



**Special Workshop of  
The City Council  
and  
Conservation Commission  
December 8, 2015  
Agenda**

**6:00 P.M. Workshop**

- A. Barker Mill Dam, Little Androscoggin and River Recreation – Mayor LaBonté  
(60 minutes)

*After each workshop item is presented, the public will be given an opportunity to comment.*

**Examining Recreation Potential of the Little  
Androscoggin River through the FERC Relicensing of  
the Lower Barker Dam in Auburn, Maine**



ENVR 417 - Community Engaged Research

Bates College

Nina Doonan, Max Millslagle, Sarah Stanley, William Hilton

Fall 2015

## **Acknowledgements:**

We would like to thank our professors Jane Costlow and Tom Wenzel for providing clear and thoughtful suggestions throughout the duration of this project. We also express our gratitude to Mayor Jonathan Labonte and Eric Cousens, our community partners, for their vision and commitment to improving the community's rivers and recreation opportunities.

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## **I. Executive Summary**

Advocating for increased river rights and opportunities is something that occurs in towns across the country each year as the Federal Energy Regulatory Committee (FERC) re-licenses dams. This report focuses on the Lower Barker Dam, located on the Little Androscoggin River in Auburn, Maine (see chapter XI). Our aim was to determine how best to increase community awareness in the area and how best to increase access to recreation possibilities on the river, just below the dam. Through our extensive research, we have learned that there is limited literature pertaining to the topic of dam relicensing in relatively small communities with low-energy producing dams. Our semester-long portion of this project is just one piece in the 5-year process of relicensing the Lower Barker Dam. With the final meeting between interested stakeholders and the owners of the dam, KEI, Inc., coming in Mid-2016, recommendations on how to best approach dam relicensing from a community-involvement standpoint, as well as how the City of Auburn should prepare for the relicensing of other dams coming in the area in the next five-to-ten years are offered below.

### **This report offers the following recommendations to the City of Auburn:**

- Create, identify, and cultivate a steering committee comprised of local stakeholders to pursue increased recreational opportunities through the upcoming dam relicensing in Lewiston and Auburn.
- With the assistance of local stakeholders, put pressure on KEI Inc. to release a comprehensive and involved recreation plan for the Lower Barker Dam.
- Increase involvement and representation from both Auburn and Lewiston in the dam relicensing process.
- Establish a plan of action for stakeholders in Auburn and Lewiston to become involved in relicensing projects before they begin.

## II. Summary of FERC Process

The Federal Energy Regulatory Commission (FERC) relicensing process is a government program meant to ensure and enhance stakeholder involvement in granting licenses for hydropower projects that use public resources, such as rivers, for private financial gain. In order to use a river to generate electricity, a power company must possess a license to operate their dam. All privately owned hydroelectric dams in the U.S. must go through the relicensing process every 30-50 years. The process takes place over a period of five years, with frequent meetings in between specific relicensing benchmarks.

### *Opportunities during relicensing*

As of 1986, dam owners must give “equal consideration to 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.”<sup>1</sup> The process is best described as a mediation between the demands of the community, the specific needs of the environment, and the wishes of the power company that owns the dam. The mediator in question is FERC itself, whose job involves attempting to balance all parties’ wishes and develop a cohesive licensing plan.

Due to the lengthy periods between license renewals, the process is a once-in-a-generation opportunity to fundamentally change the nature of a dam project and the use of the waterway in question. Stakeholders in these situations usually have an environmental focus and often aim for increased fish passage and/or protection of endangered species. Often underrepresented, but no less important, are the recreational needs of a community. In the case of the Lower Barker Dam project, recreation is a key area of focus for the Auburn community and its neighbors.

It is important to note that this relicensing process is not meant to be a confrontation with a company. Rivers are public resources and both the community as well as the company have rights that must be protected. FERC provides a platform for these rights to be debated in a way that tries to prevent conflict between government, civil society, and business sectors. FERC acknowledges that being a conscious dam owner and operator involves maintaining a certain level of environmental stewardship, and could at times result in replacing some energy production with a less easily-quantified level of environmental conservation.

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<sup>1</sup> Creedon, Corey, Crimm, Naomi and David Cutler. “A guide to the FERC Hydro Relicensing Process and Stakeholder Involvement for the Relicensing of the Lewiston Falls Dam”. Bates College: 1-31. 2011

### *Lower Barker relicensing process with dates*

The actual relicensing process begins five years prior to the license expiration date. The current license for the Lower Barker Dam expires on January 31st, 2019,<sup>2</sup> meaning KEI Inc. began the relicensing process for the Lower Barker in January 2014. They have filed a notice of intent (NOI) with FERC stating that they intend to go forward with the relicensing process. They have also filed a pre-application document (PAD) explaining all pertinent engineering and power specifications, as well as any possible environmental concerns. In addition, KEI Inc. requested the use of the Traditional Licensing Process (TLP)<sup>3</sup>. FERC accepted both the NOI and PDA, and authorized the use of the TLP on March 19th, 2014.<sup>4</sup> Following the filing of these two documents, KEI Inc. published a Draft Study Plan on March 6th, 2015 which was open to the public for comment. On March 20th, 2015 a public meeting was held where stakeholders could appeal to KEI Inc. with concerns about the Study Plan and make their requests for changes to the document. On June 5th, 2015, after reviewing the concerns raised in this meeting and comment period, KEI Inc. submitted a Final Study Plan to FERC.<sup>5</sup>

In the next year and a half, KEI Inc. will conduct the studies required through the relicensing process and prepare a preliminary license application, or Draft Application. There will be a period where the stakeholders can raise concerns over the Draft Application, and KEI Inc. will hold a meeting to resolve these concerns. After that meeting, KEI Inc. must submit a Final Application to FERC before January 31st, 2017. Over the next two years, FERC will review the application before choosing one of four options listed below:<sup>6</sup>

1. Issue a new license to the current dam owners or to a competing applicant.
2. Issue a non-power license: a temporary license for a project that is in transition from power generation to another use outside of FERC's jurisdiction.
3. Decommission the project. This may mean removing the project or leaving it intact in a "nonfunctional form".
4. Issue a federal takeover of the project (this is a rare occurrence).

After FERC issues its final decision, the Lower Barker Dam will likely be licensed for the next 30-50 years. Barring further legislation or unforeseen changes to economy, environment, or a buyout by a group wishing to remove the dam, it will remain in operation as per the terms of the new license.

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<sup>2</sup> <http://www.ferc.gov/industries/hydropower.asp> Expected Relicense Projects FY 2015 - FT 2030

<sup>3</sup> Appendix A

<sup>4</sup> Maloney, Kelly. "Final Study Plan for the Lower Barker Project (FERC no. 2808)." Kleinschmidt Group on behalf of KEI (Maine). Online submission, June 5th, 2015.

