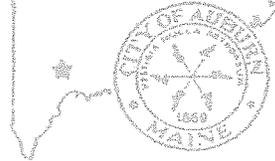


# City of Auburn, Maine

## Office of the City Manager



June 24, 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 City of Auburn, Maine offers the following comments.

### 3.2 MAJOR LAND USES

*The Lower Barker Project is located wholly within the city of Auburn, which is comprised of a mix of urban development and forested areas. Auburn was incorporated as a town in 1842. In the mid-1850s Auburn emerged as a "powerful and well-organized city" (Men, 1889), noted for its multitude of mills and factories (FERC, 1996). Today, many of the mills and factories are defunct and the areas of Auburn closest to the Project are zoned as general business; multifamily urban and suburban; and rural residential (Auburn, 2011).*

#### Local response:

It should be noted that Auburn adopted a new Comprehensive Plan, Auburn Tomorrow and a New Auburn Master Plan in April of 2011 and the plan calls for changes to zoning in the project area from General Business and residential zones to Resource Protection on parcels that are partially or wholly located within the 100 year floodplain as mapped by FEMA. The change will protect flood prone areas from development and property damage as well as increase opportunities for preservation or open space and public access. The New Auburn Master Plan outlines the need to establish a riverfront open space district to promote development of a greenbelt along the Androscoggin and Little Androscoggin Rivers with trails, parks and public access points (pg 11.) The plan further identifies Recreation Objective 1 as: Establish a greenbelt and increase riverfront access (Pg23).

### 4.3 PROJECT BOUNDARY

*The project boundary encompasses the impoundment up to the normal full pond elevation 165.7 feet NAVD88 and extending upstream to the base of the Upper Barker Dam. The project boundary also encloses the dam, bypass reach, buried penstock, and the powerhouse. There are no proposed changes to the project boundary for the Lower Barker Project.*

#### Local response:

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The section above incorrectly notes the project boundary as being the full pond elevation of 165.7 feet NAVD88 when the applicant has confirmed that the boundary is actually proposed at 166.7 feet NAVD88. The FEMA Flood Insurance Rate Map for Androscoggin County, panel 328 of 470, Effective July 8, 2013 shows an increased flood elevation, as compared to the previous Flood Insurance Rate Map for Androscoggin County, City of Auburn, CP230001 0008C, within the project boundary and the associated expansion of flood boundaries. It is recognized that part of the difference is attributed to the conversion from NGVD 29 to NAVD 88, however, the project has a direct influence on the 100-year flood elevation and we request that the applicant consider revising the project boundary elevation in their application to match the FEMA maps at approximately 172 feet NAVD88.

#### **4.6.1 CURRENT LICENSE REQUIREMENTS**

*Article 23 requires the Licensee to install and maintain safety devices to alert the public of changes in flow from the Project, and to protect recreational users at the Project.*

##### **Local response:**

We have found that fisherman and boaters on the river use USGS gauge data when deciding to recreate on the river. As the community has clearly identified the desire to increase access and recreational use as a quality of life enhancement and an economic benefit to the community it would be useful to also have the applicant publish daily flows on their website or some other accessible location so local users and users from away can access the information remotely. This will aid in safety and decision making for when to make a recreational trip to the Little Androscoggin River. USGS Station 01057000 in South Paris, ME is the nearest gauge site and does not accurately reflect conditions within the project boundaries.

#### **5.7.3 EXISTING PROJECT RECREATION OPPORTUNITIES AND USE**

*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). KEI (Maine) has limited ownership of the lands surrounding the Project. The lands surrounding the Project structures are densely forested with a steep and rocky ravine leading down to the water. (5-52)*

##### **Local response:**

With no signage or maintenance program, there is no informal or formal involvement of KEI with the recreational access provided via the Barker Mill Trail. The Androscoggin Land Trust (ALT), as part of its support to implement the New Auburn neighborhood master plan, engaged directly with the owners of that land, the Frank family, to secure a right for public access via a legal document signed between ALT and the Franks. In addition, no known paddling access, hand-carry, portage, etc has been known to exist in our around this project facility, the by-pass reach, or the Upper Barker Dam.

#### **5.7.3 EXISTING PROJECT RECREATION OPPORTUNITIES AND USE**

*“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.*

*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. (5-53)”*

##### **Local Response:**

ALT has repeatedly attempted over the last five years to speak with the licensee about recreational access around the Project Area given the known local demand, documented by calls and letters to ALT as well as information gathered during public planning processes. ALT’s calls and e-mails were either never responded to or assurance was given that responses would be forthcoming only to never have that happen.

