December 30, 2021

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150 Main Street
Lewiston, ME 04240

Transmitted via e-mail

Subject: **City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, Maine Council of Trout Unlimited Comments & Study Requests In Response to the Notice of Intent to File a License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the PAD And Scoping Document, and Identification of Issues and Associated Study Requests Regarding the Lewiston Falls Hydroelectric Project (FERC No. 2302)**

Dear Mr. Anderson:

The City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, and Maine Council of Trout Unlimited submit the following Comments and Study Requests in response to the filing of the Pre-Application Document (PAD) for the Lewiston Falls Hydroelectric Project (FERC Project No. 2302) by Brookfield White Pines Hydro LLC (BWPH) dated August 4, 2021.

The City of Auburn, located in central Maine, an industrial center and the ninth largest city by land area in the United States with 67 square miles, is a corridor to the western recreational mountains of Maine and is home to more than 25,000 residents. Daily, upwards of 100,000 people live, work, and play in our city. Auburn's critical infrastructure includes: 2 high schools, a middle school and 9 elementary schools; 2 regional post offices; Lake Auburn - the only water supply for the City of Auburn and surrounding communities; Lewiston/Auburn Municipal Airport; Central Maine Community College (5,000 students); Customs Zone for freight arriving by air and rail; two railroad lines; 2 large and 6 small hydroelectric dams; an underground petroleum pipeline; 5 large commercial factories; an acetylene production plant; 3 propane storage and underground pipes carrying natural gas to the community; 8 medium to large hazmat facilities; a 2-sheet ice arena that also hosts concerts and trade shows; a waste-burning electric power plant; a retail hub and recreation areas.

There are 11,965 residents in Auburn who qualify for Community Development Block Grant (CDBG) assistance for being under 80% HUD Area Median Family Income (HAMFI). This number encompasses 46% of the total 25,530 residents in Auburn. Of the total households within Auburn, 7,850 households (or 30%) are qualified for the HOME program for being under 50% HAMFI. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

The City of Lewiston is located in Androscoggin County in south-central Maine, less than an hour drive from the ocean, the western mountains, and from Portland, Augusta, and Freeport. The area's interstate highway access places 50% of Maine's population within a half hour of the community. Together, the cities of Lewiston and Auburn are home to approximately 61,000 residents with Lewiston's population being 37,121. Lewiston-Auburn is the region's economic and cultural center, serving Androscoggin County and the large trade area of central and western Maine. Given its size alone, Lewiston-Auburn's success is important to Maine's economic development.

Lewiston is a regional center for healthcare, education, culture and shopping. Lewiston is also an employment center. Within 1.2 miles of the Lewiston Falls project boundary are Central Maine Medical Center (one of the state's three largest medical facilities), St. Mary's Regional Medical Center, Bates College, University of Southern Maine's Lewiston-Auburn College, financial and professional service companies, as well as hotels and retail. Within a five-minute drive of the Lewiston Falls project boundary area are approximately 9,500 households and 7,000 employees.

The character of Lewiston and Auburn is influenced by both the striking natural environment of central Maine, and Lewiston's history as a great industrial center powered by the Androscoggin River. Lewiston Falls, which once fueled production of textiles, shoes and more before an era of decline that began in the 1950s, continues to provide a dramatic focal point for both Lewiston and Auburn downtowns. The Androscoggin River, once polluted by the industry it fueled, now rolls cleanly between the two downtowns, past emerging riverfront parks. Kayakers and fisherman have begun to discover this stretch of the Androscoggin, and a growing network of trails link the downtown riverfronts.

Historic mill buildings remain a strong presence in Lewiston. Within a 5-minute walk of the riverfront, over 1 million square feet of mill space remains within three major mill facilities: the Bates Mill Complex, the Continental Mill, and the Hill Mill. The network of canals that once powered the mills remains in place.

Lewiston's compact downtown neighborhoods occupy the area east of the river. Multifamily housing that once served millworkers is now occupied by a new generation of residents, including Somali and Bantu immigrants. A mix of small businesses, multifamily housing, the Continental Mill and vacant lots characterize the area between the redeveloping Bates Mill Complex and the river. Just 1/3 of a mile east of the river is Lisbon Street, Lewiston's "main street." Once a grand shopping destination that drew visitors from across the region, Lisbon Street's 2- to 4-story buildings are beginning to see new activity. However, this same area is subject to some the state's highest poverty rates. Immediately abutting the project boundary, 45% of Census Tract 201 and 25% of Census Track 202 live in poverty in comparison to City's rate of 18% and Maine's of 11%. Lewiston also has 28,350 households that qualify for CDBG representing 78% of total 36,409 households of which 11,620 (32%) households qualify for the HOME program. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

American Whitewater is a national non-profit 501(c)(3) river conservation and recreation organization founded in 1954. With approximately 6,000 members and 100 affiliate clubs, representing tens of thousands of whitewater paddlers across the nation, American Whitewater's mission is to protect and restore our nation's whitewater resources and to enhance opportunities to enjoy them safely. Our

members are primarily conservation-oriented kayakers and canoeists, many of whom live and/or engage in recreational boating in the New England region within easy proximity of the Androscoggin River. American Whitewater has long been involved with the FERC licensed hydropower projects in the Maine, including hydropower projects located on the Penobscot, Kennebec, Rapid, and Magalloway rivers, and is party to settlement agreements that provide for whitewater boating opportunities that partially mitigate for project impacts.

