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Planning and Permitting Department  
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To: Auburn Mayor and City Council  
From: Eric J. Cousens, Planning and Permitting Director  
Re: Hydropower, Rivers and Dams Update June 6, 2022, Council Meeting  
Date: June 6, 2022, Council Meeting

### **Lewiston Auburn Riverfest**

The Riverfest, sponsored by the Lewiston Auburn Metropolitan Chamber of Commerce, is scheduled for Friday June 17<sup>th</sup> and Saturday June 18<sup>th</sup> and has something to offer for everyone. Last year's event was well attended and a great success. This year offers a kickball tournament, Trek Across Maine welcome, Rowing Regatta, canoe rentals, Beer Garden and Food Trucks.

For a full schedule see the website: <https://discoverlamaine.com/the-riverfest/>

### **Lewiston Falls Monty Hydro Licensing Update**

The Federal Energy Regulatory Commission licenses hydropower facilities. The city may participate and comment on a proposed license as a stakeholder, much like a resident participates in a Planning Board process at a public hearing. 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. The FERC process requires the applicant to address fisheries, recreation, water quality and other potential impacts of their operation with equal consideration compared to power generation. Documents related to current and past licensing processes are available here: <https://www.auburnmaine.gov/pages/government/rivers-hydropower> .

We updated the Council in December of 2021 to start to familiarize you with the current relicensing of the Lewiston Falls Monty Hydro Project (FERC P-2302) in preparation for future discussions. The relicensing process has begun for the Lewiston Falls/Monty Hydro Facility on the main stem of the Androscoggin in anticipation of the expiration of the existing license in 2026. Our Comprehensive Plan, Strategic Plan, New Auburn Master Plan, the Androscoggin Greenway Plan and ATRC Bridging the Gaps Bicycle and Pedestrian Plans give staff substantive direction and support to advocate for needs, improvements and studies to identify the best way to meet identified needs to mitigate impacts of project operations on the community. The Pre-Application Document (PAD) has been filed and is available here: [https://elibrary.ferc.gov/eLibrary/filelist?accession\\_num=20210804-5115](https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210804-5115) . Despite advocacy for a more inclusive *Integrated Licensing Process*, ( [TLP Objection and ILP Request.pdf](#) ) the request for Traditional Licensing Process was approved by FERC for this relicensing and an initial stakeholder meeting was held ahead of schedule (Table 2-1, Page 41 of the linked PAD) in November. The city along with other stakeholders asked for recreational, aesthetic, cultural, hydro-facility operational and river flow related studies to ensure that we have the information needed to advocate for mitigation of facility impacts and needs of the community at future stages

of the process. We submitted study requests with stakeholders, including the City of Lewiston and at least 6 other stakeholder groups, to best advocate for Auburn's needs in December of 2021 ([Study Requests12.31.21](#)). Past licensing processes have been more successful when there is coordination and agreement on study needs, rather than conflicting requests from multiple stakeholders. There will be public meetings and feedback needed from City Council, Committees and potentially legal counsel in the coming few years as we work with Brookfield and FERC on this important 40-year relicensing.

At this stage we have submitted comments on a Preapplication Document, preferred licensing process and a Draft Study Plan ([StudyPlanComments31822.pdf](#)). A Final study Plan was proposed by Brookfield and they have begun the 2022 study season [P2302FinalStudyPlan.pdf](#). Many agencies focused on different aspects of project operations and their impacts on the environment participate in the process. While the City has been supportive of studies requested by Maine DEP, NOAA Fisheries ([NOAA Comments.pdf](#)) and Maine IFW related to water quality and fisheries improvement our focus has been on recreation, aesthetics of the falls and access for the public. Water quality, historic resources and fisheries are important to the City's overall recreational goals, but State and Federal Agencies are well equipped to for strong participation on those elements and we have collaborated with them.

