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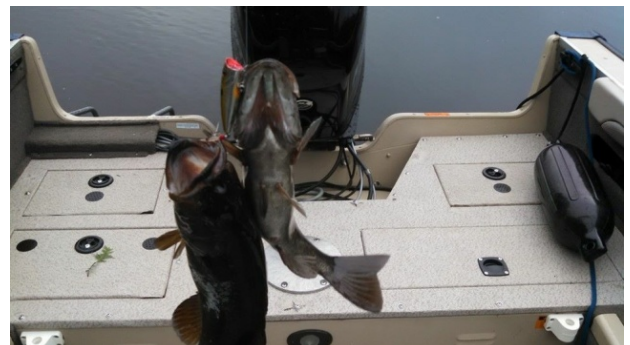
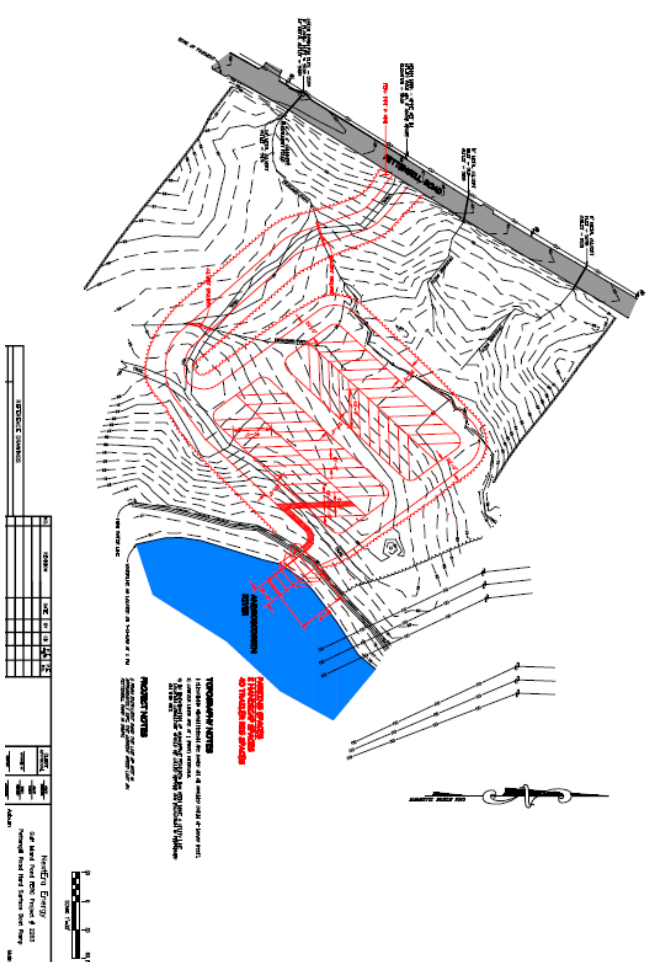
Upcoming Hydropower License Expirations

2019 – Lower Barker Dam – Detailed Overview Attached

2023 – Upper Barker Dam – Starting in 2018

2026 – Lewiston Falls – Monty Hydro – Canal, Water Rights and Tax Sharing arrangements Overview
(Lewiston Canal FERC License Amendment in Progress)

2036 – Gulf Island - Deer Rips – Existing Opportunities for recreation with Maine's Newest State Park – Androscoggin Riverlands





City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Date: September 8, 2017

To: Peter Crichton, City Manager

From: Eric Cousens, Deputy Director of Economic and Community Development

Re: LOWER BARKER MILL DAM – FERC License Process Update

The Barker Mill Dam uses the Little Androscoggin River to generate power and is operated by Kruger Energy Inc. (KEI). Hydropower has an impact on river flows, the environment and recreational opportunities. The FERC relicensing process takes those impacts and public input into consideration and attempts to mitigate some of them. The current license for the Lower Barker Mill Dam expires in 2019 and we have been actively engaged in the relicensing process since 2013. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. We have also been engaged with other stakeholders including the Androscoggin Land Trust, American Whitewater, Maine DEP, National Park Service, Trout Unlimited, Maine IF&W, NOAA Fisheries Maine DMR and others interested in rivers, recreation and fisheries. During the past few years we have encouraged/helped the applicant to host public meetings at the Barker Mill Housing building and promoted the goals of the New Auburn Master Plan as part of the process. There is a strong interest in recreation within the project boundaries and the New Auburn Master Plan Identifies increased river access as Recreation Goal # 1.