Given the lack of engagement by the licensee, ALT and partners with the City of Auburn and other agencies, including the National Park Service, set out to plan for improved access along and on the Little Androscoggin River as well as beginning to identify niche recreational opportunities that could support growing economic opportunity for the neighborhood.

As part of this effort, ALT began supporting regular recreational programs to introduce neighbors and visitors to the Little Androscoggin for paddling and walking/hiking. These efforts have led to hundreds of youth per year taking fishing trips to the Project Area, hundreds of paddlers during community festivals and countless others taking to the river, and thousands of hikers and walkers from the Barker Mill, local businesses and their wellness efforts and local residents taking to the Barker Mill Trail to experience the outdoors in their backyard.

This data, though not following the prescription of the Form 80 process for lack of responsiveness from the licensee, shows there is demand and that the demand is not being met and improvements could and should be made to support that demand and enhance experiences.

#### **“5.7.4 RECREATION NEEDS IDENTIFIED IN MANAGEMENT PLANS**

##### *New Auburn Master Plan*

*The New Auburn Master Plan is a comprehensive plan specifically for the village of New Auburn located within the City of Auburn. The Master Plan identifies strategies to address current issues in the village, and identifies goals for the future of New Auburn. The plan does not specifically address recreation activities at the Lower Barker Project. Among the recreation goals of the 2010 Update that may bear relevance to the Project are (New Auburn, 2009):*

- *To increase public access to the Little Androscoggin and Androscoggin rivers.*
- *To protect undeveloped areas, and support the protection of natural resources*
- *To create a greenbelt of connected trails around the neighborhoods of In Town and Uptown.*
- *To support trail connectivity by creating a pedestrian bridge across the Little Androscoggin River at the Barker Mill Trail.*
- *To support organizations in their efforts to develop recreational opportunities on the river including boat launches. (5-55)”*

##### Local Response

The New Auburn Master Plan, which is part of the adopted Comprehensive Plan for the City of Auburn, clearly identified needed improvements in the area of the Lower Barker Project, including improved water access to the river and access along the shores. ALT advised the consultant team for the licensee that a land and water trail study for the area was completed under grant funding and could be shared to provide additional details, the consultant never followed up to review before completing the Pre-Application Document (PAD).

The lack of access to the Little Androscoggin River is seen as a major concern, and water levels near Little Andy Park make paddling access difficult if not impossible during the summer and fall season. This challenge has been documented in past studies. The New Auburn Master Plan outlines the need to establish a riverfront open space district to promote development of a greenbelt along the Androscoggin and Little Androscoggin Rivers with trails, parks and public access points (pg 11.)The plan further identifies Recreation Objective 1 as: Establish a greenbelt and increase riverfront access (Pg23).

Lastly, it was made known to the consultant that a major economic development/land use study for the New Auburn village area was underway, as the City is committed to improving the economic outlook for the neighborhood and its residents, given the high rates of poverty and low property values concentrated in this area. Access to the river, visually and for recreation, have been central to that planning effort.

#### **“5.8.1 VISUAL CHARACTER OF THE PROJECT VICINITY**

*A paved public road runs parallel to the project area, therefore making the project area visible for most public travel. The Barker Mill Trail is a walking trail developed by the ALT. This trail runs parallel to the Little Androscoggin River starting upstream of the Project at the Upper Barker dam and ending at the driveway to the Project. The Trail provides views of the project areas and facilities for pedestrians. (5-63)”*

##### Local Response

While there is reference to a paved public road, and assuming that is Mill Street, it should be stated that the topography of the Project Area does not afford travelers views to the river or the project area along the river. Both forested land and the steep terrain serve to block views down to the river. This unique topography does create a remote feeling for those walking along the ALT developed trail in the Project Area, as we sought to

meet the neighborhoods interest in such an experience proactively without previous response from the licensee.

### **“5.8.3 VISUAL CHARACTER OF PROJECT LANDS AND WATERS**

*A public road runs parallel to the project area. During winter months the project area is highly visible from this road, however the foliage fills in during fall and summer months obscuring views of the Project (Photo 5.8-2). (5-64)”*

#### **Local Response**

The Project Area is only highly visible from the road if a driver were to stop their vehicle in the road and look directly to their right or left. The photo included by the consultant for the licensee was actually taken approaching a very sharp turn in the road. Drivers would not be able to see the project area in this one, small section where it is visible, unless they were choosing to drive unsafely and could possibly cause a major accident, given the narrow roadway and steep drop off to the river over the guard rail.