The Final Study Plan ([P2302FinalStudyPlan.pdf](#)) covers almost all recreational elements requested for the main stem of the river-See pages 58-67 of the plan. The primary shortcomings relate to water quality monitoring in the Lewiston owned Canals and specific analysis of how water over the falls affects water quality and dissolved oxygen below the falls. The second part of that will have data available from the proposed water quality monitoring and we will continue to advocate for the analysis of how flows over the falls affect dissolved oxygen as part of the process, but it is currently not proposed. A primary shortcoming of the study plans is not including the canals in the study based on the argument that they are owned by Lewiston and not part of the project area mapped by FERC. In 2020 the project area was adjusted to remove nearly 4 miles of river and the canals from the FERC Project Boundary which the City opposed ([Objection to P2302 Project Boundary Amendment 2020.pdf](#)) but was ultimately approved by FERC. The ownership and FERC project Boundary test for inclusion in studies is not usually what determines if they are included. The test is whether the project operations impact the area, which they clearly do. Brookfield controls flows at this facility and at the upstream Gulf Island and Deer Rips hydro facilities and those three operations control water levels and flows in the canals that we believe are clearly affected by project operations. This raises a question of whether Auburn wants to advocate among stakeholders to exercise the FERC Study Dispute Process or take that on ourselves - either way we would need legal assistance and funding to do that. We are looking for preliminary feedback from Council on whether you wish to explore this further in an executive session. Staff's opinion is that we got most of what we asked for and would be happy to join Lewiston if they chose to challenge this important element, but that fight may not be our best use of limited resources.

The 2022 Study season is upon us, and Memorial Day Weekend will be the start of recreational monitoring and a survey for recreational users along the river in Auburn and Lewiston. We will be encouraging people who visit the area to take the time to fill out the survey. The results will be used to gauge recreational interest, benefits and

needs for the project area and nearby amenities affected by project operations. Signage has been placed along the Riverwalk and other project recreation facilities to alert the public of the existence of the survey and in person counts will be conducted by Brookfield staff throughout the summer. The website hosting the survey is here:

<https://lewistonfalls.brookfieldusprojects.com/> Results are intended to be collected based on specific locations visited and not from people that were there in the past so please encourage anyone visiting the riverfront area to check out the signs at Bonney Park, West Pitch Park, the North River Road Boat Launch, Durham Boat Launch or riverside parks and trails in Lewiston and provide feedback for each location that they enjoy or desire improvements. We will promote awareness of the effort on social media and any other opportunities.

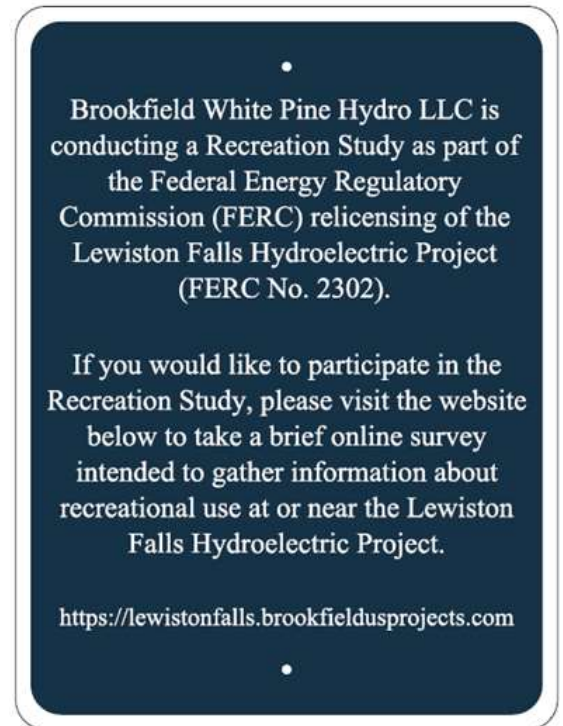
### **Little Androscoggin River Dams - Recreation and Restoration Opportunities**

**Barker Mill Dams Update:** The City participated, with other stakeholders, in the relicensing process at Lower and Upper Barker Mill Dams which are relatively small generators with limited profits. We achieved recreational benefits including increased minimum flows and controlled releases for whitewater paddling. The licensee looks very close to a settlement agreement to resolve a dispute over fish passage where the applicant used upstream obstructions as one reason not to restore fish access in the watershed. It looks like fish passage will be required during the terms of the new licenses and in exchange KEI will likely get a longer than normal license term of up to 45 years. Not many people that were here for this licensing process will be active participants in the next one. The proposed Settlement agreement would require KEI to install upstream passage for American eel for the 2026 migration season (June 1, 2026) and required to install upstream passage for anadromous fish species by the 2031 migration season (May 1, 2031), subject to a consideration of “New Information” as defined in the Settlement.