<sup>5</sup> Kelly, 2015

<sup>6</sup> Creedon et. al. 2011

### III. Comparable Communities

Advocating for recreation opportunities through the FERC relicensing process is something communities across the country do every year. As stated above, the FERC licenses are required to give equal consideration to interests not related to power generation, including recreation.<sup>7</sup> In considering recreation opportunities on the Little Androscoggin, the presence of the Lower and Upper Barker dams influence the river's ability to provide recreation opportunities. When the dam is relicensed, recreation opportunities such as increased paddling, fishing, and whitewater development could arise, paving the way for more community involvement with Auburn's outdoor spaces. In this Comparable Communities section, we will highlight how two other communities in New England gained recreation opportunities through the FERC relicensing process.

It is important to note that the Lower Barker Dam is extremely small in terms of power generation. Literature surrounding relicensing and recreation generally covers projects on larger rivers with higher-wattage dams, lending increased leverage to attempts at improving community recreation around these large-scale projects. Many communities already have long-established recreation opportunities around dams, often in man-made impoundments at the head of the dam. However, after speaking to Risa Shimoda, a whitewater recreation expert, we conclude that the lack of similar communities is not a detriment to the project, but rather an opportunity for the city to develop their own vision. She suggests that increasing community support to the project is the most vital tool in seeking increased recreation opportunities through the FERC process.

Despite the lack of similar projects to the Lower Barker Dam, we would like to highlight two projects in New England that made tremendous gains for recreation in their respective communities. While the scopes of their projects are significantly larger than that of the Lower Barker, the recreation interests in these areas resemble those in this community. Additionally, their processes were extremely effective in focusing on recreation, an area in which we think the City of Auburn stands to gain the most.

#### *Deerfield River*

In 1994, the New England Power Company, who own nine dams on the Deerfield River in Massachusetts, reached a settlement agreement as part of their FERC relicensing process. This settlement - valued at somewhere between 27 and 30 million dollars - provides whitewater release days on the river each year, a fund for environmental enhancement, conservation of land and

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<sup>7</sup> FERC 1996

free access to river resources.<sup>8</sup> What is notable about the Deerfield River process is the formation of the FLOW Coalition, a group of whitewater boaters and relevant stakeholders committed to pushing for whitewater opportunity through the FERC relicensing process. New England FLOW served as the head of a steering group that was comprised of stakeholders who were interested in maintaining and creating recreation opportunities in the area. According to Risa Shimoda, what made the Deerfield project successful was the stakeholders' commitment to the project. They went into the process with a clear vision and enthusiasm, which were likely the keys to their success. We feel this process adequately reflects similar aims that the city of Auburn seeks from the relicensing of the Lower Barker Dam. The creation of a steering committee in Lewiston-Auburn to oversee recreation development on the cities' rivers is something we recommend creating in order to move forward with this, and other, relicensing projects.

See Appendix A more information on the Deerfield River relicensing process, the scope of the project, and contact information.

### *Fifteen Mile Falls*

The Fifteen Mile Falls project is located on the Connecticut River between the borders of New Hampshire and Vermont. The project consists of three hydroelectric dam projects. During the dam's FERC relicensing process in 1997, a committee of stakeholders successfully negotiated with the New England Power Company to secure donations for conservation easements, an enhancement fund paid for by the company to improve recreation on the river and a fund to ensure the completion of further feasibility studies.<sup>9</sup> These feasibility studies will focus on wildlife conservation. Fifteen Mile Falls is significant to this project as it serves as an example of how to create river enhancement funds that can be used to develop environmental, recreation, or conservation projects on dammed rivers. The creation of an enhancement fund is something to strongly consider; while it might not be feasible for a project as small as the Lower Barker, it could be a viable option for the Great Falls Dam relicensing. We recommend the steering committee pursue this avenue.

See Appendix A for more information on the Fifteen Mile Falls relicensing and resources detailing a river enhancement fund.

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<sup>8</sup> William K. Stevens, "New Rules for Old Dams Can Revive Rivers.

<sup>9</sup> Creedon et. al. 2011; Gabriela Goldfarb Consulting, Review Of Low Impact Hydropower Institute Application For Low Impact Hydropower Certification: Fifteen Mile Falls Hydroelectric Project (Portland: Gabriela Goldfarb Consulting, 2009).

We have become aware of several urban centers where whitewater features have been implemented after navigating the FERC process. One such project is in Missoula, MT where local paddlers and outdoor enthusiasts advocated for the construction of a whitewater feature downtown. The feature is located next to a park that is commonly used for city events and summer festivals. After the relicensing process granted flow releases and construction of the whitewater feature, business grew in the area and both a whitewater school and kayak shop opened their doors.

Another example of whitewater recreation in an urban area is on the Truckee River in Reno, NV. After flow releases were granted through the FERC relicensing process, the community built a whitewater park that has attracted significant business to the area. The paddling community paired the construction of the park with an annual event to raise awareness about this local whitewater recreation opportunity.

Both of these examples suggest that a strong commitment to developing recreation in a community is vital to ensuring project completion. In terms of the Lower Barker Dam, we recommend the city consider these projects' successes in building community support and awareness of urban whitewater opportunities.

#### **IV. Interested Community Stakeholders**

A list of potential stakeholders that could participate in the future relicensing of dams in Lewiston/Auburn can be found in Appendix B. This section will focus on current responses we have received from recently contacted stakeholders. Tree Street Youth and the Grow L+A River Working Group are two local stakeholders who have replied to our initial inquiry regarding interest in this project. Tree Street Youth - a local organization aiming to support the youth of Lewiston/Auburn through academics, the arts, and athletics in a safe space that encourages healthy physical, social, emotional, and academic development - indicated that they are interested in remaining informed in regards to the status of this project.

Peter Rubins, founder of the Grow L+A River Working Group, expressed a high level of interest in the project, suggesting that the Grow L+A River Working Group may be interested in becoming more directly involved in this project through a steering committee, though the organization needs to gauge commitment and interest from all of its board members. This group has formed very recently and consists of a small group of board members who hold meetings in order to assess “best use” strategies for the rivers in the Lewiston and Auburn communities.

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<sup>10</sup> Personal communication with Risa Shimoda.

Daryn Slover, a photojournalist for the Lewiston Sun Journal also expressed interest in remaining informed on the status of the project. The National Park Service (NPS) is a conservation-based stakeholder that showed interest in remaining informed as to the status of this project. Kevin Mendik, the Hydro Program Manager for the National Park Service (New England Region) was our NPS contact. Risa Shimoda, of the Shimoda Group, is a notable and internationally recognized advocate of river stewardship and whitewater recreation. She provided additional information about river conservation and recreation studies conducted in comparable communities. She also echoed the importance of highlighting the advantage that Auburn has: a developed, urban community that also offers outdoor recreation along a significant Maine river.