Since 1876, the Appalachian Mountain Club has promoted the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region. AMC is the largest conservation and recreation organization in the Northeast with more than 90,000 members, supporters, and advocates, many of whom visit the lands and waters upstream and downstream of the project for recreation.

Grow L-A is dedicated to Lewiston-Auburn to promote responsible development, sustainable growth, social responsibility, healthy community and economic progress. The Grow L+A River Working Group coordinates with Androscoggin Land Trust, the City of Lewiston and the City of Auburn, Friends of Merrymeeting Bay, Bates College, and the Androscoggin River Water Council to promote a healthy river system that aesthetically flows right through the center of Lewiston-Auburn and is the reason the two cities exist where they do today.

Maine Council of Trout Unlimited represents six local chapters with over 2,000 fisher-conservationists in Maine. The mission of the organization is to bring together diverse interests to care for and recover rivers and streams so our children can experience the joy of wild and native trout and salmon. The waters from Lewiston Falls downstream to the Gulf of Maine are critical Atlantic salmon habitat under the Endangered Species Act, so the health of the river is vitally important to the recovery of the species. TU's membership enjoys the fishing opportunities both above and below the project and the aesthetics of Lewiston Falls contributes to their enjoyment of the resource that Lewiston Falls can provide. When watered, these falls also provide increased oxygenation to the waters below to the benefit to both trout and salmon species and improve the ability of American eels to ascend the falls to the benefit of the greater Androscoggin Watershed ecosystem.

A great river, once harnessed to produce the power that drew industry to the twin cities, can now again be the spark that defines the communities. The Lewiston Falls area can become the region's great urban destination, a place for recreation, cultural activities, work and urban living. A solid foundation for the area exists; however, not yet a strong, vibrant urban riverfront destination. The downtown riverfront and canal system needs a critical mass of more housing, public amenities, and jobs to improve quality of life and to support economic development that extends beyond the riverfront and benefits the center cities of both communities. The river and Lewiston's canal system are the backbone of these objectives.

Comments

The Androscoggin, once a mighty fast-flowing river, unites the cities of Auburn and Lewiston that, with a combined population of over 62,000, make up the second largest metropolitan area in the state. The

hydroelectric facility located atop the dramatic 37-foot Lewiston Falls, also known as Great Falls, impedes the natural flow of the river, degrading a once majestic natural waterfall to dry rock much of the year, hampering the public's use and enjoyment of the defining natural resource of the area, and impacting the water quality of the lower Androscoggin River.

If the dam is relicensed, Brookfield White Pines Hydro LLC must compensate the owners of the river, the citizens of Lewiston and Auburn and of the State of Maine, for their loss of the use of it in its natural state. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks along the impoundment, making it difficult to access the water. The facility reduces the amount of time that water flows over the falls by redirecting flows through turbines. The cities of Auburn and Lewiston lose the iconic falls that define our communities and are the reason the cities grew along the banks of the Androscoggin River.

Any mitigation must first and foremost meet the needs of the immediate community. The poverty rate for Lewiston is 19.5%, nearly double the state rate. Forty percent of downtown residents do not own a car, and therefore do not have access to the river at distant locations. Many cannot afford specialized recreation equipment. Similarly, 46% of Auburn residents qualify for public assistance due to their income levels. These qualifying households are largely located within a 1-mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River.

Project Facilities and Operations

The Lewiston Falls project consists of 5 dams, the Charles E. Monty Station powerhouse, a gatehouse, an island spillway, the upper canal, the impoundment stretching 2.5 miles upstream, and a 75' x 400' tailrace excavated into the bedrock of Lewiston Falls, permanently altering the natural geology. The project also includes the Durham boat launch located 7 miles downstream.

The project drains an area of 2,907 square miles and discharges a minimum flow of 1,430 cubic feet per second or inflow, whichever is less, out of a total potential maximum flow of 6,600 cfs. Of the discharge, 50 cfs is released into the Lewiston Canal System, with periodic refreshment flows of 300 cfs, and 1,380 is released from Monty Station through the tailrace. The project generates 28.44 MW of electricity.

Impact of Project Facilities & Operations

The Lewiston Falls Hydroelectric Project impedes the flow of water over Great Falls. Since the opening of the Charles E. Monty Station in 1990, flows over Great Falls have been reduced by 40%, from approximately 146 days of the year to approximately 43 days, or from about 40% of the year to about 12%. The dewatering of the falls has a severe negative impact on the Twin Cities, hampering their evolution from an industrial past to a vibrant future based on attracting activity to the urban riverfront. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks along the impoundment, making it difficult to access the water. The facility reduces the amount of time that water flows over the falls by redirecting flows through turbines. The Cities of Auburn and Lewiston lose the iconic falls that define our communities and are the reason for the cities grew along the banks of the Androscoggin River.

Visual impact

A 37-foot drop without water flowing over it is the dominant visual element in Lewiston-Auburn. No man-made effort can compensate for the loss of that natural feature but understanding the effects of facility operations is necessary for a NEPA finding on the relicensing. The lack of water reveals the permanent scar of the raceway, the dry rocks of Lewiston Falls have attracted graffiti and trash, the lack of water flow in the canal system invites litter and imparts a sense of stagnation. Without water flow, there is less reason to visit the trails, parks or overlooks near the area. Chain link fence surrounding the viewing platform adjacent to West Pitch adds to the overall sense of indifference. Until the visual impact changes, Lewiston-Auburn cannot meet its full potential as a vibrant urban center focused on its riverfront.

