
7 numbers of FERC people to call. And the red circle down at
8 the bottom of the page is where you will find all of this.
9 . And that's pretty much it, so we have time for comments,
10 questions.

11 MAYOR LABONTE: Jonathon Labonte. I'm the Mayor
12 of the City of Auburn. I appreciate FERC being here to

hear

13 comments on the scoping. We didn't raise some of these
14 items earlier; so if you're going to wait for the comment
15 period to kind of walk through. I do want to say I'm not
16 just here as Mayor, I'm also here representing the Auburn
17 City Council which has taken an extremely strong interest

in

18 licensing-related issues. We have been actively engaged on
19 the mainstem of the Androscoggin with the original Highland
20 project, with the Falls project and obviously now with the
21 Lower Barker.

22 I also send apologies from the New Auburn
23 Neighborhood Association. The neighborhood where this
24 projects exist has their monthly neighborhood association

25 meeting at the same time. So, I stopped there briefly to

making 1 let them know I was coming here. But they cheered on
2 sure we relay the importance of the future of that
3 neighborhood.

4 A few things in the -- and Eric here is with our
5 economic development department, and he can get all the
6 documents and we'll add that to the study lists. All of
the 7 city's economic new development plans for the last 10, 15
8 years aren't listed there. Neither are our partner's
9 recreation plans for that area. The last 20 plus years,
10 starting with the National Forest Service, the city has
been 11 doubling down on reconnecting what was one of the ten most
12 polluted rivers in the country back to our neighborhoods.
13 And back to the city. I'm not sure how in your scoping
14 effort we can model for lost time, but what we've found is
15 that this river literally would peel paint off of buildings
16 because it was so polluted. It was the inspiration for Ed
17 Muskie and the Clean Water Act. Over the last ten years as
18 the river has been deemed fishable and folks have
recognized 19 that, recreation has continued to grow significantly year
20 over year.

21 And that's why we have some concerns about the
22 "recreation" study. Just looking at the Form 80's, (1) we
23 have questions about the methodology of the Form 80's, of

24 the conclusion that the licensee had started the process
25 that recreation was not going to be an issue with this

1 license was very different than what we see when we had
2 public meetings around recreation. I once ran the Amscot
3 land trust, and when we had planning meetings about trails
4 for access to river views we would get 75 to 100 people
5 coming to the meetings wanting to give input. So it's sort
6 of day and night on that.

7 So we'll make sure that we file the recreation
8 documents that we have, the plans around that, public input
9 around that, and we'll work with Eric and his department to
10 get that. I had not heard that something that I had
11 concerns about with respect to the scope of this license is
12 the interconnection between the Upper and Lower Barker.

The

13 city is planning for a corridor in a neighborhood. This
14 process around recreation and aesthetics and fisheries
15 to make an arbitrary end just above the dam on the Lower
16 Barker, knowing that about a mile upstream is another
17 facility whose licensing process begins in a couple of
18 years. Why these aren't linked.

seems

19 I had one conversation about this section of
20 river corridor. I'd like to understand this process or at
21 least have FERC reconcile why that license isn't connected
22 with this one. So, when it's not connected and we start
23 this process again in two years, we're going to have a lot
24 of people in our community scratching their heads

wondering,

25 why are we doing this again? Having all the same

1 conversations, in the same neighborhood.

2 With respect to cultural resources, it really
3 doesn't appear to get much attention, and maybe FERC can
4 help me understand if we need to engage in the next 30 days
5 so our partners can provide more detailed information.

6 Laurel Hill, which is a high point overlooking the project
7 area, was once the site of a Native American camp that in
8 the history of the community was also the point of a major
9 battle where settlers were taken hostage and crews were

sent

10 in, and there was a large massacre of Native Americans
11 there and there is a known burial ground on that hill. I
12 fully expect that was a major military encampment of

Native

13 Americans, the use of the project area would have been
14 instrumental in that encampment for fishing and other

wants.