The Penobscot Paddle and Chowder Society is a recreational organization which has expressed interest in engaging in this project and perhaps organizing a paddle on the Little Androscoggin. Ryan Galway, a local paddling enthusiast, has also shown great enthusiasm in organizing flow release paddle events on the Little Androscoggin this Spring. He has experience participating in flow studies in Massachusetts and feels strongly about creating a successful day for paddlers. He has also expressed interest in being engaged in general promotion of recreation along the river. We have recently heard back from Adam Platz of Baxter Outdoors, who suggested that the company is very interested in being involved. Their involvement, as well as the involvement of the Androscoggin Land Trust, with the whitewater release days next Spring could greatly contribute to a support network for having events on the river.

## **V. Benefits of a Steering Committee**

When dealing with projects that span long periods of time and involve multiple organizations that operate on different timescales, it is advisable to create a steering committee in order to best manage the available resources. This committee should be formed by multiple people working towards a common objective. A steering committee is a dedicated group comprised of cross-sector community partners who provide strategic direction and represent relevant facets of the ecosystem in which they are working.<sup>11</sup> Ideally, this steering committee would help to develop a common goal centered around a problem, guide the processes involved with successfully completing the goal, help develop an organizational philosophy, and ensure sustainability as people join and leave the committee.<sup>12</sup>

With regard to the FERC relicensing of the Lower Barker Dam in Auburn, Maine, we believe that the best course of action moving forward is for the formation of a steering committee

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<sup>11</sup> Collective Impact Forum. Tools for Steering Committees.

<sup>12</sup> Judy A. Braus and David Wood. Environmental Education in the Schools: Creating a Program that Works, Desktop Publishing: 1993.

that would be tasked with leading relicensing processes in the Lewiston-Auburn community for the years to come. The City of Auburn, or another invested organizations, might achieve this by linking the resources of multiple different community organizations and partners that are interested in river restoration issues. A primary goal of the proposed steering committee would be to promote community engagement relating to recreation along the Little Androscoggin. They would also be situated at the forefront of future relicensing projects in the Lewiston/Auburn area, such as the Upper Barker Mill on the Little Androscoggin expiring in 2023<sup>13</sup> and the Lewiston Falls Dam on the Androscoggin River, whose license expires in 2026.<sup>14</sup>

It is advised that a steering group be comprised of stakeholders from various sectors of the community. Appendix B provides a full list of interested stakeholders in the Auburn community. Some of the organizations that we have contacted are already involved separately in the FERC relicensing process of the Lower Barker Dam and have attended the comment period meeting on March 20th, 2015. Based upon our interactions with the stakeholders who have communicated with us, we found that the Penobscot Paddle and Chowder Society, the Androscoggin Land Trust, and the GROW L+A River Working Group may reflect organizations with enough enthusiasm, interest in river recreation, and availability to participate in a steering committee. Although the GROW L+A River Working Group is a relatively recent organization, we have encountered a large amount of enthusiasm from its founder, Peter Rubins. We recommend that if the City has interest in pursuing a steering committee, these organizations be contacted as possible members and leaders of the committee.

If a steering committee is formed, several sources have been gathered that provide useful guidelines to operating this new group. For example, Braus and Wood (1993) provide recommendations on how to best assure steady communication between different community partners. The literature also helps to fully define what is desired and required when organizing a steering committee comprised of colleagues and organizational representatives from different areas of a community. Furthermore, Thomas (2013) provides an example of how a steering committee designed to advocate for recreation opportunity fits into the FERC process.<sup>15</sup>

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<sup>13</sup> <http://www.ferc.gov/industries/hydropower.asp> Expected Relicense Projects FY 2015 - FT 2030

<sup>14</sup> <http://www.ferc.gov/industries/hydropower.asp> Expected Relicense Projects FY 2015 - FT 2030

<sup>15</sup> Please see Appendix C. We will illustrate the useful strategies that could be used to create a steering committee with applications to the Lower Barker Dam project.

## VI. Summary of Deliverables

### *Website*

We created a website<sup>16</sup> in order to provide our community partners with a platform for sharing and distributing information pertaining to recreation opportunities and dam relicensing in a user-friendly manner. This website was created with the hope that it could one day be incorporated into the City of Auburn's website as a page dedicated to river recreation possibilities. We feel that the creation of a website will enable the city and other stakeholders to quickly connect members of the community. The end goal for this website is to develop a space where community members could post information about their recreation experiences on the Little Androscoggin River, seek advice on local recreation opportunities, and learn about the FERC process as it affects their community. We have identified a dam project in New Hampshire that has its own website; it seems to be an excellent way of communicating with the community and interested parties.<sup>17</sup>

### *Printed Materials*

We have designed brochure and flyer templates (see Appendix D) that educate the public about the FERC relicensing process, as well as inform interested parties of upcoming events on the Little Androscoggin River. These materials would hopefully be distributed by the city or a future steering committee to interested community members and stakeholders. The flyer that has been drafted will be used to advertise a proposed whitewater release day in the Spring of 2016; a large amount of support for this event could show the owners of the dam, KEI Inc., that there is interest in increased recreational opportunities on the Little Androscoggin River in the heavily urbanized area just below the dam.

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<sup>16</sup> See Appendix D for link to web domain.

<sup>17</sup> The domain for the Eastman Falls Relicensing Project: <http://www.eastmanrelicensing.com/>

## VII. Timelines for FERC Process and City of Auburn

### *Timeline*

<b>Barker Mill Specific Date</b>	<b>General Date (years from relicensing)</b>	<b>FERC</b>	<b>City of Auburn</b>
<b>1/31/14</b>	<b>5+</b>	Notice of Intent to relicense must be submitted	Assemble steering committee and have clear goals defined
<b>3/6/15</b>	<b>3.75</b>	Draft Study Plan due	Review study plan
<b>3/20/15</b>	<b>3.75</b>	Community meeting to discuss study plan	Propose amendments to study plan
<b>6/5/15</b>	<b>3.5</b>	Final Study Plan due	Keep careful documentation, begin drawing up concerns
<b>1/1/16-1/1/17</b>	<b>3-2</b>	Company conducts studies as per Study Plan	Double check studies, make note of issues with methodology. Make use of public support for changes to license terms
<b>1/1/16-1/1/17</b>	<b>3-2</b>	Company creates Draft Final License Application	Review Draft Application for concerns
<b>1/1/16-1/1/17</b>	<b>3-2</b>	Review of Draft Application with community	Present concerns about study results and Draft Application, keeping in mind overall goals
<b>1/31/17</b>	<b>2</b>	Final License Application due	Continue to draw public support and remind FERC of community concerns
<b>1/31/19</b>	<b>0</b>	FERC grants new license <b>OR</b> FERC refuse license application	Devise ways to pursue goals outside of FERC process.