**Littlefield Dam Update:** The Littlefield Dam is the next obstruction upstream that impacts recreation, the environment and fish movement in the river. Past efforts to apply for grants to remove the unused partially breached dam have not been funded and required significant local match. There is a potential new opportunity in the coming years that has been explored by the Conservation Commission and Federal Grant Funding Sources that could go beyond restoration and include development of improved recreational access that furthers goals of the Comprehensive and Strategic Plans of the City. The anticipated funding sources may also be match free with the Little Androscoggin being identified as critical Atlantic Salmon Habitat. Sam Boss, Conservation Commission Chair explains this exciting opportunity below. Staff is hopeful that the City might be able to fund a planning and design exercise to position us for successful application when the funding becomes available. One option is to appropriate Comprehensive Plan Implementation funds if the Council is interested in this.

City Council, Mayor, and City Staff,

The Conservation Working Group has a longstanding interest in the removal of the defunct Littlefield Dam, which is a major barrier to fish passage on the Little Androscoggin River. Earlier this year we learned of an upcoming opportunity to apply for federal funds to support dam removals and other fish passage restoration efforts. The 2021 Infrastructure and Jobs Act allocated \$400 million to the National Oceanic and Atmospheric Association (NOAA) to restore fish passage through the removal of dams and other barriers (further



information [here](#)). NOAA will award \$80 million in grants for each of the next five years to support communities in undertaking river restoration efforts. Although a request for proposals has not yet been released, our contacts at NOAA have confirmed that the grants *will not* require a matching contribution from municipalities to support the costs of projects. Partner organizations such as Maine Rivers, the Androscoggin Watershed Council, and Trout Unlimited have described this funding and the lack of a matching requirement as a once-in-a-lifetime opportunity to make significant progress with river restoration efforts.

Because of the expected terms of the NOAA grants, we anticipate that the process will be highly competitive, and we have been working to lay the groundwork for a strong proposal when funds are released. Although some funding will be available to support the planning stages of dam removal and subsequent restoration efforts, we expect that shovel ready projects will have the best chance of receiving full funding. To this end, it would aid the development of a proposal significantly if the Council can provide funding to support further site assessments and planning. We have led multiple site visits, and have been in consistent conversation with local stakeholders including property owners on Littlefield Road and Panolam Surface Systems. Our goal is to identify scenarios for removing the dam that maximize ecological and recreational benefits to the broader community while minimizing any negative impacts for abutting property owners.

Outlined below are several key reasons to support the removal of the Littlefield Dam and further restoration efforts in the Little Androscoggin watershed.

### **1. Improved fish passage and other ecological benefits**

The Littlefield Dam is a full or partial barrier to fish passage, depending on the time of year and water levels. Removing the Littlefield Dam would help to pave the way for further efforts to restore fish species including alewives, shad, and American Eels to the Androscoggin watershed. These species need to travel freely from the ocean into freshwater rivers to spawn. Alewives in particular are a keystone species that provide a particularly important food source for the endangered Atlantic Salmon, as well as several other fish species (further information [here](#)). Removal of the Littlefield Dam will demonstrate our commitment to improving fish passage and strengthen our position in future negotiations for fish passage on the Lower and Upper Barker Dams. In addition to improving fish passage, dam removal improves dissolved oxygen content and sediment transfer, leading to healthier riverine ecosystems.

### **2. Avoid potential safety issues**

The Littlefield Dam has not been operational for at least fifty years, and there is no indication it has received regular maintenance in that time; FERC records indicate the most recent effort to restore the dam to production was in the 1980s, but that effort ultimately failed. During site visits when the water levels have been lower, we have observed significant corrosion of the bottom of the dam; high precipitation events or ice jams could eventually cause the dam to break in an uncontrolled way that would send concrete debris and sediment downriver and pose potential hazards to property owners and industries downriver. The dam can also present risks to swimmers, hikers, etc. who may go too close to the dam and not realize the dangers of its undertow. Taking full advantage of NOAA funds now to remove the dam in a controlled way will avoid the potential safety issues these scenarios could cause in the future.

### **3. Improved recreational opportunities**

The Little Androscoggin is an underutilized resource for recreation that runs through the heart of Auburn. Removal of the Littlefield Dam could open up approximately four miles of the river for passage of kayaks and canoes and other small craft, with the potential that more of the river upstream would be navigable, depending on the water levels and time of year. NOAA staff have indicated that applicants should “think big”, and submit a proposal that would support not only the removal of the dam, but the creation of possible recreational improvements such as a boat launch at the site, and restoration/modification of the riverbed to facilitate passage of boats and fish.

More information about the points outlined above is available on request ([auburn.me.conservation@gmail.com](mailto:auburn.me.conservation@gmail.com)).

Respectfully submitted,

Sam Boss, Chair  
Conservation Working Group