15 Historical society woefully may have had some information,
16 but I don't think there has been in-depth analysis around
17 that.

18 Also, that this area of Auburn was annexed. It
19 was a separate town until 1867. This is the 150th
20 anniversary of that. That this section of Auburn was
21 annexed from the town of Danville because of the potential
22 to develop this hydroelectric facility, or the mechanical
23 power to build the Barker Mill. View corridors into the
24 project area were essential parts of the development of the

25 community, particularly downtown Auburn, and our original

1 high school site looking into the project area. So, the
2 cultural component as well as the aesthetic component
really
3 has not been given the attention it ought to have. We have
4 some of our studies that show preference for view corridors
5 in some of that history. How much detail FERC would need
6 for the scoping component versus efforts to write the EA
7 perhaps to provide some clarification on.

8 And from an socioeconomic standpoint, I think
9 it's important to understand -- the speaker at the meeting
I
10 just left is the principal of the neighborhood school. In
11 this area, it is Auburn's poorest elementary school. The
12 City Council has been aggressively investing in both real
13 estate acquisition as well as allocating resources to build
14 signature parks in recreation areas in this neighborhood
15 along the river as part of our effort to improve quality of
16 life for these families as well as attract property
17 investment. We've been doing that with our resources only.
18 We've recognized the need and demand to help turn around
19 poor neighborhoods and how that interconnects with whether
20 the project licensee has any obligation to be part of that,
21 or for what extent additional recreation or fisheries
access
22 would play a role would be as important as well.

23 That's the end of my long list. Thank you.

24 MS. SUGHRUE: Does anybody or somebody else who

25 indicated that they wanted to give comments, or do you
know?

1 MR. NASDER: I do have a question.

2 MS. SUGHRUE: Yes, yes.

3 MR. NASDER: Again, Bob Nasder, American
4 Whitewater. I'd like to act out some of the Mayor's
5 comment. You know, as we have a bit of hindsight in this
6 process, and this was FERC approved, the TLP as the
7 procedure for the relicensing, in hindsight I think it
8 might have been better to use the ILP process and take a
9 more basin approach. We are sort of looking at this
10 project in isolation of the Upper Barker Dam and other
11 upstream dams. We've got issues that will affect a broader
12 area. I would wonder whether the geographic scope of the
13 project should be extended further upstream., at least
14 through the Upper Barker project, perhaps further.

15 But I guess we are where we are in the process
16 now, it's the TLP process, and we kind of move forward. I
17 think there are two possible approaches here. And one is
18 to
19 look at the project as it's currently operating, determine
20 what the impacts are, assess what sort of mitigation might
21 be appropriate and you know, so we've been involved with
22 this from the beginning. First, I want to thank the
23 company
24 for this morning for giving us a tour of the project
25 facility, I found that very insightful, answering all of
26 the
27 questions that we had which was certainly very much

25 appreciated. And I'd also like to thank them -- we worked

1 with them on the whitewater boating portion of the
2 recreation study. Invaluable information which came
through
3 that study, so we can appreciate it and assist FERC with
its
4 NEPA process so we can better inform what sort of
conditions
5 or what license, if FERC issues the license, might be
6 appropriate.

7 From the tour today it becomes apparent, you
8 know, that there are at least from my perspective, American
9 Whitewater -- we've long been involved in the FERC process,
10 evaluating recreation needs, the aquatic needs. And
looking
11 at some of the recreation issues that were presented
today,
12 a few of them I'd like to mention to get as part of the
13 record.

14 First, you know we've looked at what's called
the
15 Barker's Mill trail. It's identified from the dam upstream
16 extending from the Lower Barker Dam, it's all the way to
the
17 Upper Barker Dam and this is not property owned by the
power
18 company, but it's conservation land. It seems to me that
19 that trail should be extended further downstream. There's
20 sort of a hodge-podge of trails and access from the dam to
21 the powerhouse, there, you know, I don't know if these are

22 deer paths or whether these are old trails that exist in
23 several sections of it. But it's clear that linking those
24 parts, improving certain sections there, you can -- with
the
25 recreation trail that extended throughout the project area

1 along the riverfront giving the public ability to interact
2 with the bypass reach, the natural river channel,
connecting
3 the community back to its waterfront area. But I think
4 those are things that it would be positive to see.

