



Maine Department of Inland
Fisheries and Wildlife
284 State Street, 41 State House Station
Augusta, Maine 04333-0041



Paul R. LePage,
Governor

Chandler E. Woodcock,
Commissioner

VIA ELECTRONIC FILING

December 29, 2017

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

Subject: Comments on Topsham Hydro Partners, I.P. Pre-Application Document for the Pejepscot Hydroelectric Project (P-4784), FERC Scoping Document, and ILP Study Requests

Dear Secretary Bose:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) received a Notice of Intent to file a license application, a Pre-Application Document (PAD), and a Scoping Document (SD1) dated October 30, 2017 for the Pejepscot Hydroelectric Project (P-4784). As part of the ILP process, MDIFW has an opportunity to comment on the PAD and SD1, request additional information, and to submit study requests.

MDIFW is a cabinet level agency of the State of Maine, and under Maine State Law (12 MRSA, §10051) MDIFW's mandate is "*...to preserve, protect, and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources.*" The MDIFW is concerned with the project's impacts to resident fishery resources and public use of those resources. Based on our statutory responsibility we have prepared the following comments and recommendations.

Wildlife Comments – Comments to be filed separately, if applicable.

Inland Fisheries Comments on PAD and SD1:

4.3.2 High Flow Operations

Page 34 states. "When the pond level reaches El. 69.0 (1.5 feet above the spill gates), the gates begin to lower starting with Gate 1, closest to the powerhouse. The gates operate on pond level control and as flow increases they maintain the pond level of El. 69.0 until all five gates are open. When the flow starts decreasing and the pond level drops to El. 68.0 the gates start to close to maintain a level above El. 68.0. When all five gates are closed, the pond

is again on turbine pond level control until the pond level exceeds El. 69.0.”

The above information suggests the impoundment is “typically” operated within approximately 1’ of the impoundment Elevation 69.0. MDIFW did not see any information on how project operations are regulated or restricted under the current license in terms of impoundment water levels. Does/will the license regulate or restrict impoundment water level fluctuations? Stable water levels are important for the health, survival, and reproduction of resident fish and aquatic species. Consequently, MDIFW requests a summary of impoundment water level information for the past 5 years. We are particularly interested in the frequency and duration of drawdown events that exceeded 1 foot from the “typical” impoundment elevation.

PAD Section 4.3.3 Minimum Flow Requirement

Page 34 states, “The Project is required to discharge a continuous minimum flow of 1,710 cfs, as measured immediately downstream from the Project powerhouse, or inflow to the impoundment, whichever is less, minus process water (approximately 5 MGD or 9.3 cfs) and 100 cfs for pond level control. Flows may be modified temporarily if required by operating emergencies beyond the Licensee’s control, or for short periods upon mutual agreement between Topsham Hydro, Maine Department of Marine Resources (MDMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW).”

MDIFW requests more information regarding the basis for determining the 1,710 cfs minimum flow used in the current license and proposed for the relicense. Comments on the PAD from NOAA suggests Aquatic Baseflow Flow (ABF) was used; however, flow data presented in Table 5.2.1.2-1 of the PAD shows the median August flow from 1986-2016 was 2,977 cfs.

If ABF was used, it represents a very limiting period for aquatic organisms and would not be appropriate for sustaining resident fish species and aquatic organisms if employed frequently and/or for extensive periods of time. In addition, if the project is operated as run-of-river with a minimum flow of 1,710 cfs or inflow, whichever is less with no bypass reach than it would seem the minimum flow requirement is rarely triggered other than for maintenance type activities. Figure 5.2.1.2-6 suggests the project rarely operates at the minimum flow level, but this is difficult to interpret giving the scaling of the image. MDIFW requests access to more detailed flow data to examine how frequently the project operates at the current minimum flow level or less.

PAD Section 5.3. Fish and Aquatic Resources

MDIFW has a “put-and-take” brook trout stocking program in the project vicinity. Trout are stocked annually at the Worumbo tailrace/Pejepscot Impoundment area. MDIFW stocking information should be included in future licensing documents.

Pad Section 5.3.5 Fisheries Management Plans

The Maine Department of Marine Resources (MDMR) and MDIFW recently completed a draft Fisheries Management Plan for the Androscoggin River, Little Androscoggin River, and Sabattus River. Although the plan is in draft form, some of the information may be useful to the parties involved in the FERC ILP process.