## **VIII. Little Androscoggin River Day**

KEI Inc. will be conducting flow studies below the Lower Barker Dam in the Spring of 2016. With increased water flow being released downriver, these flow studies will provide an opportunity for whitewater paddling directly in downtown Auburn. Rafting opportunities such as standing waves and whitewater slalom courses could become available for recreational usage. After connecting with several stakeholders and whitewater experts, we recognize the importance of garnering community engagement around these flow releases, possibly in the form of a “river day”, a festival-like event that would connect local businesses, recreation opportunities, outdoor enthusiasts, and local residents in an outdoor space. Risa Shimoda pointed to several other communities that have created events surrounding whitewater paddling and flow studies with great success in building community support. She suggested that in a developed area it is essential to facilitate and create opportunities for people to come to the river, even if they are not interested in paddling. Because the Lower Barker Dam site offers walking trails and the Little Andy Park, we believe such an event would help bolster recreation awareness in Lewiston/ Auburn and allow those unfamiliar with recreation to see the river in a new light.

Ryan Galway, a local paddling enthusiast and American Whitewater member, has expressed interest in organizing flow release days and paddling events that could pull together whitewater and recreation enthusiasts from all over New England. He recommends advocating for the real-time publication of flow data by the owners of the dam, KEI Inc. Paddlers often travel many miles in search of whitewater features and it is imperative to provide real-time information on river flow levels. We recommend advocating for a series of whitewater release days while KEI is conducting flow studies in the Spring of 2016. We have established contact with Adam Platz of Baxter Outdoors and he is enthusiastic about working to sponsor events in the future. As mentioned above, Ryan Galway is enthusiastic about taking the lead on organizing the paddling events.

## **IX. Recommendations for Moving Forward**

In order to make the relicensing process effective for stakeholder cooperation, community participation and recreation improvement, we recommend creating a steering committee to spearhead the relicensing process of the twin cities’ dams, beginning with the Lower Barker Dam. This committee should incorporate a wide range of stakeholders, including community members, local government officials, and representatives from non-governmental organizations (NGOs). This steering committee would serve as a liaison between the hydropower company and other stakeholder groups. The most important aspect of developing a steering committee to work

on the Lower Barker is to practice communication and collaboration strategies in preparation for future relicensing projects in the area. Looking forward to the Great Falls Dam, we feel the city must recognize the need for collaboration now, as to give all future parties an equal opportunity to familiarize themselves with the FERC proceedings.

### **This steering committee should:**

- Identify a representative from a one organization or city commission to chair the steering committee. This individual and their organization should be committed to bridging all interested parties and should be interested in spearheading future licensing issues in both municipalities.
- Establish a plan of action for stakeholders and the municipalities of Lewiston and Auburn to become involved in future relicensing projects before they begin moving into the future. Identifying clear roles for participating organizations will help maximize the potential for impact of this effort.
- Advocate for funds to increase recreation potential rather than removal of the dam. Dam removal is often evaluated on a case-by-case basis, and small dams are often not seen as priorities unless they are of an immediate threat to the community.<sup>18</sup> We fear that if the dam were not issued a license, it would sit on the property until a third party came along to purchase it or pay for its removal. For these reasons, we believe it would be better to pursue relicensing with emphasis on recreation rather than slating the dam for removal.
- Realize that goals for the relicensing might not be met, and that it is better to aim high and settle for a compromise than to target the bare minimum.
- Plan and execute a Little Androscoggin “river day” surrounding the scheduled flow releases in the Spring of 2016. This will give the city and FERC a chance to see what kinds of recreation local residents and river enthusiasts are interested in seeing, as well as raise awareness about recreation in the community. We feel that such an event will enable the city to better connect its residents with the river. An excellent turnout will show the commitment of the community to the value of the Little Androscoggin.

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<sup>18</sup> Martin W. Doyle, Jon M. Harbor and Emily H. Stanley, 'Toward Policies And Decision-Making For Dam Removal', *Environmental Management* 31, no. 4 (2003): 453-465.

## X. Appendices

### *Appendix A*

#### Deerfield River Project Specifics

**Location:** Western Massachusetts

**Capacity:**<sup>19</sup> combined capacity of 86 MW between eight dams

**Relicensing (years):**<sup>20</sup> 1997

**Stakeholders:**<sup>21</sup> FLOW coalition, American Whitewater, Appalachian Mountain Club, Conservation Law Foundation, Trout Unlimited, various state and governmental agencies

**Outcome:**<sup>22</sup> 40 guaranteed whitewater release days every summer on “The Dryway”, and 106 releases on another section of the river, \$100,000 river enhancement fund for conservation efforts, improved river access for the public, wildlife enhancement program.

#### Fifteen Mile Falls Project Specifics<sup>23</sup>

**Location:** Border between NH and VT

**Capacity:** 376 MW (combined)

**Relicensing (years):** 1997

**Stakeholders:** New Hampshire Fish and Game Department (NHFGD), New Hampshire Department of Environmental Services (NHDES), Vermont Agency of Natural Resources (VANR), United States Fish and Wildlife Service (USFWS), United States Environmental Protection Agency (EPA), National Park Service (NPS), Appalachian Mountain Club (AMC), Connecticut River Joint Commissions (CRJC), Connecticut River Watershed Council (CRWC), New Hampshire Rivers Council (NHRC), North Country Council (NCC), Northeastern Vermont Development Association (NVDA), New Hampshire Council of Trout Unlimited (TU)

**Outcome:** Creation of a river enhancement fund, a study fund (to conduct future studies of recreation, wildlife, environmental protection, etc.), donations of conservation easements, and increased flow levels.

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<sup>19</sup>Transcanda Hydro Northeast Inc., *Attachment C: Project Description*.

<sup>20</sup>Hydropower Reform Coalition, '5.1 New England Power (Now Usgen PG&E), Deerfield River, Vermont And Massachusetts - FERC # 2323'.

<sup>21</sup> Christopher 1995.

<sup>22</sup> Americanwhitewater.org, 'Deerfield River (MA)'.

<sup>23</sup> Low Impact Hydropower Institute, 'LIHI Certificate #39 | 15-Mile Falls'.

*Appendix B. List of Stakeholders & Stakeholder Information*

<i>Conservation and Environmental</i>	<i>Recreational</i>	<i>Local Community</i>	<i>Government</i>
Maine Rivers*	American Whitewater*	Auburn Boys and Girls Club	City of Auburn*
Atlantic Salmon Federation*	Maine Trout Unlimited	Tree Street Youth	Auburn Parks and Rec. Department
Androscoggin Land Trust*	L.L. Bean Outdoor Discovery School	Healthy Androscoggin	Auburn City Council
Maine Department of Environmental Protection*	Maine Outdoor Adventure Club	New Auburn Neighborhood Group	Auburn Conservation Coalition
National Park Services*	Appalachian Mountain Club	Bates Outing Club	L/A Economic Growth Council
Maine Department of Inland Fisheries and Wildlife*	Penobscot Paddle and Chowder Society	Daryn Slover (Lewiston Sun Journal Photojournalist)	
		Barker Mill Tenant Group	
		Auburn Chamber of Commerce	
		Colby Gilbert (Kennebec River Guide)	
		Grow L+A River Working Group	

*\* Organizations who have already made an appeal during the FERC relicensing process*

Appendix C

Traditional vs. Integrated Relicensing



Appendix D

Web domain: <http://littleandy.weebly.com/>

Brochure:



### Recreation in Auburn

**The area below the Dam may have big recreation possibilities**

Whitewater kayaking, fishing, hiking, and picnicking are all recreational activities that can be added to the Auburn area through FERC relicensing. The city of Auburn has been working on a long-term restoration of the Little Androscoggin upstream of Little Andy Park, and is looking to improve community options for outdoor recreation. Since part of the FERC process addresses recreation concerns, there is a possibility for local citizens and interest groups to positively impact the process and help improve recreation.



