

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

KEI (Maine) Power Management (III) LLC
Lower Barker Mill Project

Project No. 2808

CITY OF AUBURN MOTION TO INTERVENE
LOWER BARKER HYDROELECTRIC PROJECT (FERC PROJECT NO. 2808)

The City of Auburn, Maine hereby moves to intervene in this proceeding pursuant to 18 C.F.R. § 385.210 and § 385.214. Service of process and other Communications should be made to:

Eric J. Cousens
Deputy Director of Economic and Community Development
City of Auburn, Maine
60 Court Street, Suite 104
Auburn, ME 04210

I. Introduction

The City of Auburn is a Municipal Corporation located in Androscoggin County within the State of Maine. The Barker Mill Hydroelectric Project Area is located entirely within the municipal boundaries of Auburn and mostly within a portion of the community known as New Auburn. Most of Auburn's 23,000 residents live within a few miles of the Lower Barker Hydroelectric Project. We would like to reiterate, as we did in the previous comment periods that the City is spending substantial local, State and Federal resources in and adjacent to the project area to improve the quality of life of our residents and create economic opportunity for the predominantly low income neighborhoods. The City wishes to remain engaged in the FERC Relicensing Process to ensure that the Licensee appropriately studies and mitigates the impacts of its hydroelectric operations on recreational opportunities.

The City of Auburn has a strong interest and solid policy basis for insisting on high quality recreational access within and around the project area. Through our Comprehensive Planning Process the residents of Auburn determined that New Auburn required a specific plan to address the unique needs of that portion of the community and the New Auburn Master Plan (NAMP) was created. New Auburn includes areas designated as low-moderate income by the US Census Bureau, including the Barker Mill Project area. Recreation Goal #1 of the NAMP is to establish a greenbelt and improve riverfront access.

II. Grounds for Intervention

Intervention by The City of Auburn is in the public interest as required by 18 C.F.R. §385.214(b)(2)(iii). The inhabitants of the City of Auburn may be directly affected by the outcome of the license proceeding as per 18 C.F.R. §385.214(b)(2)(ii). As noted above and in the comments filed in the current proceeding, the City of Auburn, Maine has a significant interest in the recreational use of the Little Androscoggin River in and around the project boundary.

The City of Auburn seeks intervener status in this License Application Process in order to advocate for safe and appropriate recreational opportunities within the project boundary and to ensure that the licensee mitigates the impacts of their hydroelectric operations on those recreational opportunities. No other party to the proceeding will be able to adequately represent the interests of the inhabitants of the City of Auburn. The City of Auburn has a direct and substantial interest in the outcome of this process.

III. General Comments

The Licensee proposes no significant change to current operations save a minor increase in minimum conservation flows in the natural river channel (bypassed reach) and we are well into the public process where the Licensee could have proposed some mitigation measures.

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 funds to provide limited access to the River. New information also shows that the the facility loses money after operating costs which may not support its continued operation and the associated negative environmental and recreational impacts.

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

- 1) Existing access is poor and although it receives heavy use at times the lack of high quality access in itself reduces potential use. The Licensees Whitewater flow study identifies access as being hazardous in wet conditions.

- 2) The FORM 80 Data appears to be collected poorly showing many data forms filled out and dated over long periods of time with the same penmanship and ink color. The data is inconsistent in some cases with actual weather records for the day and also shows more than one entry for the same day at the same time with different information. It appears that many days worth of forms may have been filled out at one sitting making the data inaccurate to begin with. A summary of the data sheets comparing weather records to the forms was included with the City's DLA

Comments and the actual daily data sheets are available from the Licensee or could be provided by the City if needed.

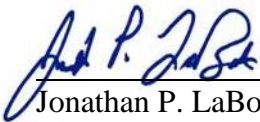
We would like to reiterate, as we did in the previous comment periods that the City is spending substantial local, State and Federal resources in and adjacent to the project area to improve the quality of life for our residents and create economic opportunity for the predominantly low income neighborhoods. The City Council has 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 and we recognize that it may be to the advantage of KEI to minimize notice and public involvement in the licensing process as this may reduce the perceived recreational demand in the project area.

The 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 or fish habitat flows. While the Licensee acknowledges that there is some angling use in the project boundary, the lack of sufficient flows, access, and passage facilities certainly have an adverse impact. Further, the Licensee has made no attempt to quantify its impact or propose appropriate project mitigation and enhancement measures.

VI. Conclusion

Granting intervener status to the City of Auburn, Maine will not delay this proceeding. No other party represents the inhabitants of the City of Auburns interests in this proceeding and it is important that we stay engaged to ensure project mitigation measures are achieved. For these reasons, the Commission should accept this motion to intervene in this proceeding.

Respectfully submitted this 21st day of August, 2017.



Jonathan P. LaBonte
City Of Auburn Mayor
60 Court Street
Auburn, ME 04210