To date, the City has submitted comments at every available comment period and those comments and related documents are available at <http://www.auburnmaine.gov/pages/government/rivers-hydropower> . Below is a summary of the comments and history to date:

January 2014- KEI submits PAD to FERC

March 2014- FERC Grants approval for KEI to use Traditional License Process (TLP)

June 2014 – City submits comments on the Pre-Application Documents submitted by the licensee.

June 2014 – City submits study requests.

April 2015 – KEI submits proposed study plan.

May 2015 – City Submits comments on proposed study plan.

November 2015 – Bates College Recreational Potential Report for FERC Licensing Process



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August 2016 – KEI Submits Final Study Plan

January 2017 – City submits comments on Draft License Application and study plan

June 2017 – KEI Submits Whitewater Flow Study

June 2017 – KEI submits notice of Scoping Meetings for the public on Tuesday, August 29, 2017 at 7:00 p.m. at the Hilton Garden Inn and for stakeholder agencies on Wednesday, August 30, 2017 at 9:00 a.m.

June 2017 – FERC Files notice of application acceptance for filing and solicits motions to intervene, protest or requests for cooperating agency status by August 29, 2017.

August 2017 – City Submitted comments on Whitewater Flow Study dated August 2, 2017.

August 2017 - City Submitted Motion to intervene and participate in the licensing process dated August 21, 2017.

August 2017 – City Staff and/or the Mayor participated in the Barker Mill Dam Environmental Site Review and Evening Scoping Meeting on August 29th and the Daytime Scoping meeting on August 30, 2017.

So far in the process we have promoted substantial collaboration between local and national stakeholder agencies for such a small facility. This license process is important to fisheries groups/agencies because it is the first barrier to anadromous fish such as alewives and salmon between here and the Atlantic Ocean that has not been required to provide for upstream fish passage as part of an existing license. Fresh water fish stocking of trout within the project area was discontinued a number of years ago because of low flows limiting suitable habitat in the bypassed reach. The Little Androscoggin has existing downstream runs of alewives from stocking programs in the watershed, including Taylor Pond, but upstream runs are blocked by the Lower and Upper Barker Mill Dams. While we continue to advocate for recreational and community needs we should be aware that fisheries needs may impact the facility to a greater extent; It is likely that upstream fish passage will be required and that can be expensive. The Lower Barker Mill project appears to lose a small amount of money each year and it may have been maintained as part of a large hydropower portfolio of facilities just to avoid the expense of decommissioning. We continue to advocate for recreation requirements to be added to the license and the whitewater study comments and motion to intervene filed by the City are attached.

On a related note the license for the Upper Barker Mill Dam expires in 2023 so we anticipate that KEI will start that licensing process in late 2017 or 2018 if they follow a similar process to the Lower Barker Dam.



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UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

KEI (Maine) Power Management (III) LLC

Lower Barker Hydroelectric Project
(FERC Project No. 2808)

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

The City of Auburn submits these comments to FERC in response to the Whitewater Flow Study (June 2017) for the Lower Barker Hydroelectric Project for the relicensing of the Lower Barker Hydroelectric Project (FERC Project No. 2808). The City has previously submitted comments and study requests requesting that the Licensee study the impact of its hydroelectric operations on the recreational opportunities available to non-motorized boaters in the project area.

When the Licensee submitted their Draft License Application (DLA), they proposed no significant changes to current operations save a minor increase in minimum conservation flows in the natural river channel (bypassed reach) and had not yet completed the whitewater flow studies proposed in the approved study plan. To date, the Licensee has shown a lack of recognition that recreational amenities are important within the project area and the City and the Androscoggin Land Trust (ALT) continue to invest public and private funds to provide improved, yet limited access to the River.

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



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minimize notice and public involvement in the licensing process as this may reduce the perceived recreational demand in the project area.

Project Nexus Summary and Necessary Recreation Impact Mitigation

The whitewater flow study minimizes the quality of the whitewater experience at studied flows for expert whitewater boaters but does highlight that studied flows can provide a good experience for novice to intermediate boaters and the experience would likely improve at higher flows. The report estimates that 600cfs to 800cfs flows could provide a higher quality experience for all boaters with required skill levels increasing with flows. Expert boaters also indicated flows exceeding 1000cfs would provide a desirable expert level experience. The City is pleased to learn that common flows can provide a good experience for novice boaters because there are many more novice boaters or potential novice boaters within the local population than there are expert boaters. Recreational activities for average people is part of the City's strategy to improve quality of life and attract new residents. Paddlers had good things to say about the potential for short run, local recreation, fun play waves and optimism for an even better run at slightly higher flows.