Recreation Impact

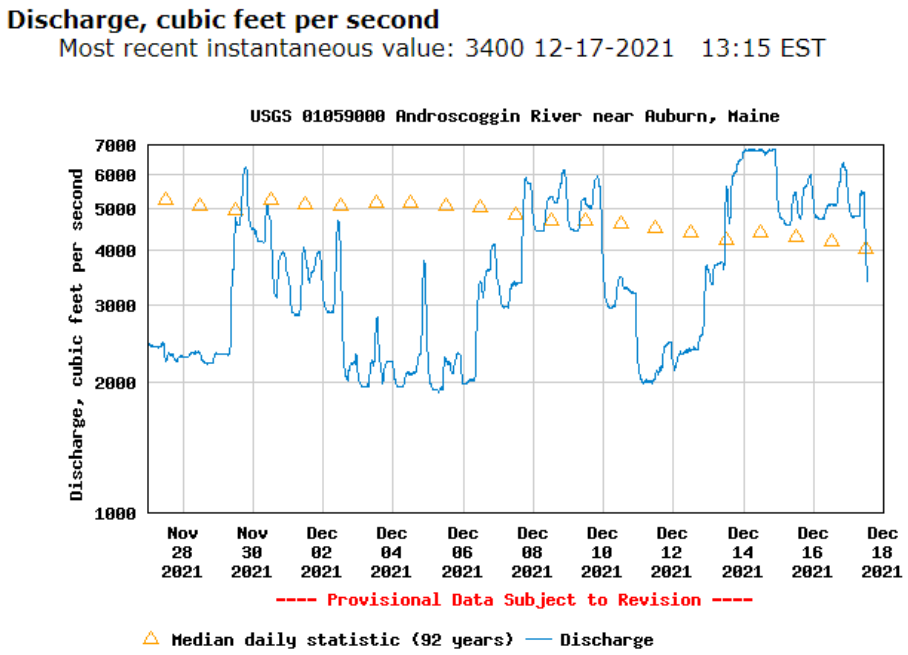
The Lewiston Falls Hydropower Project seriously impacts recreation in Lewiston-Auburn. The presence of the facility, including the powerhouse, blocks access to Great Falls from the Lewiston side. The absence of water leaves less reason to visit adjacent amenities such as parks, trails, or viewing platforms, which suffer from underuse at times. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks along the impoundment, making it difficult to access the water difficult to access the water. Access to the river for fishing, boating, and other water-based activity is relatively limited, and the lack of water flow over the falls contributes to an absence of human activity in the downtown area. The project currently provides only 3 recreation facilities: the West Pitch viewing platform, the impoundment boat launch, located ½ mile upstream, and the Durham boat launch located 7 miles downstream. There currently is no portage around the falls and a lack of connectivity between recreational facilities. The nature of the impoundment further restricts access to the river as the pond has flooded the formerly accessible natural flood zone to a pond elevation that meets steep embankments in many areas.

Operational water levels and especially flows fluctuate often and this significantly affects different recreational user groups in different ways. Fluctuating flows shown below are measured downstream of the facility.

Further, the dam blocks upstream access for fish. Of the seven diadromous species identified in the *Androscoggin River Watershed Comprehensive Plan for Diadromous Fishes*, only the American Eel is found upstream of the dam. No fishway exists and no anadromous species are trucked or stocked upstream. The last fisheries survey was conducted in 2003, 19 years ago.

Ecological and water quality impact

The project alters the ecosystem both upstream and downstream of the dams. First, the 2.5-mile impoundment upstream slows the natural flow of a once fast-moving river, warming the waters and resulting in the accumulation of silt and sediment. In turn, these changes alter the ecosystem in and along the river. Fluctuating water levels in the artificial pond created by the impoundment further degrade the ecosystem there. Downstream of the dams, the lack of water also alters the ecosystem by resulting in lower than natural water levels and may affect dissolved oxygen levels. The Maine Department of Environmental Protection classifies this river reach as Class C. Water quality monitoring was terminated in 1994, 28 years ago. As mentioned above, the last fisheries survey was conducted in 2003, 19 years ago. Notably, the waters below Lewiston Falls are classified as Critical Atlantic Salmon Habitat.



Study Requests

This phase of the FERC process is dedicated to identifying the studies needed to inform the licensing process so that licensing decisions can be based on current information and the best available science. We request three studies that we deem essential to the future management of the Lewiston Falls Project. They follow below in FERC study request format. These study requests are consistent with the comments submitted by Maine Bureau of Parks and Lands on December 23, 2021. We are confident that additional agency support will be forthcoming and trust that agreement will be reached that results in the accomplishment of effective studies that fully inform the project. In addition to these three studies, we also support:

- The Phase I Archaeological Survey requested by the Maine Historic Preservation Commission. The Great Falls were a trading and fishing center for indigenous peoples prior to European settlement. The Great Falls dam powered the establishment of the community as an industrial center. Today, with a combined population of nearly 60,000, Lewiston-Auburn is Maine's second-largest urban area and one of the most diverse communities of its size in New England. We support Maine Historic Preservation's

request for architectural and archeological resource surveys to ensure that mitigation for the Lewiston Falls project is fully integrated with existing plans for the community. An architectural survey is recommended to identify and record information on all resources within the area of potential effect (APE) that are at least 50 years old. With regards to archaeological resources, the impoundment margins must be subject to a Phase I archaeological survey, including subsurface testing in appropriate locations to identify all archaeological sites around the impoundment margin that might erode over the term of the license. Phase II (site assessment) fieldwork might also be necessary depending on the results from the Phase I survey.

