



KEI (USA) Power Management Inc.
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Tel.: (207) 203-3026

July 26, 2018

VIA E-FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Upper Barker Hydroelectric Project (FERC No. 3562)
Filing of Notice of Intent and Pre-Application Document

Dear Secretary Bose:

KEI (USA) Power Management (III) LLC (KEI (USA)) is the licensee for the Upper Barker Hydroelectric Project (FERC No. 3562), located on the Little Androscoggin River in the city of Auburn in Androscoggin County, Maine. KEI (USA) hereby electronically files with the Federal Energy Regulatory Commission (FERC or Commission) the Notice of Intent to File a License Application (NOI) and accompanying Pre-Application Document (PAD) for the Project. These documents are being filed pursuant to 18 CFR §5.5 and §5.6 of the Commission's regulations and are being simultaneously distributed to agencies and stakeholders listed in the attached Distribution List.

We are also utilizing this cover letter and as identified in the NOI, to request designation as the non-federal representative under Section 7 of the Endangered Species Act and under Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, request the authority to initiate consultation pursuant to Section 106 of the National Historic Preservation Act, and request to use the Traditional Licensing Process (TLP) for the Project.

DOCUMENT DISTRIBUTION

In accordance with 18 CFR §5.5 and §16.8 of the Commission's regulations, we are transmitting this letter and the referenced attachments (excluding Volume II of the PAD containing Critical Energy Infrastructure Information (CEII) and filed under separate cover with the FERC) to relevant and known resource agencies, Tribes, non-governmental organizations and stakeholders that we believe may have an interest in the Project (see attached Distribution List). All materials related to the current license as well as other materials related to this NOI and PAD are available for inspection at the offices KEI (USA) operations office at 423 Brunswick Avenue, Gardiner, ME 04345, by appointment. We have also published notice of this filing in the Lewiston Sun Journal, a newspaper in general circulation of the project.

Also in accordance with 18 CFR §5.5, we are providing a courtesy copy (in hardcopy and CD) of the NOI, PAD (Volume I and Volume II), this cover letter and the proof of electronic filing of these documents to the FERC Office of Energy Projects (Room 61-02) and the FERC Office of General Counsel - Energy Projects (Room 101-56). We are also providing a courtesy copy of these documents in hardcopy and CD to the FERC New York Regional Office.

NON FEDERAL REPRESENTATIVE

In accordance with 18 CFR §5.5(e) and in order to identify potential issues earlier in the process so that they can be addressed prior to filing of the license application with the Commission, KEI (USA) hereby requests that the Commission designate KEI (USA) as a non-federal representative under Section 7 of the Endangered Species Act and the joint agency regulation there under 50 CFR §402 to undertake formal consultation with applicable federal and state agencies regarding federally threatened and endangered species that may be impacted by the Project.

CONSULTATION AUTHORITY

KEI (USA) requests that it be granted authority to initiate consultation with the Maine State Historic Preservation Officer (SHPO), appropriate federally-recognized Tribes and other consulting parties pursuant to 36 CFR §800.2(c)(4) of the regulations implementing Section 106 of the National Historic Preservation Act.

REQUEST TO UTILIZE THE TRADITIONAL LICENSING PROCESS

KEI (USA) has informally consulted with the Maine Department of Environmental Protection (DEP), National Oceanic and Atmospheric Administration (NOAA), U.S. States Fish and Wildlife Service (USFWS), and the Maine Department of Marine Resources (MDMR). DEP was consulted for water quality data collection as Part of the Lower Barker relicensing process (FERC No. 2808) which is located approximately 1 mile downstream of Upper Barker. Negotiations with NOAA, USFWS, and MDMR have been ongoing for fish passage at both the Lower Barker and Upper Barker Projects.

The following sections outline how use of the TLP will: a) comply with the criteria outlined in 18 CFR Section 5.3 (C)(1)(ii)(A-F); b) benefit the participants to the process, and c) provide FERC with the information it needs to complete its licensing obligations.

- *Likelihood of on-time license issuance (§5.3A)*

The Upper Barker Project is a small run of river hydroelectric project located on the Little Androscoggin River in the west-central region of Maine. The project consists of a 41-acre impoundment with negligible storage capacity, an existing dam and powerhouse containing one 950 kW generating unit. The Licensee is not proposing to change the existing mode of operation or to change the existing project facilities which have provided a reliable source of energy for local customers. The resource agencies that will be involved in the relicensing process for the Project have substantial knowledge of the Androscoggin River basin (the basin of which the Little Androscoggin River is part) with the ongoing relicensing of KEI (USA)'s Lower Barker Project immediately downstream. Therefore, the agencies and Licensee are well aware of the issues that are likely to be raised at the Project. In addition, the agencies' familiarity with the process and informational needs should allow for the timely issuance of the project license on or before the expiration date of the existing license.