5 Boat launch areas. Certainly in the impoundment
6 area, there's a need for an improved boat launch there.
7 Below the dam the trail that was used during the whitewater
8 boating study to get down to the river was sort of a class
4 trail, I guess I would call it. It's manageable but you
9 might hurt yourself driving a boat down there. So I see
10 opportunity for improvement there. No real trail certainly
11 at the powerhouse to get back to the Little Androscoggin
12 River. So, I think those are the things that we've
13 identified.

14
15 Flow information. The flow gauge at 22 miles
16 upstream or something with multiplying, times a factor of
17 4.9, how long is the travel time doesn't really provide the
18 public with the ability to know what the flows are at the
19 project. I think there's a need for real time flow
20 information. We've been involved with that for a number of
21 other rivers, you know, that we are involved with, giving
22 the public information about what flows are present whether
23 it's for fishing or boating, I think that would be
valuable.

25

The Whitewater Boating study identified a number

1 of flows and assessed the value of those from minimal
2 acceptable to optimal. When you look at that range, the
3 range that was evaluated in this study, there were only two
4 flows evaluated; but even trying to extrapolate from that
5 you could include that flows in range of 300 to 1000 cfs
had
6 recreational value.

7 So, I think there's a recognition that this is a
8 boating resource at the lower end for novice boaters could
9 certainly enjoy and learn. I have a boat on this stretch
of
10 the reach, certainly recreational boaters. At the higher
11 end, more intermediate boaters with features and other
12 aspects of this we could have some challenge. You know,
13 it's not a five mile long stretch with big waterfalls; at
14 the same time, there are features there that are valuable
15 and I think the public could enjoy utilizing those
16 features. The public could enjoy watching people utilize
17 those features so I think they're of value for the
community
18 there.

19 Beyond recreational issues there are aquatic
20 issues that are -- I have some records here. I do, you
21 know, credit the company for looking to increase the bypass
22 flows from the current 20 cfs to, what was it; 117 or
23 whatever was suggested during the presentation. I think

24 that's a positive but whether that provides optimal
habitat,

25 I'm not sure. I think some of the studies would suggest

1 that perhaps higher numbers would be more appropriate. So,
2 I think you have to look at providing adequate flows for
3 optimal habitat.

4 I think you also have to look at the issue of
5 fish passage. On the downstream side, there's a need for
6 some improvements that were discussed this morning. But
7 there's no upstream passage here and that's a big concern.
8 Near the mouth of the Androscoggin River, and I think
9 there's questions here about whether fish passage upstream
10 ought to be included as part of this project. These are

not

11 insubstantial issues. You know, from a whitewater boating
12 standpoint, from the provision of adequate flows, between
13 300 and 1000 involve -- for generation during a certain
14 number of days. I've envisioned daytime hours during
15 weekends and holidays during the boating season, for
16 cogeneration and allow natural flows to be present in the
17 river so that that could be enjoyed.

18 But all of these things together, I think you
19 have to question whether mitigation is the right approach
20 here. I think one of the things that FERC does here is it
21 balances the power that is generated by this project

against

22 the environmental impacts. And they are substantial. And

I

23 think, I don't know where the balance lies, but I notice in

and 24 SD-1 that FERC does not consider project decommissioning

25 dam removal. And I would urge FERC to put that back on the

1 table. To consider issuing an SD-2 here to evaluate that
2 option. You look at the economics of the project, this
3 project barely makes any money. Even if you consider
4 installing a new turbine and if that somehow makes it more
5 profitable with greater efficiency than its current
6 operations. It really doesn't make very much money
7 considering the loss, you know, of the revenue that would
8 result from increased minimum flows for recreational
9 releases. This is an old project. It's something like 80
10 years old, I think. So, we're nearing the end of its
11 natural life. You consider a 30 to 50 term of a new
12 license, you know, what are we up to now? 110? 120? 130
13 years old this project would be at the end of the next
14 license. How is that going to be sustained economically if
15 this dam is going to have to be replaced? It's not going
16 last that long.