### What is FERC?

The Federal Energy Regulatory Commission is the government agency in charge of regulating hydroelectric projects in the US. As part of this duty, FERC makes every privately owned hydroelectric dam undergo a relicensing process every 30-50 years. This process represents a once in a generation chance for local communities to enact a lasting change on rivers and dams in their area. The cluster of dams on the Androscoggin and Little Androscoggin rivers are all up for relicensing in the next several years.

ENVR 417  
Bates College Department of Environmental Studies

## Lower Barker Dam



### A guide to FERC Relicensing

Nina Doonan, Max Millslage, Sarah Stanley, William Hilton



### How You Can Help

If you or anyone you know is interested in becoming more involved with this process, the Auburn community can use your help! The best way to do this is to make your voice heard. There is a public meeting to present the FERC relicensing draft sometime summer 2016. This is a great chance to get out there, address the company that owns the dam, and make sure that your opinion is taken into account. In addition, we have created a website to keep the community educated not only on the Lower Barker Dam, but on all the dams in the L/A area that are about to come up for relicensing. This includes the big dam on the Androscoggin, which could change the course of both cities for decades to come.

There are also plans for a whitewater release day during the spring. This would be a time when the Dam temporarily stops operation and the full flow of the river is directed through the river. The hope is that with full flow, the area below the dam will be great to kayak through. So stay alert for an upcoming announcement on a whitewater release day, and come down either as a participant or spectator. Demonstrating community support for whitewater recreation will go a long way towards securing that recreation for the future.

#### Quick Links

Scan this QR code with a QR reader to show your support and get involved with bringing more recreation to Auburn.



Or, send an email to [littleandropaddle@gmail.com](mailto:littleandropaddle@gmail.com)

You can also get in contact with the following groups to get involved:

Flyer:



# CONTROLLED WHITEWATER RELEASE

SPRING 2016



Scan this QR code or  
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Show your support for equal recreational river opportunities on the Little Androscoggin River. Sign up for the first-ever controlled whitewater release below the Lower Barker Dam in the heart of Downtown Auburn. Coming Spring 2016.

*Appendix E*

Contact Information for Stakeholders

Auburn Recreation Department - (207) 784-0191

Auburn Economic Growth Council- John Holden [jholden@economicgrowth.org](mailto:jholden@economicgrowth.org) (207)-786-0161

Androscoggin Land Trust - Deb Charest - [dcharest@androscogginlandtrust.org](mailto:dcharest@androscogginlandtrust.org)

Atlantic Salmon Federation - John Burrows - [john@asf.comcastbiz.com](mailto:john@asf.comcastbiz.com)

Auburn Boys and Girls Club - Robert Clark (207) 882-2446

Bates Outing Club - contact current President - <http://www.bates.edu/boc/directors/>

Baxter Outdoors - Adam Platz - [adam@baxteroutdoors.com](mailto:adam@baxteroutdoors.com)

Colby Gilbert - [colby@rsmwc.net](mailto:colby@rsmwc.net)

Daryn Slover - [dslover@sunjournal.com](mailto:dslover@sunjournal.com)

Grow L+A River Working Group - Peter Rubins - [prubins1@gmail.com](mailto:prubins1@gmail.com)

Healthy Androscoggin - Christine Adamowicz - [adamowch@cmhc.org](mailto:adamowch@cmhc.org) (207) 795-2506

Maine Rivers - Landis Hudson - [landis@mainerivers.org](mailto:landis@mainerivers.org)

Ryan Galway- [rcgalwa@hotmail.com](mailto:rcgalwa@hotmail.com) (207) 650-0978

Tree Street Youth - [treestreetyouth@gmail.com](mailto:treestreetyouth@gmail.com) (207) 577-6386

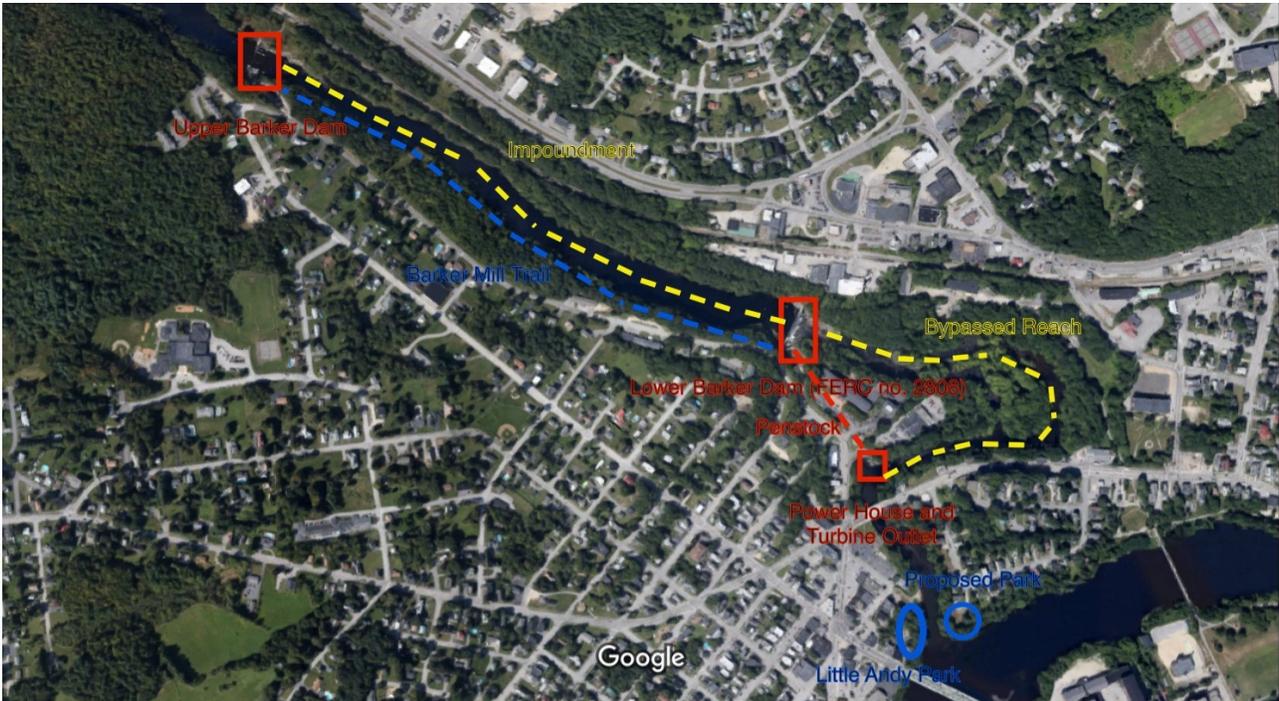
Whitewater America - Risa Shimoda - [risa@theshimodagroup.com](mailto:risa@theshimodagroup.com)

