



UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

KEI (Maine) Power Management (III) LLC

(FERC Project No. 2808)

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CITY OF AUBURN, MAINE COMMENTS IN RESPONSE TO THE  
DRAFT LICENSE APPLICATION AND FINAL STUDY REPORT FOR THE LOWER BARKER HYDROELECTRIC  
PROJECT, FERC PROJECT NO. 2808

The City of Auburn submits these comments to FERC in response to the Draft License Application (DLA) and Final Study Report (August 2016) for the relicensing of the Lower Barker Hydroelectric Project (FERC Project No. 2808). The City has previously submitted comments and study requests requesting that the Licensee study the impact of its hydroelectric operations on the recreational opportunities available to non-motorized boaters in the project area.

In its DLA, the Licensee proposes no significant change to current operations save a minor increase in minimum conservation flows in the natural river channel (bypassed reach) and has not yet completed the recreational flow studies in the approved study plan. Based on our review of the Licensee's DLA and Environmental Report, we recommend that FERC require the recreational flow studies prior to approving the DLA. The Licensee has shown a lack of recognition that recreational amenities are important within the project area and the City and the Androscoggin Land Trust (ALT) continue to invest public funds to provide limited access to the River. New information also shows that the value of power generated by the project is negligible and may be outweighed by its negative environmental impacts.

The Licensee has attempted to use the Form 80 process as documentation for recreational demand and to assess potential demand. The City requests that FERC consider requiring more than the inadequate Form 80 process for assessing recreational demand and access for the following reasons:

- 1) Existing access is poor and although it receives heavy use at times the lack of high quality access in itself reduces potential use.
- 2) The FORM 80 Data appears to be collected poorly showing many data forms

filled out and dated over long periods of time with the same penmanship and ink color. The data is inconsistent in some cases with actual weather records for the day and also shows more than one entry for the same day at the same time with different information. It appears that many days worth of forms may have been filled out at one sitting making the data inaccurate to begin with. Attached is a summary of the data sheets comparing weather records to the forms. The actual daily data sheets are available from the Licensee or could be provided by the City if needed.

We would like to reiterate, as we did in the previous comment periods in greater detail that the City is spending substantial local, State and Federal resources in and adjacent to the project area to improve the quality of life for our residents and create economic opportunity for the predominantly low income neighborhoods. During the current budget process the Council will consider programming in excess of \$500,000 to match over \$1,500,000 in potential State and Federal funding to revitalize the adjacent New Auburn Village Center. Plans for proposed and active work in the vicinity of the project were previously provided. The City recently extended a sidewalk connection to the Barker Mill trail with local funds and a Recreational Trails Program Grant from the State of Maine. The cooperation of KEI is an essential component of our economic and recreational strategies and we recognize that it may be to the advantage of KEI to minimize notice and public involvement in the licensing process as this may reduce the perceived recreational demand in the project area.

The City of Auburn and other stakeholders requested that the Licensee conduct a controlled-flow boating study in the 3,000-foot bypassed reach to determine the potential opportunity for recreational boating in the project boundary. In response, the Licensee agreed to conduct a Recreation Needs Study designed to meet the following objectives:

- 1) Existing recreation facilities - KEI (Maine) will conduct an inventory, photo document, and map existing recreation facilities, locations, available amenities and site conditions at the Project. KEI (Maine) will also inventory and map existing recreation facilities in proximity to the Project that support recreation use of the Little Androscoggin River or lands adjacent to the project boundary.



- 2) Existing recreation use - KEI (Maine) will review the FERC Form 80 data to determine the existing recreation use of the project facilities and overall use of the Project for recreation purposes. KEI (Maine) will review existing recreation use data from studies and plans conducted by such organizations as the ALT and the City of Auburn.
- 3) Existing recreation opportunities - KEI (Maine) will evaluate the recreation opportunities afforded by the project impoundment and bypassed reach. To that end, KEI (Maine) will conduct a preliminary on-land assessment and photo document the bypassed reach under a flow of 500 cfs. The on-land assessment will help inform the parameters of the onwater assessment which will assess the bypass reach under various flow conditions including 500 cfs, 300 cfs, and 660 cfs (May median). During the Bypassed Minimum Flow Study, KEI (Maine) will also photo document the bypassed reach upstream and downstream of and note velocities and water depths for the selected transects to evaluate the opportunity for on-water activities under various low flow releases.
- 4) Potential future recreation access and opportunities - KEI (Maine) will consider opportunities for improvements to existing access sites or the provision of additional access within the project boundary.