- *Complexity of the Resource Issues (§5.3B)*

KEI (USA) has discussed potential resource issues during the relicensing process for Lower Barker (FERC No. 2808). Based upon meetings and the issues identified by the resource agencies and stakeholders during the Lower Barker consultation efforts determined that the following issues may need to be addressed in some fashion during the relicensing process:

- Water quality sampling above and below the Project
- Search for RTE species
- Fish passage during the term of the license
- Recreation access
- Cultural resources at the Project

These issues have been addressed at other projects that have undergone relicensing in the basin and are common to hydroelectric projects in the state of Maine. KEI (USA)'s proposed data gathering and study efforts are summarized in Section 6.0 of the PAD.

- *Level of Anticipated Controversy (§5.3C)*

As noted above, the Licensee has already begun the process of working with the resource agencies regarding water quality and fisheries issues that will be considered during the process. To date, the cooperative relationship between the Licensee and the agencies has been generally positive. Given the low complexity of issues already identified at the Project, it is not currently anticipated that the project will result in any significant controversy that cannot be overcome through a cooperative TLP process.

- *Relative cost of the Traditional Licensing Process compared to the Integrated Licensing Process (§5.3D)*

KEI (USA)'s request to use the TLP is based upon the desire to time some relicensing and scoping efforts concurrent, to the extent possible, with the relicensing of KEI (USA)'s Lowell Tannery Hydroelectric Project (FERC No. 4202), the NOI and PAD for which will be filed no later than September 30, 2018. Concurrent licensing efforts for these two projects is expected to result in some efficiencies for KEI (USA) and agencies and interested parties that will be active participants in the licensing process for both Projects.

- *The amount of available information and potential for significant disputes over studies (§5.3E)*

As indicated in the attached PAD, baseline information exists for environmental resources in the Androscoggin River basin. Within the project area, KEI (USA) and the resource agencies (through their responses to the Lower Barker relicensing process) have identified existing information and data sources, as well as those resources for which data is lacking or non-existent. KEI (USA) will work with the resources agencies and stakeholders on sufficient data collection efforts to address resources concerns associated with the Project. Should a significant dispute arise during the process, KEI (USA) would initiate FERC's dispute resolution process outlined in 18CFR §16.8 (b)(6)(i).

- *Other Factors*

KEI (USA) has published notice of our Intent to Use the TLP in the July 25, 2018 edition of Lewiston Sun Journal, the newspaper having local distribution. That notice requests that any comments in response to this request be filed with the Commission **within 30 days, by August 25, 2018.**

By copy of the is letter, KEI (USA) also requests that agencies and interested parties to which the request has been distributed (see attached distribution list) provided comments on the request to the Commission **within 30 days, by August 25, 2018**. Please note that comments on the PAD and study request will then be required after KEI (USA)'s Scoping Meeting later this year, pending FERC approval of the TLP.

KEI (USA) hereby respectfully requests that the Commission notice the filing of KEI (USA)'s NOI, approve the filing of its PAD, grant non-federal representative status and consultation authority to KEI (USA) and grant the request to use the TLP.

Please note that Attachment C contains project design drawings which are typically reviewed and approved by the Commission in the format of Exhibit F. Drawings available in KEI (USA)'s records are not in the standard format. KEI (USA) will be developing new Exhibit F drawings for inclusion with the License Application later in the process.

If there are any questions or comments related to the NOI, PAD or any of the other information presented above, please contact me at (207) 203-3025 or by email at Lewis.Loan@kruger.com.

Sincerely,



Lewis C. Loon, General Manager
Operations and Maintenance – USA/QC

- Attachment A Notice of Intent to Relicense the Upper Barker Project (FERC No. 3562)
- Attachment B Pre-Application Document for the Upper Barker Project (FERC No. 3562) - Volume I
- Attachment C Pre-Application Document for the Upper Barker Project (FERC No. 3562) - Volume II (CEII)
- Attachment D Certificate of Service and Distribution List for the Upper Barker Project (FERC No. 3562)

cc: Distribution List
Andy Qua, Kleinschmidt

ATTACHMENT A

**NOTICE OF INTENT TO RELICENSE THE UPPER BARKER PROJECT
(FERC No. 3562)**

ATTACHED UNDER SEPARATE COVER

ATTACHMENT B

**PRE-APPLICATION DOCUMENT FOR THE UPPER BARKER PROJECT
(FERC No. 3562)**

**VOLUME I
ATTACHED UNDER SEPARATE COVER**

ATTACHMENT C

**PRE-APPLICATION DOCUMENT FOR THE UPPER BARKER PROJECT
(FERC No. 3562)**

**VOLUME II (CEII)
ATTACHED UNDER SEPARATE COVER**

ATTACHMENT D

**CERTIFICATE OF SERVICE AND DISTRIBUTION LIST FOR THE UPPER
BARKER PROJECT (FERC No. 3562)**

CERTIFICATE OF SERVICE

I hereby certify that KEI (Maine) Power Management (III) LLC's Pre-Application Document for the Upper Barker Hydroelectric Project (FERC No. 3562) was distributed to all parties on the attached Distribution List. Dated this 26th day of July, 2018.

By: 

Andy Qua
Project Licensing Coordinator
Kleinschmidt Associates

Upper Barker
Distribution List July 26, 2018

Federal Agencies

Mr. Dustin Wilson
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Upper Barker
Distribution List July 26, 2018

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Upper Barker
Distribution List July 26, 2018

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Upper Barker
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