Whitewater America - John Anderson - [j.anderson126@verizon.net](mailto:j.anderson126@verizon.net)

# XI. Maps of Project Area



Imagery ©2015 Google, Map data ©2015 Google 500 ft



Imagery ©2015 Google, Map data ©2015 Google 500 ft

## **XII. Annotated Bibliography**

Americanwhitewater.org. 'Deerfield River (MA)', 2015. <https://www.americanwhitewater.org/content/Project/view/id/deerfield/>.

Braus, Judy A and David Wood. Environmental Education in the Schools: Creating a Program that Works. Desktop Publishing. Book. 1993.

This book contains some chapters that give us the basic insights and fundamentals behind creating a long-lasting and sustainable steering group or committee for our final recommendation to the Auburn City Council. This literature gives recommendations on how to best assure steady communication between different community partners. The literature also helps to define fully what is to be desired and what is required while setting up a steering committee that is created by colleagues and organizational representatives from different areas of a community.

Chen, Valerie. "Lower Androscoggin River Watershed Initial Ecological Risk Assessment". Thesis. Western Washington University, 2006. Print.

This is a Master's thesis that seeks to measure the ecological risks along the Androscoggin River watershed, which includes our study area of the Little Androscoggin River. The study seeks to identify and analyze potential stressors on the Androscoggin River. I believe that we can use this study to look at data pertaining to ecological risks of damming the Little Androscoggin River. The study speaks to the ecological dangers of water impoundments - the areas where water is stored behind dams for later use. We will use this document to speak to the environmental stressors created by dam impoundments.

Christopher, Tom. "Deerfield Victory!" American Whitewater Journal 40, no. 2 (1995): 12-13.

This article describes in greater detail the events that took place after a successful FERC relicensing on the Deerfield River. This was a victory for American Whitewater and outdoor enthusiasts in the area, as the license agreement came with an increased number of whitewater release days, grants for conservation easements, and wildlife enhancements. This article also talks about the FLOW coalition, a group organized to fight for recreation through the FERC relicensing process. Because the Deerfield project took place almost twenty years ago, it seems that the FLOW coalition is no longer in existence, but it is a good lead to investigate.

Collective Impact Forum. Tools for Steering Committees. [collectiveimpactforum.org/sites/default/files/Steering%20Committee%20Toolkit%20-%20for%20Upload%20-%2012.18.13.docx](http://collectiveimpactforum.org/sites/default/files/Steering%20Committee%20Toolkit%20-%20for%20Upload%20-%2012.18.13.docx). Accessed: October 28, 2014.

This is a document produced by an organization called the Collective Impact Forum. They provide a literal toolkit for producing an effective and reliable steering committee for a community-engaged cause. It includes a guide for determining the correct community partners to form a steering group, how to depict and describe responsibilities within the steering group, sample meeting agendas for steering groups and a guide for how to lead productive and engaging discussions within a steering committee. We will most likely use this as our main source to condense information on how best to form a steering committee or group to take on the FERC relicensing of the Lower Barker Dam and the Great Falls Dam further down the line.

Crane, Jeff. "“Setting the river free”: The removal of the Edwards dam and the restoration of the Kennebec River." *Water history* 1, no. 2 (2009): 131-148.

In 1989, the FERC ordered the removal of the Edwards Dam on the Kennebec River in Maine. The dam was removed for the sole purpose of restoring fisheries of multiple species including alewives and the critically endangered shortnose sturgeon. This paper will be a great resource to study the effects on a river and its fisheries system after having removed a dam. We hope to use this paper to present the positive effects that dam removal can have on fish passage and the restoration of fisheries.

Creedon, Corey, Naomi Crimm, and David Cutler. “A guide to the FERC Hydro Relicensing Process and Stakeholder Involvement for the Relicensing of the Lewiston Falls Dam”. Bates College: 1-31. 2011

A few years ago, another ENVR 417 group did a project remarkably similar to ours. Although our project will focus on a different dam and different issues, we can still use this not only as a source for some information, but as a source for sources, and even a sort of rough idea of what our final product needs to include at a bare minimum. It offers case study information about other successful FERC relicensing projects in New England, as well as preliminary research about the relicensing of the Great Falls Dam. The case studies compared in this study have greatly informed our research; their synthesis of information about the dams on the Deerfield River and Connecticut River helped guide our understanding of what recreation possibilities could come from the relicensing at the Lower Barker. This study is also helpful for guiding our potential recommendations for future relicensing projects in the L/A area.

Didisheim, Pete. "A Citizen's Guide to Dams, Hydropower, and River Restoration in Maine." Natural Resources Council of Maine. Accessed September 2015.

This is a document that was put together with funding from the Natural Resources Council of Maine. It details the history and consequences of the damming of many of Maine's largest rivers. It focusses mainly on the negative environmental impacts that dams have on river systems. The document also provides some great detail on the benefits of removing dams and focuses greatly on the Kennebec River system which is very geographically close to the site of the Lower Barker Dam. The document details the different types of possible fish passage and also compares the power output of various large dams in the state of Maine. The document also lists a great amount of events that take place on rivers around the state of Maine and we could use those to model an event on the Little Androscoggin river to garner interest in recreation from local residents. We will use this document for information on the effects of dam removal and for the great graphics that it provides.

DiGennaro, Bruce, and Gordon H. Merklein. Recreation monitoring. No. CONF-9507190--. American Society of Civil Engineers, New York, NY (United States), 1995.

The paper describes the increased occurrence of recreation monitoring requirements in license articles and discusses methods for complying with such requirements. This may be useful for our report as it describes legal requirements related to hydropower and recreational opportunities. The potential for misinterpretation of legal requirements is lessened as we become more familiar with the literature which describes past monitoring.

Doyle, Martin W., Jon M. Harbor, and Emily H. Stanley. 'Toward Policies And Decision-Making For Dam Removal'. *Environmental Management* 31, no. 4 (2003): 453-465. doi:10.1007/s00267-002-2819-z.

Federal Energy Regulatory Commission. "Hydropower Licensing- Get Involved: A Guide for the Public." FERC Office of External Affairs, no date.