The report also indicates that the put-in trail is a potential safety hazard because it is steep and may be slippery during rain or wet weather. The highest potential for desirable flows exist during the wettest parts of the year and the Licensee should be required to improve access to the project area if a license is issued. Access at this point is only necessary because the hydro electric facility severs paddling connectivity on the river.

Currently there is no reliable flow gauge that the general public can access and easily understand current flow levels or trends within the project area. According to the DLA, the nearest USGS gauge for river flow data is USGS Gage No.01057000, Little Androscoggin River near South Paris, Maine, which is approximately 22 miles northwest of the Lower Barker Project. For the purpose of the DLA and presumably the Whitewater Flow Study, the Licensee estimates flows based on a drainage area proration. The proration is assumed as follows: the drainage area at the USGS gauge is 73.5 square miles, and by comparing that to the drainage area at the Lower Barker dam which is 357.4 square miles, the data is pro-rated by a factor of 4.9 ($=357.4/73.5$) to estimate available flows at Lower Barker. This calculation is too



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cumbersome to expect the general public to learn and understand and not knowing flows above and below the facility in the bypassed reach discourages daytrips to recreate in the project area. Table 4-2 and 4-3 on page 4-12 of the previously submitted DLA (<http://www.auburnmaine.gov/pages/government/rivers-hydropower>) confirms that there are many days with adequate flows for safe and quality recreation opportunities in the project area.

The Licensee proposes no change in its mode of operation that would meaningfully improve recreational opportunities that are impacted adversely by project operations today. Under current license conditions, recreational use of the bypassed reach is severely limited by the lack of any formal access points, the lack of real-time flow information, and the lack of predictable and adequate boatable flows. The upper impoundment and lower bypassed reach is severed by the dam for connective paddling within the river. The Licensee has made no attempt to quantify its impact or propose appropriate project mitigation and enhancement measures for recreation so the City of Auburn respectfully requests that they provide the following related to whitewater and river boating:

1. Agree to provide 600-800 CFS flows for a scheduled recreational boating events at least five times per year for up to 5 hours on a weekend day, coordinated with the City of Auburn.
2. Establish a gauge estimating real time river inflows and bypassed reach outflows that takes into account generating activities and publish the real time information to a website site that can be linked or incorporated to the City of Auburn website. The intent of this is to allow paddlers, anglers and residents to access real time flow information that can help make decisions about safe recreation opportunities available on a given day within the project area.
3. Fund the establishment high quality and safe water access above and below the Lower Barker Mill Dam and contribute to the planned water access on the Little Androscoggin downstream of the turbine, with the City of Auburn committing to partner on access to land for its construction, and contribute an annual payment to the City of Auburn or Androscoggin Land Trust by April 1st annually each year to assist in the maintenance of the Barker Mill Trail expenses connecting the two access points and to serve as a portage trail.

Conclusion

The City of Auburn submits these comments as part of the record for the Lower Barker



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Hydroelectric Project relicensing, and requests that the Licensee revise its Draft License Application to include a commitment to mitigate the impacts of hydroelectric operations to local recreation as outlined above. Thank you for considering these comments.

Respectfully submitted this 2nd day of August 2017

A handwritten signature in black ink that reads "Eric Cousens".

Eric J. Cousens

Deputy Director of Economic and Community Development

City of Auburn, ME



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TO: Auburn City Council Finance and Administration Committee
FROM: Eric J. Cousens, Deputy Director of Economic and Community Development
RE: Lewiston Canals Financials and Water Rights
DATE: June 28, 2016

Background Information

The Androscoggin River and Great Falls are at the center of Auburn-Lewiston and a foundation for cooperation and potential conflict between the two local governments. In the early 1980's the City of Lewiston, City of Auburn and Central Maine Power Company filed the initial paper work to build a hydroelectric facility at the Great Falls of the Androscoggin River. Through negotiation it was determined that the cities would withdraw their applications in exchange for CMP moving forward with development of what is now known as the Charles E. Monty Hydro Power Plant (Monty). In exchange for the cities withdrawing their applications, CMP transferred ownership of the Upper A to Lewiston.