The Licensee's Final Study Plan described a phased study approach involving literature review (Phase 1), on-land assessment (Phase 2), and Focus Group and Field Reconnaissance (Phase 3). During Phase 3, the Licensee committed to the following:

- a. KEI (Maine) will evaluate the suitability of the bypassed reach for on-water activities including shoreline angling, wade angling and flatwater and whitewater boating. Shoreline and wade angling opportunities are anticipated to be generally limited to the reach just downstream of the dam, as most of the bypass reach is otherwise inaccessible by foot.

- b. An expert panel of whitewater boaters affiliated with American Whitewater and/or local paddling clubs will be compiled to conduct an on-water assessment. This will involve at least three facilitated expert panel on-water evaluations to analyze the recreation value and safety concerns at the Lower Barker bypass reach at various flow levels for various activities. The on-water assessment will be scheduled when inflows to the Project are sufficiently high to be provided in the bypass reach within an estimated recreational flow range (between 300 and 660 cfs). The target flow levels will be 300 cfs, 500 cfs (project capacity), and 660 cfs (May median flow). The expert panel will complete post-evaluation surveys (Appendix A) to document characteristics of the Lower Barker bypass reach with respect to the suitability of flows for wade angling, swimming, flat-water paddling, and whitewater paddling; features such as rapids and eddies; existing and potential ingress and egress locations; and any potential safety hazards.
- c. The Licensee agreed that the controlled-flow whitewater boating study would follow the widely accepted methodology that is utilized by FERC and other licensees.<sup>1</sup> The purpose of the study is to provide FERC with sufficient information to conduct a NEPA review of the project. FERC is required by Section 4(e) of the Federal Power Act to give “equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects

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<sup>1</sup> Doug Whittaker, Bo Shelby, and John Gangemi. 2005. *Flows and Recreation: A Guide to Studies for River Professionals*. Prepared for the Hydropower Reform Coalition and National Park Service – Hydropower Recreation Assistance. [Online] URL: <http://www.nps.gov/hydro/flowrec.pdf>. Accessed February 2, 2015.



of environmental quality.” Its efforts to date have failed to provide FERC with a sufficient basis for evaluating the License Application.

#### Recreation Resources

The Licensee proposes no change in its mode of operation that would meaningfully improve recreational opportunities that are impacted adversely by project operations today. Under current license conditions, recreational use of the bypassed reach is severely limited by the lack of any formal access points, the lack of real-time flow information, and the lack of predictable and adequate boatable flows. The Licensee has provided no information with regard to project impacts on recreational boating or angling. While the Licensee acknowledges that there is some angling use in the project boundary, the lack of sufficient flows, access, and passage facilities certainly have an adverse impact. Further, the Licensee has made no attempt to quantify its impact or propose appropriate project mitigation and enhancement measures.

The Licensee has yet to complete the on-water controlled-flow boating study so we do not know the minimum acceptable or optimal boating flows in the bypassed reach. According to the Licensee, project inflows are less than the generational minimum of 170 cfs (150 cfs plus 20 cfs minimum flows) 22 percent of the time and greater than the generational maximum of 520 cfs (500 cfs plus 20 cfs minimum flows) 35 percent of the time. Project operations likely have an adverse impact on recreational boating opportunities between 43 and 65 percent of the time assuming that optimal boating flows are within the project’s generational capacity. The Licensee states that it is “willing to provide releases in the spring of 2017 for this assessment, provided sufficient riverflow exists during a reasonable time to be in the river.” We recommend that it coordinate its effort with the City of Auburn and American Whitewater, given our considerable experience with similar controlled-flow studies over a period of over 25 years. We expect that the Licensee will follow all standard methodologies for conducting the study and preparing the study report. The Licensee should also identify an appropriate portage route around the dam.

#### Conclusion



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The City of Auburn submits these comments as part of the record for the Lower Barker Hydroelectric Project relicensing, and requests that the Licensee revise its Draft License Application and complete the required studies to address the concerns raised prior to DLA approval. Thank you for considering these comments.

Respectfully submitted this 20th day of January, 2017

A handwritten signature in black ink, appearing to read "Eric Cousens".

Eric J. Cousens

Deputy Director of Economic and Community Development

City of Auburn, ME