- Eel studies requested by the National Marine Fisheries Service and Maine Department of Marine Resources. American eels are known to occur upstream of the project, even above the next major falls in Rumford. The more Lewiston Falls are watered, the greater opportunity the eels have to ascend the falls to access preferred habitats. American eels are an important species to the overall ecology of Maine rivers, and in some reaches, make up the greatest part of the biomass. The species is considered threatened throughout its range.
- Flow studies requested by the National Marine Fisheries Service in their December 22, 2021 filing. Integration with the aesthetic study and river access and recreational flow study outlined below may be possible and could result in cost savings.

Study request #1: Aesthetic study

Goals and objectives

The goal of this study is to evaluate the effect of the project's operation on aesthetics of the river, falls and canals and to identify potential measures that can mitigate those impacts. The cities endeavor to restore their natural beauty in order to draw more human activity to the river and adjacent communities, as would exist without the impacts of the facility. The study will:

- Determine the range of flows needed to maintain water flows over the falls at all times;
- Determine the flows needed to maintain water flows in the canal system;
- Examine the feasibility of attractive, creative, well-designed lighting of the falls, river, and canal crossings as a potential mitigation effort to enhance the pedestrian experience and highlight the unique environment in the absence of natural flows that are directed through generating turbines;
- Evaluate other investments that could mitigate impacts and restore the overall aesthetics of the project area, including, but not limited to, fencing upgrades, increased river access for pedestrians, and tree planting.

Resource management goals

The cities are not a resource management agency, but we represent the public that lives, works and plays within our municipal boundaries. The Androscoggin Riverfront remains a critical resource for the Lewiston-Auburn community and the falls are a defining feature, so much so that the images of Great Falls are used in marketing and economic development and displayed prominently on front pages of our websites. In an era when communities across the country have reclaimed urban waterfronts as vibrant community destinations, Lewiston and Auburn have the potential to create a unique and special place;

the effort to do so is impacted by the facility. A destination riverfront with water over the falls will benefit Lewiston and Auburn most directly if it is strongly connected to the rest of the community and especially to the core of the downtowns. Lewiston's canal network, open spaces, and connecting streets can strengthen the potential of the riverfront to enhance the community as a whole**.** All of this, however, requires adequate water flows over the falls and downstream of the project.

Public interest

The Androscoggin River is a public trust resource for the community and the people of the State of Maine, licensed to Brookfield White Pines Hydro LLC for power generation. The public has the right to access it for all forms of recreation and to experience the visual effects of natural water flows over the falls. The cities have invested in long range planning efforts that center on the river as a critical quality-of-life asset and have a strong interest in its aesthetics. In Auburn alone, there are 11,965 residents who qualify for Community Development Block Grant assistance for being under 80% HUD Area Median Family Income (HAMFI). This number encompasses 46% of the total 25,530 residents in Auburn. Of this total households within Auburn, 7,850 households (or 30%) are qualified for the HOME program for being under 50% HAMFI. These qualifying households are largely located within a 1- mile area surrounding the project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River. Lewiston has 28,350 households that qualify for CDBG representing 78% of total 36,409 households of which 11,620 (32%) households qualify for the HOME program. These qualifying households are largely located within a 1-mile area surrounding the project area.

The Lewiston Falls Hydroelectric Project impedes the flow of water over Great Falls. Since the opening of the Charles E. Monty Station in 1990, flows over Great Falls have been reduced by 40%, from approximately 146 days of the year to approximately 43 days, or from about 40% of the year to about 12%.

When water is flowing over the falls, it attracts public interest and enjoyment and media attention that reflects positively on the communities. Understanding project impacts on the amount of water and duration of visible flows is necessary to inform the NEPA analysis that FERC is charged with completing.

Existing information and additional information needed

Androscoggin Greenway Health Impact Assessment
Microsoft Word - ALT HIA Report FINAL (lewistonmaine.gov)

Androscoggin Greenway Plan
https://issuu.com/wrightp/docs/androscoggin_greenway_plan_wright-pierce

City of Lewiston *Riverfront Island Master Plan:*
https://www.lewistonmaine.gov/413/Riverfront-Master-Plan

City of Lewiston Comprehensive Plan, *Legacy Lewiston*

https://www.lewistonmaine.gov/603/Lewiston-Comprehensive-Plan

City of Lewiston, Parks and Recreation Comprehensive Plan
http://www.lewistonmaine.gov/DocumentCenter/View/807/1993---Parks--Recreation-Comp-Plan---Intro-Sectio?bidId=

Lewiston Riverside Greenway Feasibility Study
http://www.lewistonmaine.gov/DocumentCenter/View/789/6-2002---Lewiston-Riverside-Greenway-Feasiblity-S?bidId=

Twin Cities Riverfront Concept Plan
http://www.lewistonmaine.gov/DocumentCenter/View/793/10-1988---Twin-Cities-Riverfront-Concept-Plan?bidId=

A study would evaluate the degree to which the facility operations impact aesthetics and specify opportunities for mitigating impacts on the aesthetics of the project area.

