



City of Auburn, Maine

Planning and Permitting

Department

Eric Cousens, Director

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To: Auburn Mayor and City Council

From: Eric J. Cousens, Planning and Permitting Director

Re: Hydropower, Rivers and Dams – Lewiston Falls Relicensing Update

Date: March 5, 2024 Council Meeting

There is a lot of history to the current licensing process provided below for background. This memorandum starts with the History and continues to Current Update beginning on the top of Page 3.

Lewiston Falls Monty Hydro Licensing Update - History

The Federal Energy Regulatory Commission (FERC) 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 last updated the Council in March of 2023 to familiarize Council with the current relicensing of the Lewiston Falls Monty Hydro Project (FERC P-2302) in preparation for future discussions. Relicensing is currently in process 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 the 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 . 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 2022. 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. In 2022 we 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 completed the 2022 and 2023 study seasons [P2302FinalStudyPlan.pdf](#) . Many agencies participated in the process and focused on different aspects of project operations and their impacts on the environment. While the City has been supportive of studies requested by Maine DEP, NOAA Fisheries ([NOAA Comments.pdf](#)) and Maine DIFW 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 for advice and for support from multiple agencies.

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. We now 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. 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 if it becomes necessary. Staff's opinion is that we got most of what we asked for in the Study phase 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 included recreational monitoring from Memorial Day Weekend through Labor Day weekend. The results will be used to gauge recreational interest, benefits and needs for the project area and nearby amenities affected by project operations. Signage was placed along the Riverwalk and other project recreation facilities to alert the public of the existence of the survey and in person counts were conducted by Brookfield staff throughout the summer. The website that hosted the survey is here:

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Brookfield White Pine Hydro LLC is conducting a Recreation Study as part of the Federal Energy Regulatory Commission (FERC) relicensing of the Lewiston Falls Hydroelectric Project (FERC No. 2302).

If you would like to participate in the Recreation Study, please visit the website below to take a brief online survey intended to gather information about recreational use at or near the Lewiston Falls Hydroelectric Project.

<https://lewistonfalls.brookfieldusprojects.com>

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<https://lewistonfalls.brookfieldusprojects.com/> Results were collected on specific dates based on specific locations visited and not from people that were there in the past.

Lewiston Falls Monty Hydro Licensing Update – Current Update

In 2023, Staff and many stakeholders participated in various study groups including Aesthetic and Recreational working groups. On Monday 2/26/2024 we receive the following notice of the Draft License Application (DLA) being filed with FERC.

On behalf of Brookfield White Pine Hydro LLC (BWPH), the Licensee of the Lewiston Falls Hydroelectric Project (FERC No. 2302), please find the link to FERC's eLibrary to view and download the Lewiston Falls Project Draft License Application. The electronic files can be downloaded through FERC's eLibrary at https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20240221-5232&optimized=false. Please provide your comments on the Draft License Application by May 27, 2024. You may file your comments with FERC or you can provide them directly to Luke Anderson, Senior Licensing Manager, at Luke.Anderson@brookfieldrenewable.com.

Staff met with some stakeholders recently in anticipation of the filing this week. Currently we are reviewing the DLA and summarizing comments. Initial review was disappointing to see that Brookfield has left out many elements needed to inform decisions and has minimized any proposed recreational needs to just existing facilities. We will share this information with the Conservation Working Group for additional City Feedback and continue to rely on existing plans and knowledge of recreational needs to draft a response and requests for additional amenities and river flows. We will also be consulting with FERC Staff on the incomplete nature of the DLA. An additional stakeholder group meeting will be held in the coming weeks and we will share draft comments with the Council as they are developed.