In 1984, Lewiston and Auburn entered into a tax sharing agreement where Auburn receives 17.5% of the property taxes paid on the Monty. Auburn also receives 50% of the revenues generated from the surplus flowage (the 555 cfs) at the Upper A. Coterminous with their rights to 50% of surplus flowage revenues, Auburn is responsible for 17.7% of the capital expenses, maintenance, and operational expenses of the Upper A; 17.7% of the cost of the production, distribution, and sale of power; and 17.7% of Lewiston's share of the cost of canal maintenance¹. This arrangement is set to continue until 2034 when the two Cities can choose to extend it.

In early 2013 the Mayor and City staff started a discussion with Lewiston regarding water flowage rights on the Androscoggin River and power generation in the canals as it relates to Lewiston's negotiations with then Next Era Energy, now Brookfield Power, to take ownership of the canals. A copy of a memorandum dated May 28, 2011 from Lincoln Jeffers to the Lewiston Mayor and Council is attached to summarize Lewiston's views regarding the canals, water rights and general flow conditions. Lewiston has water rights to the first 150 cubic feet per second (cfs) of water flow. Brookfield Power has rights for the water flow between 151 cfs and 8,280 cfs. Lewiston has rights to the next 555 cfs; however, they share those rights with Auburn under a 1984 contract. Brookfield has rights to all flowage thereafter. It should be noted that Auburn staff does not agree with all of the information in the memo but it provides a good background for discussion. Specifically, the assumption that river flows only exceed 8280 cubic feet per second (cfs) for an average of 30-45

¹ Memorandum dated May 28, 2011 from Lincoln Jeffers to the Lewiston Mayor and Council



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days per year is incorrect. In the 12 months preceding July of 2014 (when this research was done for discussion at that time), according to USGS flow data there were 61 days exceeding the 8280 cfs flows, in the previous 12 months, 90 days and in the preceding year, 93 days. This is a critical flaw in past analyses of the potential power generation value. A USGS data graph showing flows on the Androscoggin at Auburn (page 10) for the past 12 months is attached and additional data is available but not included in this packet. The 8280 cfs level is identified by a blue line and a 7000 cfs level is identified with a red line. The 7000 cfs level is the level that water, under normal dam operations, will begin to flow over the rubber dam bladders and provide visible water flow over Great Falls (according to Brookfield Power, Thomas Mapletoft). Flows exceeded 7000cfs for an additional 15 days (76 days total) in the past 12 months and 16 additional days (106 days total) the previous year.

Financial

The City has received between \$155,000 and \$168,000 per year in tax revenues from the Monty Hydro facility over the 10 years preceding 2014. The City did receive revenues from power generation in the canals but the generating facilities have not been properly maintained and are no longer operational. It is agreed by the two cities that it would take a substantial investment to repair/replace them but the actual amount and generating potential is disputed. The City still contributes to debt service and maintenance under the 1984 agreements. A copy of the 2013 invoice for debt service and maintenance is attached and the second page shows the breakdown of costs. At a meeting with Lewiston City Administrator Ed Barrett on June 23, 2014, he indicated that Lewiston has little to no ongoing maintenance costs and the invoices should be substantially for debt service since 2011-12. That is clearly not the case based on the invoice and staff worked to understand and correct the issue with Lewiston. To the right is the expense chart for the 12 years preceding 2014. Staff has worked with Lewiston to reduce our expenses for FY 15 and FY 16 to \$24, 594 and \$21,067 (estimated) respectively. Revenues under the agreement are expected to be approximately \$160,000 for FY 16. With a net positive revenue of nearly \$140,000 for FY 16 the arrangement is still positive for the City of Auburn.

Payment to Lewiston for Power Generation Facilities

FY 03	\$	42,071.91
FY 04	\$	37,367.50
FY 05	\$	76,280.07
FY 06	\$	33,984.08
FY 07	\$	49,680.32
FY 08	\$	48,427.13
FY 09	\$	47,173.94
FY 10	\$	45,124.11
FY 11	\$	41,069.96
FY 12	\$	39,601.84
FY 13	\$	39,156.03
FY 14	\$	37,347.06