### **“5.10.3 HOUSEHOLDS/FAMILY DISTRIBUTION AND INCOME**

*In 2011, the annual per capita personal income for Androscoggin County was \$23,663, slightly below the state of Maine per capita personal income of \$26,195. In 2011, Androscoggin County had 43,968 household and an average household size of approximately 2.4 individuals. From 2007-2011, the County had a higher percent of persons below poverty level than the state average, 14.2% and 12.8% respectively. (U.S. Census 2012a).*

*Auburn residents had an annual per capita income of \$25,279 in 2011, comparable to the overall average for the state of Maine. The city of Auburn had 11,016 households and an average household size of approximately 2.2 individuals in 2011. The percentage of persons below poverty level in the city from 2007-2011 was approximately equal to the poverty rate for Androscoggin County at 14.3% (U.S. Census 2012b). Approximately 87% of the population of Androscoggin County had an education attainment of high school graduate or higher, while 19% held Bachelor's degrees or higher (U.S. Census 2012a). Approximately 89% of the population of Auburn had an education attainment of high school graduate or higher, while 26% held Bachelor's degrees or higher (U.S. Census 2012b). (5-72)”*

#### **Local Response**

While the licensee’s consultant did highlight the demographics of Androscoggin County and Auburn, specifically, they should have uncovered that the neighborhoods surrounding the Project Area have been identified as Target Areas under the US Department of Housing and Urban Development Community Development Block Grant program. These neighborhoods, Downtown and New Auburn, have among the highest rates of poverty and blight in the city, as the city attempts to breathe new economic life into them through targeted programs and incentives to investors, including priorities around connecting to and using the Little Androscoggin River.

### **“6.1.6 RECREATION AND LAND USE**

*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, requested documentation of recreation resources in the vicinity of the*

*Project, and reiterated the importance of the river as a public recreational resource. The Project occupies a relatively small footprint and is surrounded by privately owned lands. KEI (Maine), as required by the license, allows free public access to project lands and waters for recreation. A hand-carry boat launch is located on the impoundment off of the Barker Mill Trail. Bypass reach access for angling is also available from a short trail off of Mill Street. The ability of KEI (Maine) to enhance recreation at the Project is hindered by the lack of space, available land, and the precipitous nature of the bypass reach shoreline. Nevertheless, KEI (Maine) understands recreational access is an important issue to stakeholders and will work with them to address concerns through the relicensing process. (6-3)”*

#### **Local Response**

As a clarification, the name Auburn Land Trust should read Androscoggin Land Trust.

To the knowledge of ALT and the City, a hand carry access and portage trail does not exist in this Project Area and previous requests to the licensee to document project recreational facilities have not been responded to. The recreational access that exists to this point has been provided through partnerships between ALT and private landowners. The Barker Mill Trail was impassable from the Gatehouse south due to vegetation overgrowth and fallen trees. It was the work of ALT and partners at the National Guard that allowed the trail and access to the impoundment to be available to the public. Enhanced access and

recreational amenities in the impoundment and by-pass reach are essential and could be achieved with licensee investment and partnerships with private landowners, as ALT has now modeled as possible. Given the importance of recreation to neighborhood economic development plans and the proposed new land-uses, recreational studies should be undertaken to assess, in addition to access points, what flows provide what type of recreational access within the by-pass reach, including consistent flat-water paddling and opportunities to take advantage of grades to introduce limited play-whitewater as part of economic attraction for the neighborhood.

**“6.1.7 AESTHETIC RESOURCES**

*The Project is visible from various vantage points along Mill Street and Main Street. The Project is in keeping with the industrial architecture of the redeveloped mill buildings in the immediate vicinity. No effects to aesthetic resources are expected from continued project operations. (6-3)”*

Local Response

Studying means to enhance visual access to the Project Area should be included.

**“6.1.9 SOCIOECONOMIC RESOURCES**

*The Project has limited socioeconomic influence over the immediate area, the City of Auburn. The plant is remotely operated and does not significantly contribute to business or industry in the City. (6-3)”*

Local Response:

As has been highlighted in other responses, the development of recreational access and enhancements in the Project Area are seen as a critical asset for neighborhood redevelopment and securing investment to improve quality of life and the economic status of residents and families in this area.

Sincerely,



Clinton Deschene  
City Manager