to

17 There are dam safety issues. I heard today
18 a leaking penstock. There are a lot of issues here so I
19 think all in all, FERC should consider whether this project
20 makes sense overall. So, I think both mitigation has to be
21 looked at, but I think also decommissioning of the project
22 might also be considered in this process. Thank you.

about

23 MS. SUGHRUE: Just to be clear, is that your
24 recommendation that the project be decommissioned or is

that

25 just sort of a suggestion?

1 MR. NASDER: We would support dam
decommissioning

2 and dam removal if that was the ultimate decision for a
3 number of agencies here. The fisheries agencies, there's
4 the Town; I think there are others that need to weigh in on
5 this. I think FERC needs to look at whether this makes
6 sense if a recommendation came forward for decommissioning,
7 we would support that. We would also support continued
8 operation with appropriate mitigation. So, I think there
9 are two alternatives that would be considered here.

Whether

10 the cost involved in that mitigation, you know, make this
11 project no longer economically viable, I think everybody
12 needs to take a hard look at that. And I would recommend
13 that FERC look at that, so, there are two alternatives

here.

14 MS. SUGHRUE: All right.

15 MR. COUSENS: Eric Cousens with the City of
16 Auburn. I would just like to add to a lot of the things
17 that were said by our Mayor and American Whitewater. This
18 has been helpful to get a sense of which plans FERC already
19 has on file. Our comprehensive plan has been found to be
20 consistent with the State of Maine Informed Growth Act.

I

21 don't know if that makes it qualify as a comprehensive plan
22 that could be included on the list, but it references of a
23 lot of recreational goals in the project area. We've

24 submitted references to it in our comments but we haven't
25 tried to formally submit the actual plan. So hopefully we

1 will get a sense of that; and our new master plan, and some
2 of the recreational plans should be submitted in their
3 entirety to make sure they're looked at.

4 MS. SUGHRUE: If you do submit a plan we have
5 FERC staff that reviews that to see if it's consistent with
6 our comprehensive plan, and under the Federal Power Act,

and

7 then we weigh in and we'll let you know.

8 MR. COUSENS: All right.

9 MS. SUGHRUE: But if you can always file it.

10 MR. COUSENS: We were just trying not to
11 overwhelm FERC staff with information because there's a lot
12 to sort through to find the relevant references to that
13 particular area. So we were really just trying to submit
14 it in pieces rather than give you the whole thing.

15 MR. WILCOX: Hi. Ken Wilcox with FERC. You can
16 file anything you want, first of all. There's

comprehensive

17 plans under the Federal Power Act that are a little
18 different from say, community planning and comprehensive
19 plans, or your parks and recreation plans at the local

level

20 and that sort of thing so there's -- it's not really
21 necessary to file the broader plans for a local area.
22 Especially if they don't pertain specifically to the vision
23 for our waterway and the future of that waterway. So, I'm
24 not saying you shouldn't do it, but it's probably going to

25 be a little more effective to pick out the pieces of that

1 and include those in your comments. So, if there's
2 something in the city's plan or some other plan that really
3 addresses this particular area, this reach of the river,
4 then that's useful information to file. Even if the plan
5 isn't sort of recognized by FERC as an official plan under
6 the Federal Power Act, it's still an information source
7 that we can refer to when we're looking through these
8 different issues.