Nexus between project effects and resource; how study results will inform license requirements

The negative aesthetic impact of the Lewiston Falls Project exists when water is redirected to generators. All of the studies and plans for Lewiston-Auburn's future focus on an adequate amount of water in the river. A lack of water flow hampers the ability of the state's second largest metropolitan area to evolve from its industrial past to a more vibrant future. The Androscoggin Riverfront remains a critical resource for the Lewiston-Auburn community and the falls are a defining feature, so much so that the images of Great Falls are used in marketing and economic development efforts and displayed prominently on front pages of our websites. Lewiston and Auburn have the potential to highlight a unique and special place with water over the falls; the effort to do so is impacted by the facility channeling water through turbines.

The Lewiston Falls Hydroelectric Project impedes the flow of water over Great Falls. Since the opening of the Charles E. Monty Station in 1990, flows over Great Falls have been reduced by 40%, from approximately 146 days of the year to approximately 43 days, or from about 40% of the year to about 12%. **Since the amount of water flowing over the falls is largely dependent on how much of the available flow is being directed through the turbines, the nexus could not be clearer or more direct.**

To inform the NEPA analysis, it is necessary to identify and explain the project impacts and examine strategies for countering those impacts, including increased water flow and/or investments in the aesthetics of the community. The Lewiston Falls Dam powered the establishment of the community as

an industrial center and allowed for thousands of people to earn a living working in the mills. Today, with a combined population of nearly 60,000, Lewiston Auburn is Maine's second-largest urban area and one of the most diverse communities of its size in New England. **The power from the facility is no longer powering jobs in the community as it once did, but continues to impact the river and flows over the Great Falls.**

Study methodology

Established practices for Aesthetic Flow Studies would be employed for this study. All Key Observation Points (KOP) are easily accessible and the applicant has the ability to control and modify flow to some extent. A component of the study is to determine the extent to which the applicant currently has the ability to control and/or modify flows, how the upstream facilities controlled by the applicant impact flows to the facility and any cumulative impacts, what measures might be necessary to enable the applicant to better control flows and thus be better able to provide specific timing, duration and magnitude of flows, as well as how and to what extent modifications to project works could allow for increased control of flows and how that might affect project operations, power generation, and revenues.

The study should be designed to identify minimum flows that produce visual water over the falls and in the canals and identify the range of flows that can be directed over the falls and test flows within that range for desirable visual impacts. The actual methodology should closely follow the Doug Whittaker, Bo Shelby, & John Gangemi publication, *Flows and Recreation, Guide to Studies for River Professionals* (npshistory.com/publications/rtca/nri/flows-recreation.pdf) modified to assess visual impacts from KOPs including Veterans Park, the Auburn Riverwalk, West Pitch Park, Longley Bridge and Festival Plaza. The study should explain the impacts of generation on available flows over the falls and in the canals.

In addition to generally accepted aesthetic flow study practices, we request that water quality data be collected below the falls for 24 hours leading up to the study, at various flows during the study, and for 24 hours after the study to determine the extent to which flows over the falls impact dissolved oxygen levels in the river. **This request will be included in the water quality study, but the connection to flows over the falls is needed to ensure data is collected during the flow study.**

Consideration of effort and cost

This type of study is routinely conducted during FERC proceedings and in this case can be done at a reasonable cost and time frame. Several KOPs are easily accessible. Conducting an AFS, using photo, video, and personal observation at various documented flows is the simplest way to provide the information needed. Costs should not exceed $25,000.

Study request #2: River Access and Recreational Flow study

Goals and objectives

This study should include an evaluation of existing project operations, including cumulative effects of this project's operation in conjunction with flows provided by the operation of upstream facilities (see P-2283 filing https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210903-5157) controlled by the

applicant, and future on-water and on-shore recreation use along the river, canal, and abutting areas while protecting habitat, public safety, and water quality. The study will:

- Determine which facilities and access points such as trails, parks, boat launches, portage sites and picnic areas need to be developed or improved to make the river accessible to people across the region. This includes ADA compliance;
- Identify how and where a Canal Walk and River Walk network with new pedestrian and bicycle connections along the canals will improve connections from the riverfront to Lewiston's downtown Lisbon Street to ensure that Lewiston's riverfront functions as a cohesive urban destination where the whole is greater than the sum of its parts;
- Determine how the Riverwalk should extend through Vetrans Park and along Island Point, linking back to Main Street at the Upper Canal;
- Evaluate Pedestrian Railroad Bridge as a project facility for river view access;
- Determine how restoration and use of the canals would create high-value spaces for people to recreate and gather, generating interest and economic development facing these unique cultural and physical assets;
- Identify areas where high-quality walkways, seating, lighting and signage throughout the riverfront and canal area will contribute directly to the area's appeal and success;
- Determine how to create connections for pedestrians and bicyclists to unlock the riverfront and canal's many assets for the Lewiston-Auburn community to fully enjoy by providing an easily walkable, inviting, and well-connected environment;
- Determine the feasibility of use of the canals themselves for water-based recreation—in small boats, for ice skating, and other purposes—further enhancing the appeal of canal edges for pedestrians;
- Determine flows needed by different user groups and suggest strategies for addressing conflicts;
- Evaluate and plan for portage around Dresser Rips and from North River Road boat launch to hand carry access below the Lewiston Falls.
- Evaluate river access improvements throughout the project area
- Evaluate and Identify flows that serve on-the-water users (kayakers and canoeists, whitewater at Dresser Rips, rowing teams)
- Evaluate ways to inform the public when ideal conditions exist or will exist.

<u>Resource management goals</u>

The cities are not a resource management agency, but we represent the public that lives, works and plays within our municipal boundaries.