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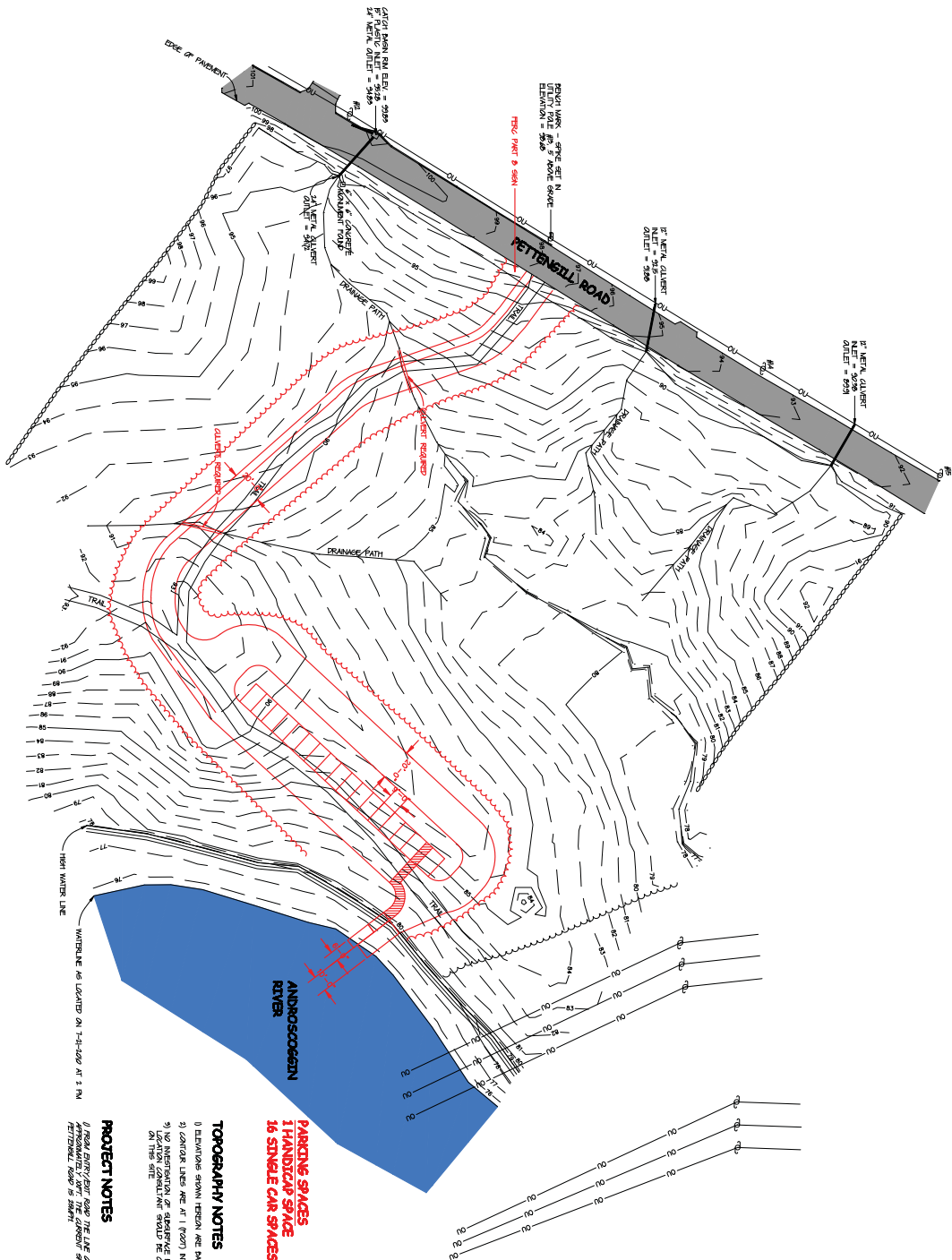
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Lewiston has made it clear that they do not want Auburn at the table for negotiations with Brookfield. Recently we have learned that Lewiston now intends retain the water rights associated with the Upper A as part of the deal with Brookfield. This will allow time for a public discussion of how the rights can benefit the community.

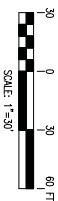


TOPOGRAPHY NOTES

- 1) ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSAULT DRUM OF 1000 FEET
- 2) CONTOUR LINES ARE AT 1' (1000) INTERVALS
- 3) NO INTERPOLATION OF SPOT ELEVATIONS HAS BEEN MADE A UTILITY LINE LOCATION (CONCEALED) SHOULD BE CALLED BEFORE ANY EXCAVATION IS PERFORMED ON THIS SITE

PROJECT NOTES

- 1) ROAD ENTRY/EXIT ROAD THE LINE OF SITE IS PETTENKILL ROAD IS 30' WIDE



REFERENCE DRAWINGS

NO.	REVISION	DATE	BY	CHK	DATE	P.L.
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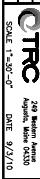
NextEra Energy

Guid Island Pond FERC Project # x2283

Pettenkill Road Carry-In Site

Albany

Moine



SCALE: 1"=30' DATE: 9/2/10

176216-C4

REV. A

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