

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

KEI (Maine) Power Management (III) LLC

Lower Barker Hydroelectric Project
(FERC No. 2808)

CITY OF AUBURN, MAINE COMMENTS IN RESPONSE TO THE
PROPOSED STUDY PLAN FOR THE LOWER BARKER HYDROELECTRIC PROJECT,
FERC PROJECT NO. 2808

The City of Auburn submits these comments to FERC in response to the Proposed Study Plan for the Lower Barker Hydroelectric Project operated by KEI (Maine) Power Management (III) LLC (“KEI”). Our organization has previously submitted comments and study requests (Accession No. 20140716-5115) asking the licensee to study the impact of its hydroelectric operations on the recreational opportunities available to low income residents of the adjacent Census Tract 105, partly within the project area, and in relation to local comprehensive plans and State, Federal and municipal investment in recreational access as part of revitalization of the area.

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. 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).

At the time of the PAD Comments a major economic development/land use study for the New Auburn village area was underway, and the City of Auburn is committed to improving the economic outlook for the neighborhood and its residents. Recently, the City has approved the design of a signature waterfront park and new street extending from the confluence of the “Big” Androscoggin River to the downstream portion of the Barker Mill Project that will also serve as a downstream water access opportunity. Access to the river, both visually and for recreation has been central to the City’s planning effort. It should also be noted that the area is a Community Development Block Grant Target Area, and that the above noted improvements are funded in part by CDBG funding and are intended to improve the quality of life and increase economic opportunity for residents with low incomes. The City also recently amended the downtown tax increment finance district to include a potential whitewater feature as an infrastructure project with the Barker Mill Dam tailrace or slightly downstream where the project returns the river to natural flow levels.

We submit these comments to address the deficiencies in the Licensee's Proposed Study Plan and respectfully request that the Licensee revise its study plan to adequately address the concerns raised by The City of Auburn and other stakeholders expressing an interest in recreational access in the project boundary and on waters impacted by project operations.

General Comments

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 of environmental quality." The Act requires FERC to balance the Licensee's interest in generating power through the use of a public resource with the public interest in protecting natural resources, providing recreational opportunities, aesthetics, and other factors. Absent thorough study of these impacts by the Licensee, FERC will be unable to conduct an adequate NEPA review, calling into question its ability to relicense the project.

The City of Auburn filed comments with FERC requesting that the Licensee conduct or modify proposed studies:

1. Conduct a Controlled Whitewater Flow Study in the bypass reach below Lower Barker Dam in order to provide FERC with information on: 1) Whether relicensing the Lower Barker Project is in the public interest; 2) Impacts of diverting the flow of the Little Androscoggin River on ecological and recreational values below the Lower Barker Dam; 3) Adequacy of public access for recreational boating in the natural river channel; 4) Economic impact of project operations; and, 5) Protection, Mitigation and Enhancement measures for impacts of project operations on recreational values. The Licensee is expected to develop a study plan and complete studies that will enable FERC to complete its NEPA review of the project impacts and alternatives to protect, mitigate, and enhance environmental quality.
2. Extend the proposed shoreline and in-stream recreational assessment for River access in the bypass reach and below the bypass reach to the Little Andy Park, which is the first downstream takeout on public property below the dam. With diverted flows required for the operation of the dam it is likely that the bypass reach will only support seasonal flows and longer term opportunity for paddling within summer months will be immediately downstream of the bypass reach and extending the few hundred feet to Little Andy Park. If flows will continue to be impacted by the Dam, a Study of in stream alterations to determine potential for a whitewater play area below the by-pass reach as part of mitigation is also requested.
3. Assessment of bank fishing, improved portages and river access opportunities along the Barker Mill Trail along the Barker Mill Dam Impoundment.
4. In addition, the City requests a study of public and private benefits associated with the dam and the facility's limited generating capacity. The Dam splits a roughly 6800' section of the Little Androscoggin River between the Upper Barker Mill Dam and the confluence with the Androscoggin River into two segments. If fish passage, recreational

facilities and additional minimum flows are required to mitigate the negative impacts of the facility, then we currently lack the information to consider if decommissioning of the Lower Barker Mill Dam would be in the best interest of all parties involved.