This is a text published by FERC that details how the public can get involved with a relicensing process. It helps explain a lot of the minutiae in the process, and is great for building the timeline. Unfortunately, since it is published by FERC it might be a bit biased, and could gloss over some of the less convenient or fair parts of the process.

Federal Energy Regulatory Commission,. Recreation Development At Licensed Hydropower Projects. Washington DC: Division of Project Compliance and Administration, 1996. Print. <https://www.ferc.gov/industries/hydropower/gen-info/guidelines/recreat-dev-hydro-licen.pdf>

This source provides a history of recreation opportunity through the FERC process. In 1935, when the Federal Water Power Act was incorporated into the Federal Power Act (FPA), an amendment was created to include recreation as a public benefit. The article goes on to explain the relevance of recreation in the law through the 1980s. Modifications or additions surrounding project recreation facilities might require an amendment to the filing for relicensing. This article suggests developing a comprehensive plan for recreation around the dam site outlining the quality and supply of recreation potential and how that might change over the course of the license.

"Forming a Steering Group, What Makes a Good Group?" Accessed October 26, 2015.

This article provides information on the general process of forming a steering committee as well as outlines role of the committee chair, suggestions for planning in a group context, and advise on how to cooperate and reach conclusions when a committee has multiple actors or entities involved. Though this is not an academic source, it does provide necessary information that presents a useful guide to developing a dedicated and effective steering committee.

Gabriela Goldfarb Consulting,. Review Of Low Impact Hydropower Institute Application For Low Impact Hydropower Certification: Fifteen Mile Falls Hydroelectric Project. Portland: Gabriela Goldfarb Consulting, 2009. <http://www.lowimpacthydro.org/assets/files/lihi-cert-app-files/15MileFallsReview.pdf>.

Hooker, Megan. "Recreation and Aesthetics in the Public Interest: History and Overview of Hydropower License Denials by the Federal Energy Regulatory Commission." *Journal of Environmental Law and Litigation* 29, no. 1 (2014): 87-122.

Written by an American Whitewater staff-person, this article offers a perspective on FERC relicensing that highlights the need for recreation and other river benefits rather than pure power generation. The introduction of the article makes the author's stance on dams clear; she positions herself on the offensive and does not seem to hold the nation's dams in high regard. The article goes on to provide an overview of FERC license denials on the grounds of recreation. The information the author provides could be very useful to our research, as she gives an overview of many cases during the last 30-40 years. Identifying similarities and differences

between the Lower Barker Dam and the city of Auburn and other dams and their different cities could help guide our project and influence what leads we pursue.

Hydropower Reform Coalition., '5.1 New England Power (Now Usgen PG&E), Deerfield River, Vermont And Massachusetts - FERC # 2323', 2015. <http://www.hydroreform.org/hydroguide/shorelands/5-1-new-england-power-now-usgen-pg-e-deerfield-river-vermont-and-massachusetts-ferc-2323>.

Johnson and Graber. "Enlisting the Social Sciences in Decisions about Dam Removal." *Bioscience* 52, no. 8 (2002): 731-738.

As far as articles go this is pretty spot on for our subject. It's more or less a summary of the social processes in action surrounding small dam removal. It deals with the problems that arise from group decisions that are often partisan and divisive, as well as offering solutions and advice for better processes. Most of the solutions can be summarized as "educate the stakeholders."

I don't think there is any original research in here, nor does it strike me as very objective. That being said, it directly applies to our topic and touches on some of the stuff we are going to deal with.

Kosnik, Lea-Rachel D. "Sources of Bureaucratic Delay: A Case Study of FERC Dam Relicensing." *The Journal of Law, Economics, and Organization* 22, no. 1 (2005): 258-288.

This is a kind of cool article on how FERC can sometimes take years to get through their backlog and issue licenses. It puts a good amount of the blame on Environmental Groups, which is really interesting. It could go a long way to explain why FERC puts a lot of the responsibility of relicensing on the company, and might not end up with entirely fair outcomes.

Leimbach, Julie. "Preparing for FERC Hydropower Relicensing: An Activist's Guide." Hydropower Reform Committee. April 2009, Accessed September 2015.

This is a hundred page long review of the FERC process from the perspective of an activist trying to reduce or eliminate the dam's impact on a river. It goes into detail on how exactly, an individual, interest group, or NGO would go about dismantling a hydroelectric dam through the FERC relicensing process. It also includes a glossary of terms often used in the FERC process explained in simple English.

With all that being said, it a guide for an activist, and inherently involves an us versus them attitude which doesn't seem to leave a lot of room for compromise. That might work well

for high profile dams, but something tells me that for projects on the scale of the Lower Barker Dam a more subtle approach might be called for.

Loomis, John and Marvin Feldman. "An Economic Approach to Giving 'Equal Consideration' to Environmental Values in FERC Hydropower Relicensing." *Rivers* 5, no. 2 (1995). <http://resourcedecisions.net/pubs/FERC.pdf>

This paper offers a statistical, economic analysis of flow releases. It ascribes a monetary value to increased flow days, in terms of aesthetic value and increases in recreation opportunity, by analyzing the value of visits, recreation, and preservation value. This paper conducts a case study of a dam with falls significant larger than those on the Lower Barker Dam, but offers valuable information about the valuation process for environmental and recreational benefits. We could use this information in analyzing the timeline and providing information about how to go about conducting an economic impact study of the Lower Barker in the next phases of the relicensing process. More likely, this could impact the Great Falls Dam relicensing process as there is more time to conduct a study, and the aesthetic value is possibly more significant because of its visibility between the two cities.

Low Impact Hydropower Institute,. 'LIHI Certificate #39 | 15-Mile Falls'.[Lowimpacthydro.Org](http://Lowimpacthydro.Org), 2015. <http://lowimpacthydro.org/lihi-certificate-39-15-mile-falls-project-new-hampshire-ferc-2077/>.

Maloney, Kelly. "Final Study Plan for the Lower Barker Project (FERC no. 2808)." Kleinschmidt Group on behalf of KEI (Maine). Online submission, June 5th, 2015.

This is the text that KEI submitted to FERC detailing the concerns raised about relicensing, and stating what studies will be carried out. It also has a whole bunch of correspondence between the stakeholders. Useful for identifying stakeholder involvement, as well as establishing timeline stuff.

Morhardt, S. S. "Recreation and hydropower: A partnership deserving attention." *Hydro Review*; (United States) 10, no. 2 (1991).

This paper may be valuable in that it describes recreational requirements of the applicant. In addition, the role of public support in a hydropower project is also discussed, making this paper a potentially useful source as the city of Auburn attempts to provide evidence to KEI that a certain level of recreation is not only required but desired by the city's residents.

Poland, Sherman S. "Development of Recreational and Related Resources at Hydro-Electric Projects Licensed by the Federal Power Commission." *Land & Water L. Rev.* 4 (1969): 375.