<u>Public interest</u>

The Androscoggin River is a public trust resource for the communities of Auburn and Lewiston and the people of the State of Maine, licensed to Brookfield White Pines Hydro LLC for power generation. The public has the right to access it for all forms of recreation. The cities have invested in long range planning efforts that center on the river as a critical quality-of-life asset. In Auburn alone, there are 11,965 households that qualify for Community Development Block Grant assistance for being under 80% HUD Area Median Family Income (HAMFI). This number encompasses 46% of the total 25,530 households in Auburn. Of the total households within Auburn, 7,850 households (or 30%) are qualified for the HOME program for being under 50% HAMFI. Lewiston has 28,350 households that qualify for

CDBG representing 78% of total 36,409 households of which 11,620 (32%) households qualify for the HOME program. These qualifying households are largely located within a 1-mile area surrounding the Project and many depend on walking and public transit to access recreational opportunities along the Androscoggin River. Understanding project impacts as they relate to access to the river is necessary to promote environmental justice in the project area and surrounding LMI neighborhoods during the FERC NEPA Analysis and ensure access to a high quality of life despite the impacts of project operations. Thus, the study must:

- Determine which facilities and access points such as trails, parks, boat launches, portage sites and picnic areas need to be developed or improved to make the river accessible to people across the region. This includes ADA compliance. The public has an interest in accessing the river that is a public trust resource. Improved public access is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts;
- Identify how and where a Canal Walk and River Walk network with new pedestrian and bicycle connections along the canals will improve connections from the riverfront to Lewiston's downtown Lisbon Street to ensure that Lewiston's riverfront functions as a cohesive urban destination where the whole is greater than the sum of its parts;
- Determine how the Riverwalk could extend through Heritage Park and along Island Point, linking back to Main Street at the Upper Canal. The public has an interest in accessing the river that is a public trust resource. Improved public access is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts;
- Evaluate Pedestrian Railroad Bridge as a project facility for river view access;
- Determine how restoration and use of the canals would create high-value spaces for people to recreate and gather, generating interest and economic development facing these unique cultural and physical assets;
- Identify areas where high-quality walkways, seating, lighting and signage throughout the riverfront and canal area will contribute directly to the area's appeal and success;
- Determine how to create connections for pedestrians and bicyclists to unlock the riverfront and canal's many assets for the Lewiston-Auburn community to fully enjoy by providing an easily walkable, inviting, and well-connected environment;
- Determine the feasibility of use of the canals themselves for water-based recreation—in small boats, for ice skating, and other purposes—further enhancing the appeal of canal edges for pedestrians;
- Determine flows needed by different user groups and suggest strategies for addressing conflicts; Evaluate and Identify flows that serve on the water users including kayakers and canoeists, whitewater at Dresser Rips, rowing teams. The public has an interest in accessing the river that is a public trust resource. This study is necessary to understand how fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts affect the ability of all paddling user groups;

- Evaluate and plan for portage around Dresser Rips and from the North River Road boat launch to hand-carry access below the Lewiston Falls. The public has an interest in accessing the river that is a public trust resource. This is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant- controlled facilities and their cumulative impacts. This is further necessary because the impoundment and the hydro facility operations sever the opportunity for through-paddling and pedestrian access along the naturally occurring river. Through-paddling portages and pedestrian access might be restored above the impoundment pond elevation from the North River Road Boat Launch to the lower side of the facility, but it is necessary to understand options to mitigate this impact and consider the impacts in the NEPA Analysis;
- Evaluate river access improvements throughout the project area. The public has an interest in accessing the river that is a public trust resource. This is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts. This is further necessary because the impoundment and the hydro facility operations sever the opportunity for through-paddling and pedestrian access along the naturally occurring river. Through-paddling portages and pedestrian access might be restored above the impoundment pond elevation from the North River Road Boat Launch to the lower side of the facility, but it is necessary to understand options to mitigate this impact and consider the impacts in the NEPA Analysis;
- Evaluate ways to inform the public when ideal conditions exist or will exist. This is necessary to ensure the public knows when project impacts are minimized and/or safe enjoyable conditions will naturally exist and can be enjoyed when available. The project and its cumulative impacts on river flows affects the timing and duration of varying water conditions in the river in and below the project area.

<u>Existing information and additional information needed</u>
The cities have invested in long range planning efforts that center on the river as a critical quality-of-life asset.

Androscoggin Greenways: Benefits of a River Corridor was produced by the Androscoggin Land Trust in 1996. An Access and Recreational Study will evaluate the progress made toward that vision in the past 26 years and map opportunities for increased public access to the river in the greater Lewiston Auburn area.

The McLaughlin Whitewater Design Group prepared a *Vision for Recreation on the Lewiston Historic Canal* for the Androscoggin Land Trust in 2014. An Access and Recreational Study will evaluate the progress made toward that vision and map opportunities for enhancement of the canals.