In response to the numerous comments and concerns about inadequacy of the Licensee's methodology for studying the whitewater boating potential in and below the project boundary, the Licensee now proposes to modify its study plan as follows:

Based on the comments and feedback received during the Lower Barker Study Plan on March 20, 2015, we have revised the proposed Recreation Needs Study to better address the request to conduct an on-water assessment of potential whitewater and flatwater opportunities in the bypass reach. We propose to take an iterative approach wherein a preliminary on-land assessment/scouting exercise will be conducted under a 500 cfs flow in the spring, followed by an on-water assessment of three flows (300 cfs, 500 cfs, and 660 cfs) in the fall.

The City of Auburn credits the Licensee for its revision to the study plan and its recognition that an on-water assessment is prudent as part of the study process. The Licensee should clarify that it intends to follow the methods described by *Whittaker et. al.*, utilizing scientifically accepted methods approved by FERC and followed in dozens of other whitewater boating studies in hydropower relicensing projects, as specifically described in the American Whitewater Study Plan Comments (Accession No. 20150423-5128) and to clarify that it will extend the proposed shoreline and in-stream recreational assessment for River access to below the bypass reach to the Little Andy Park.

The Licensee has attempted to rely in large part on the Form 80 Process for recreational assessment/documentation which is grossly inadequate and does not consider future potential. The Licensee should further be required to assess existing opportunities and future growth potential for bank fishing, improved portages and river access opportunities along the Barker Mill Trail adjacent to the Barker Mill Dam Impoundment.

At the conclusion of the requested studies, when adequate information is available we further wish to reserve the right to request a review of the available information to study public and private benefits associated with the dam and the facility's limited generating capacity.

We look forward to working with the Licensee throughout the studies, will assist in any way we can and are committed to assisting the Licensee in order to provide FERC with sufficient information on which to complete its NEPA analysis of the Lower Barker Hydroelectric Project and how the facility can coexist and compliment local, State and Federal revitalization efforts and investment.

Conclusion

The City of Auburn submits these comments as directed by the Auburn City Council to FERC as part of the record for the Lower Barker Hydroelectric Project relicensing, and requests that the License revise its proposed study plans to address the concerns raised. Thank you for considering these comments.

Respectfully submitted this 6th day of May, 2015

A handwritten signature in black ink, appearing to read "Eric Cousens", written over a horizontal line.

Eric J. Cousens, Deputy Director of Planning and Development
60 Court Street
City of Auburn, Maine 04210



**ANDROSCOGGIN
LAND TRUST**

May 6, 2015

Howard Kroll
City of Auburn
60 Court St.
Auburn, ME 04210

Dear Howard,

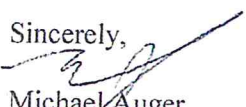
As part of the ongoing Draft Study Plan for the Lower Barker Mill Dam the Androscoggin Land Trust (ALT) is writing this letter in strong support of a recreational assessment and to advocate for the need of additional opportunities for recreation, bank fishing and for portages along the Little Androscoggin River.

In 2011 ALT entered into a recreational license agreement for trail and trail maintenance with a private landowner along the Little Androscoggin River. Historically there had been a well-used trail there but without local stewardship and maintenance it fell into disrepair and eventually was no longer used. Through funding secured for our Androscoggin Greenway Recreation Planning effort we worked closely with Julie Isbill of the National Park Service's River, Trails and Conservation Assistance Program to assess the need for the trail.

Since then ALT and the City of Auburn have engaged local businesses and the community to restore and improve the trail. Numerous workdays by the Maine Army National Guard, Tambrands, Wal-Mart Distribution Center and Bates College have cleared the trail of brush, built bridges and spread wood chips. To further maintain the trail ALT has created a volunteer steward program where over 65 local individuals and businesses assist taking care of this, the rest of the trail system and conservation land.

As the water quality of both the Androscoggin and Little Androscoggin Rivers have drastically improved, there is a strong local interest and need for additional recreation opportunities. We believe that a recreational assessment will highlight these needs as part of the future dam licensing process.

Sincerely,


Michael Auger
Executive Director



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