Though this paper is relatively old it has the potential to provide relevant and useful information to this report. Specifically, the document discusses strategies to allow recreational development plans to balance the goals of hydropower and recreation. Aspects of this paper that suggest how to maximize waterways to achieve these goals provides our group with examples of development that could be applied to the Little Androscoggin.

Reichart and Phillips. "The Environment as a Stakeholder? A Fairness-Based Approach." *Journal of Business Ethics* 23, (2000): 185-197

This article is a pretty dense discussion of moral obligations regarding business practices. It's basic argument is that in terms of identifying various stakeholders in a business setting, the environment cannot be ignored. It does not argue that the environment should be a stakeholder itself, but it touches on the idea. The article puts forward a somewhat ill-defined (perhaps because it's common knowledge in the field) idea that environmental interests can be resolved through a "fairness-based approach."

Obviously there are some things here that are useless to us, but I think that in our project we need to give some thought to whether we count the environment as a stakeholder or not. If we end up doing so then we also will need to decide in what manner we address it, and this article might help with that.

Stevens, William K. "New Rules for Old Dams Can Revive Rivers." *New York Times*, November 28, 1995. Accessed November 2, 2015. <http://www.nytimes.com/1995/11/28/science/new-rules-for-old-dams-can-revive-rivers.html?pagewanted=all>

Thomas, Christopher. "New England Flow's Comments on Updated Proposed Study Plans for the Turners Falls hydroelectric Project, FERC Project No. 1889-081, and the Northfield Mountain Pumped Storage Project, FERC Project No. 2485-063." *Federal Energy Regulatory Commission* (2013): 1-5. [http://www.northfieldrelicensing.com/Lists/Document/Attachments/193/20130709-5117\(28542756\).pdf](http://www.northfieldrelicensing.com/Lists/Document/Attachments/193/20130709-5117(28542756).pdf)

This document is an example of the New England FLOW Coalition's comments during the comment period of the FERC relicensing of two hydroelectric projects in 2013. Looking at the Coalition's work on this projects suggests to us how a steering committee designed to advocate for recreation opportunity fits into the FERC process. This also gives us an idea of how

comments regarding recreation could be framed. Because this group has close to 20 years of experience, they are likely a trustworthy source.

"Time to Lead: 4 Easy Steps to Steering Committee Success." ITtoolkit. 2015. Accessed 2015. <http://www.ittoolkit.com/how-to-it/projects/project-steering-committees.html>.

This article, though not an academic source, provides valuable information that could be utilized if a steering committee was formed. This article describes the process to develop a committee which is necessary for the chair of the steering committee if that entity has never lead a committee like this before. Furthermore, it provides a way to keep the group focused, if it is formed, which is vital to newly established committees.

Title 18, Chapter 1B §16. Procedures Relating to Takeover and Relicensing of Licensed Projects. 101st US Congress, 1989. Electronic Code of Federal Regulations, US Government Publishing Office. <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=148cf628d8ccc1a54009ab0a940bac7d&rgn=div5&view=text&node=18:1.0.1.2.16&idno=18#18:1.0.1.2.16.2.22.3>

Text of the law that explains FERC process, it's accessed on an online database, and is pretty hard to navigate through, but it's helpful to have a fully unbiased source for FERC material.

Transcanda Hydro Northeast Inc., Attachment C: Project Description. LOW IMPACT HYDROPOWER CERTIFICATION APPLICATION: DEERFIELD RIVER PROJECT (LP 2323). Low Impact Hydropower. Accessed 20 November 2015. <http://www.lowimpacthydro.org/assets/files/Deerfield%20documents/Attachment%20C%20-%20Project%20Description.pdf>.

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

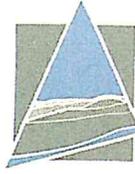
The City of Auburn submits these comments as directed by the Auburn City Council to FERC as part of the record for the Lower Barker Hydroelectric Project relicensing, and requests that the License revise its proposed study plans to address the concerns raised. Thank you for considering these comments.

Respectfully submitted this 6<sup>th</sup> 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

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**ANDROSCOGGIN  
LAND TRUST**

May 6, 2015

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

Dear Howard,

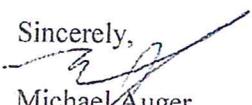
As part of the ongoing Draft Study Plan for the Lower Barker Mill Dam the Androscoggin Land Trust (ALT) is writing this letter in strong support of a recreational assessment and to advocate for the need of additional opportunities for recreation, bank fishing and for portages along the Little Androscoggin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



**Androscoggin Land Trust**  
PO Box 3145 Auburn, Maine 04212  
[www.androscogginlandtrust.org](http://www.androscogginlandtrust.org)  
(207) 782-2302

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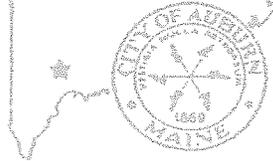
**Staff**

Michael Auger  
*Executive Director*

Deb Charest  
*Conservation Assistant*

# 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

# City of Auburn, Maine

## Office of the City Manager



June 24, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington D.C. 20426

**RE: Study Request, Lower Barker Hydroelectric (FERC No. 2808), KEI (Maine) Power Management (III)**

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. The City of Auburn, Maine is also filing separate comments on the PAD.

This filing contains The City of Auburn's formal study request based on the PAD and 5/19/14 consultation meeting.

The City requests that the applicant complete a recreational study including the development of additional recreational access, identification of niche recreational opportunities that could support growing economic opportunity for the neighborhood and white water potential consistent with the American Whitewater request for this study. The Form -80 recreational survey that is in progress is inadequate to consider the needs of the community and demand for additional facilities. As noted in the comments also submitted by the City of Auburn recreational access to the Little Androscoggin River is a high community priority.

The PAD identifies a year-round minimum flow of 20 cfs as an existing license requirement within the lengthy bypass channel which extends approximately ½ mile to the confluence with the tailrace. The river extends an additional ¼ mile beyond the tailrace to the confluence with the Androscoggin River. During the 5/19/14 consultation meeting a KEI representative indicated that the actual total year round minimum flow maintained in the bypass is approximately 30 CFS. A site walk by City staff on June 10, 2014 revealed that the flows in the bypass reach were not adequate to support migratory Aelwives and fish were becoming stranded on the rocks in the bypass reach. Photos and video are available if requested. It is unclear if minimum flows were followed on that day or if the

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minimum flows are inadequate to support fish passage but the City of Auburn supports the Maine IF&W request for a flow study and for improved fish passage at the facility. It should also be noted that fish passage facilities are being improved between this facility and the Atlantic Ocean and similar improvements should be studied at this facility.

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.

The City further requests that the project area include all lands below the FEMA mapped 1% flood hazard area as adopted on July 8, 2013.

Thank you in advance for your consideration of our requests. Recreational opportunities in our community are a top priority as indicated in our PAD comments document.

Sincerely,



Clinton Deschene  
City Manager