Androscoggin Greenway Health Impact Assessment
Microsoft Word - ALT HIA Report FINAL (lewistonmaine.gov)

Androscoggin Greenway Plan https://issuu.com/wrightp/docs/androscoggin_greenway_plan_wright-pierce

Auburn Trails Feasibility Study
https://digitalcommons.usm.maine.edu/mdot-docs/1/

City of Auburn Strategic Plan
https://www.auburnmaine.gov/pages/government/strategic-plan

City of Auburn Comp Plan
https://www.auburnmaine.gov/pages/government/comprehensive-plan

City of Lewiston *Riverfront Island Master Plan*
https://www.lewistonmaine.gov/413/Riverfront-Master-Plan

City of Lewiston Comprehensive Plan, *Legacy Lewiston*
https://www.lewistonmaine.gov/603/Lewiston-Comprehensive-Plan

Lewiston Riverside Greenway Feasibility Study
http://www.lewistonmaine.gov/DocumentCenter/View/789/6-2002---Lewiston-Riverside-Greenway-Feasiblity-S?bidId=

City of Lewiston, Parks and Recreation Comprehensive Plan
http://www.lewistonmaine.gov/DocumentCenter/View/807/1993---Parks--Recreation-Comp-Plan---Intro-Sectio?bidId=

Twin Cities Riverfront Concept Plan
http://www.lewistonmaine.gov/DocumentCenter/View/793/10-1988---Twin-Cities-Riverfront-Concept-Plan?bidId=

Nexus between project effects and resource; how study results will inform license requirements

The nexus is clear and direct because the amount of water going over the falls is directly controlled by project operations. The study will inform the volume of water needed to support a range of both upstream and downstream recreation ranging from boating to fishing and passive viewing of the river and falls. It will inform the demand for access points, including portage sites. The project includes 5 dams, a bypassed reach that contains a significant waterfall at certain flows, and a riverine reach below the project boundary surrounded by the state's second largest metropolitan area, which is inherently attractive for recreation close to home. An analysis of existing recreation use and access at the project would help form the basis for determining the project's impacts upon, and ability to enhance, public recreation access opportunities. The proximity to a large population center, being located at its center, creates greater recreational value potential and, inversely, negative impacts of project operations to a larger group of users than more rural facilities, with fewer potential visitors. Flow over the dam and in the bypass reach directly impacts aesthetics and recreation. Also, an assessment of the current level of recreation use would provide information necessary to develop a Recreation Management Plan for efficient management of the recreational components of the project over the term of a new license.

The facility has 800-acre feet of storage capacity (The applicant indicates this fluctuation is largely unused) but is operated as a run-of-river facility with the flows fluctuating based on flows allowed from upstream facility operations controlled by the applicant. Cumulative operational impacts must be understood to inform the NEPA Analysis. The recreational flow study is necessary to provide information that could inform a license condition and as part of the NEPA Analysis.

Study methodology

This study has a land-based access component and a Controlled Flow Stream Assessment for recreational boating.

Land Based Access Methodology:

1. Identify and assess usage, suitability and condition of existing project facilities.
2. Walk project boundary with stakeholder representatives present to identify access points based on evidence of foot traffic and to evaluate suitability and improvement potential.
3. Evaluate portage and trail connectivity options around the facility.

Controlled Flow Stream Assessment methodology for recreational boating:

Accepted practices for recreational flow studies would be employed for this study. Evaluated sections of river include the entire project area below the Great Falls extending through Dresser Rips to a recently completed portage in Lewiston at 521 River Road approximately 4.8 miles below the dams. The applicant has the ability to control and modify flow within this area and flows can be measured at the Dresser Rips Gauge (USGS Gauge 01059000). A component of the study is to determine the extent to which the applicant currently has the ability to control and/or modify flows; how the upstream facilities controlled by the applicant impact inflows to the facility and the river below it; what measures might be necessary to enable the applicant to better control flows and thus be better able to provide specific timing, duration, and magnitude of flows; as well as how and to what extent modifications to project

works to allow for increased control of flows might affect project operations, power generation, and revenues.

The study should be designed to identify minimum flows that produce desirable conditions for novice boaters and rowing skulls in the river below the dam and for whitewater boaters at Dresser Rips. The evaluation should also include novice boaters in the canals and identify the range of flows that can be directed to each asset and test flows within that range for desirable conditions. The actual methodology should closely follow the Doug Whittaker, Bo Shelby, & John Gangemi publication, *Flows and Recreation, Guide to Studies for River Professionals* (npshistory.com/publications/rtca/nri/flows-recreation.pdf) The study should explain the impacts of generation and operation of the facility and the cumulative impacts of facilities upstream affecting flows in the project area and how they affect available flows in the river and in the canals.

Consideration of effort and cost
This type of study is routinely conducted during FERC proceedings and in this case, can be done at a reasonable cost and time frame.

Study request 3: Special Dissolved Oxygen Level Study

Goals and objectives

- To monitor dissolved oxygen (DO) below the Lewiston Falls Project to gather data on the effects of water releases over the falls as opposed to through-run through the turbines. Before the Lewiston Falls project was licensed, the falls were watered about 40% of the year, as opposed to the current levels of the current about 12%. These are by far the most scenic falls in southwestern Maine and arguably the entire state. The cities of Lewiston and Auburn are requesting aesthetic resources and river access and recreational flow studies that will consider options for periods when additional flows are directed over the falls. Data on the effects of these releases on DO is needed. It should be noted that while the Lewiston Falls Project is operated as a run-of river project, it is in effect a run-of-release project with flows also dependent on releases from the Gulf Island Pond Project located two miles upstream.
- To monitor DO further downstream below where the industrial canal flows enter the river. Past flows were robust in order to power generation by the mills. Current flows are only 50 cfs with periodic higher flows to flush the canals.

While both of these waters are outside of the project area, both are affected by project operations and other projects operated by the Applicant.

Of additional note is the fact that The Maine Board of Environmental Protection recently recommended approval of the water quality classification of the reach from Worumbo Dam downstream from Class C, Maine lowest water quality classification, to Class B.