9 MR. COUSENS: Thank you for that clarification.
10 Just a little more about it. The facility really does have
11 activity along the river for paddlers. And we really ask
12 that, as part of the process, hopefully we can review some
13 kind of maps or plans that show what is meant by providing
14 access to the bypassed reach; and would hope that that
15 provide a way to get out of the impoundment and around the
16 facility to access the bypass reach safely. Access to the
17 bypass reach could be anything from, you know, a
18 well-constructed hard surface access to what's there
19 today. So, not knowing what those exact plans are it's
20 to weigh in on whether or not that's adequate. Thank you.

would

hard

21 MS. SUGHRUE: Thank you.

22 Are there any other comments or questions?

23 MR. TUST: Actually, Mike Tust, FERC. I had a
24 couple just clarification comments; we've covered a lot of

25 ground here. And we appreciate that, we really like the

1 input, it's why we're here.

2 One question I had was you were mentioning about
3 trying to look at the scope of the project to not have the
4 arbitrary end point and to include the above the Upper
5 Barker, I guess is what you're referring to, if I'm not
6 mistaken. Now, I just want to kind of clarify. So we are
7 looking beyond just the initial project area in terms of
8 cumulative effects analysis on fisheries, diadromous
9 fisheries. And so, was your question more in relation to
10 our cumulative geographic scoping we've identified, that
11 means to go beyond what we've already identified or were
12 thinking in terms of a recreational issue, or what was the
13 context for saying we need to expand our scope? I was a
14 little confused.

15 MR. NASDER: I guess I'd like to understand how
16 far upstream from the dam you're currently filing within
17 recreational scope. From a recreational standpoint, I'd
18 like to get a better sense of the impoundment, because this
19 is not a run-of-river operation here at the Lower Barker.
20 You know, upstream of this project, are there other
21 impoundments which could effect the recreational use at
22 Lower Barker, so, I did kind of looking upstream and I
23 know where the logical endpoint is, where we should be

the

you

the

don't

24 considering that, certainly from the fisheries standpoint
25 there are others here who can speak to that better than I.

1 But that would certainly extend beyond the project. The
2 restoration of the river extends through a series of dams
3 going upstream.

4 MR. TUST: So, are you suggesting at this time
5 that we include recreational resources as an additional
6 on your cumulative effects analysis?

7 MR. COUSENS: Yes, I would.

8 MR. TUST: All right. I just wanted to clarify
9 that. That's what I thought you were going for.

10 I had one other thing but I can't deal with it
11 right now, so if I do, I'll bring it up.

12 MS. SUGHRUE: All right. Any further comments,
13 questions?

14 All right. I guess that concludes the meeting
15 for tonight. I want to thank you again, everyone, for
16 coming, participating and sharing your thoughts, and again
17 tomorrow morning we're doing the same type of scoping
18 meeting -- tomorrow it's more focused towards agencies, but
19 it's open to the public and anyone can come. It's at 9am.
20 Here. Same place.

21 MR. WILCOX: Just to follow up on the cumulative
22 effects question there. You know, this, that was a brief
23 comment so if you could elaborate in the formal comments,
24 written comments you submit that's going to make it a lot

item

25 easier for us to evaluate that issue. I just emphasize,
you

1 know, all the effects that are laid out in the scoping
2 document are kind of that first take. So you can get into
3 the nitty gritty if you like on many of those things but
4 that would be one where it would be helpful to elaborate a
5 little bit in the written comments.

6 MS. SUGHRUE: All right. Thanks everyone for
7 coming.

8
9 [Whereupon at approximately 8 p.m., the
10 scoping meeting concluded.]

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding: Barker's Mill Hydroelectric
7 Project

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17 Docket No.: 2808-017

18 Place: Auburn, Maine

19 Date: Tuesday, August 29, 2017

20 were held as herein appears, and that this is the original
21 transcript thereof for the file of the Federal Energy
22 Regulatory Commission, and is a full correct transcription
23 of the proceedings.

24 Daniel Hawkins

25 Official Reporter

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