Resource Management Goals
The study of dissolved oxygen is important to the quality of the waters beyond the provisions of Maine environmental statutes and the study requests normally submitted by Maine Department of Environmental Protection (MDEP). This was recognized by studies conducted between 1988 and 1995 as required when the project was first licensed. Since then, the flow regimes through the industrial canal

have changed and this may be affecting DO levels downstream of where they rejoin the mainstem of the river. Both of these DO levels need to be monitored and studies undertaken to understand what is occurring, and how it relates to project operation, both of the generation facility and the flows through the industrial canal.

The reach downstream is currently being considered for upgrading the water quality classification from C to B, with C being Maine's lowest water quality classification. The upgrade is important to the cities because too many Mainers vividly recall the pre-Clean Water Act state of the river as one of the most polluted in the country. Upgrading would help dispel the old notion of the river as 'the dirty loo' and encourage utilization of the river as the amazing recreational asset, located in Maine's second largest metropolitan area, that it currently is. DO is an important consideration for the water classification upgrade. Optimizing OD levels is a major consideration for project operations going forward.

The waters from below the falls to the ocean are classified as critical Atlantic salmon habitat. DO levels should be optimized for Atlantic salmon at all life cycle stages. While there are no plans to restore Atlantic salmon above Lewiston Falls, there is documented Atlantic salmon habitat in the Little Androscoggin that is in the process of being reconnected and restored. The waters below the project will figure importantly into the eventual success or failure of this effort. More detail is included in the 2017 *Draft Fisheries Management Plan for the Lower Androscoggin, Little Androscoggin and Sabattus Rivers*.

American eels are documented above Lewiston Falls and indeed above Rumford Falls upstream. American eels are considered threatened throughout their range. Increasing the number of days when water is directed over the falls, especially during the spring, would directly benefit the species.

Management of the flows over the falls is key to so much: the aesthetics of the river, expanded whitewater and other recreational use of the resource, the oxygenation of the waters with resultant benefits to aquatic life, and American eel passage, enhancing the greater ecosystem of the watershed.

Public Interest

It is in the public interest for the study to be conducted. The health of the lower Androscoggin River is absolutely required for the public to maximize its utilization, enjoyment and property values.

The two cities, Lewiston and Auburn, the Androscoggin River Water Council, the Androscoggin Land Trust, Grow L+A, Bates College, Androscoggin Valley Congress of Governments, Trout Unlimited and Friends of Merrymeeting Bay along with other downriver towns all support a cleaner and healthier river.

Restoring and maintaining the healthiest river possible is key to the success of development plans currently under development plans being considered by the City of Lewiston. See: https://www.sunjournal.com/2021/12/14/lewiston-looking-to-update-riverfront-redevelopment-plan/?utm_source=Newsletter&utm_medium=email&utm_content=Daily+Headlines%3A+Lewiston+looking+to+update+riverfront+redevelopment+plan&utm_campaign=SJ+Daily+Headlines+%28HTML%29

River access is also a key part of the City of Auburn Development Plan, see https://www.auburnmaine.gov/Pages/Government/Plans-Projects

Existing information and additional information needed

DO Studies have been done over the past 20 years by Friends of Merrymeeting Bay under the auspices of the volunteer DEP program. Data gathered is available at http://cybrary.fomb.org/chemical.cfm DO data collected during the last licensing is summarized in the Pre-Application Document (PAD, page 5-25).

Current data will be needed to evaluate the effects of future changes to the flow regime to support to support recreation and aesthetics, as well as to already-implemented changes to the flow regime of the industrial canal.

Existing studies relevant to this request include:

Androscoggin Greenway Health Impact Assessment
Microsoft Word - ALT HIA Report FINAL (lewistonmaine.gov)
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Nexus between project effects and resource; how study results will inform license requirements

Operation of the project directly affects the DO levels above and below the project, and this is why DO studies are required by Maine DEP's standard suite of study requests. This request exceeds normal

MDEP requirements. It is acceptable and preferable that the features of the requested study are incorporated into the MDEP DO study.

Study Methodology

Sondes of the type normally used by the Maine DEP should be placed below Gulf Island Dam, below the Great Falls and Monty Outflow and below Dresser Rips (or whatever downstream location deemed most suitable by MDEP in accordance with MDEP DO sampling location protocols) and monitored for at least three years. Flow and DO should be monitored on a weekly basis and graphed and posted on a specific public web site. Analysis efforts should concentrate on the effects on DO levels during periods when flows are present over the falls and/or through the industrial canals. The last license was initially designed to record DO for the total extent of the license. It would be helpful for this to be the same.

Level of Effort and Cost

The estimated cost of the study is $25,000. This is commensurate with the scope of the project and its proposed license duration. Cost savings are likely if combined with the usual MDEP DO studies required for FERC relicensing.

Conclusion

The Androscoggin Riverfront remains a significant resource for the Lewiston-Auburn community. In an era when communities across the country have reclaimed urban waterfronts as vibrant community destinations, Lewiston and Auburn have the potential to create a unique and special place. A destination riverfront will benefit Lewiston and Auburn most directly if it is strongly connected to the rest of the community and especially to the core of downtown Lewiston along Lisbon Street. The hydro facility has lost its historic economic connection to the community and no longer powers the idle mills and canals, but it continues to impact the communities by severing access and redirecting flows from public trust resources and by hampering recreational activities. The above requested studies are necessary to provide information and understanding of the operational impacts of P-2302 to inform FERC's NEPA Analysis.

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CC: Senator Susan Collins Office, Maine 2nd District Congressman Jared Golden's Office