Pad Section 5.7.3 Existing Project Area Recreation Facilities

Access to surface waters of the State and their fishery resources are an important State and Department goal. As development and the human population increase, public access opportunities to water resources diminishes, while the demand for water based, outdoor activities climb. This scenario is particularly prevalent in southern Maine. Tailrace areas associated with hydropower projects are typically very popular among local anglers and can provide seasonal or year-round angling for coldwater or resident

warmwater fish species close to developed communities where stream fishing opportunities are often limited. In addition, hydropower impoundments offer recreational boating and angling for resident warmwater species. In general, this project has good access provisions, but request some additional information as noted below.

On page 129 the report states, “According to the most recently filed Form 80 for the Pejepscot Project, 100 percent of the Project shoreline is available for public use (Topsham Hydro Partners, 2015).” MDIFW would like some clarification on the above statement, particularly in regards to foot access to the east bank of the Pejepscot tailrace, as well as, foot access opportunities to the west bank of the Worumbo tailrace/Pejepscot impoundment interface.

On page 129, the PAD states, “**Boat Launch:** Pejepscot Boat Ramp (alternately called Lisbon Falls Boat Launch or Topsham Hydro Boat Launch) is located in Topsham off Route 196, on the eastern shore of the river just downstream from Lisbon Falls. The site provides access for trailered and hand-carry boats just below Worumbo Dam via a concrete ramp with an asphalt approach. The site accommodates 10 to 15 vehicles on a sloping gravel lot. There are no amenities provided (ARWC, 2016c).” MDIFW staff have noted that the boat launch has a signage indicating the ramp is closed in the fall/winter and that it may be closed during hazardous conditions. In addition, we have received some questions/complaints regarding operation of the ramp. We request the Licensee provide clarification on the ramp operation seasonal opening and closing dates, hours of operation, as well as, some history regarding the frequency and duration of ramp closures due to hazardous conditions.

Page 132 has a graph titled. “Fishing Pier”; however, we found no description in the text on what the fishing pier is nor any indication on the maps regarding its location. MDIFW requests information on this access feature and that it be included in future licensing documents as appropriate.

Scoping Document Section 4.1.1 Resources that could be Cumulatively Affected

Page 16 states, “Based on information in the PAD for the Pejepscot Project, and preliminary staff analysis, we have identified water quality and migratory fisheries as resources that could be cumulatively affected by the proposed continued operation and maintenance of the Pejepscot Project in combination with other hydroelectric projects and other activities in the Androscoggin River Basin.” MDIFW suggests that resident fish species and aquatic organisms could also be cumulatively impacted by the continued operation and maintenance of the Pejepscot Project.

Inland Fisheries – Additional Study Requests:

Bass Population Study

1. Study goals and objectives.

The study will provide information regarding the status of the bass populations in the Project impoundment, particularly smallmouth bass. Specific goals and objectives include:

- Collect biometric data to characterize bass population dynamics and relative abundance of other fish species; and
- An Assessment of bass spawning habitat, and nesting areas with differentiation by species (largemouth and smallmouth bass).

2. Relevant resource management goals of the agency.

MDIFW is a cabinet level agency of the State of Maine, and under Maine State Law (12 MRSA, §10051) MDIFW's mandate is "...to preserve, protect, and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources." Bass are one of the most sought sport fish species by Maine recreational anglers. Quality bass fisheries are extremely popular in southern Maine and on the mid-lower reaches of the Androscoggin River. Some sections of the Androscoggin River are noted as having "world class" smallmouth bass fishing. Data from the PAD indicate smallmouth bass are one of the most abundant resident sport fish located in the Project area, and they likely provide the predominant recreational fishery resource. To date, MDIFW has little information regarding the bass population in the Project impoundment and how Project operations may impact the population.

3. *The requestor, MDIFW, is a State resource agency.*
4. *Existing information concerning the subject of the study proposal, and the need for additional information.*

Little is known regarding the bass population in the Project impoundment/tailrace areas, including available spawning and nursery habitat. The most recent fish collection information available to fishery managers was collected in 2006 by Yoder. The Yoder information is now dated, and was limited in terms of the type of data we are requesting for this study. MDIFW regional staff has invested a great deal of time in recent years studying bass fisheries on higher priority lakes and ponds, but we are often faced with a lack of data on our riverine bass fisheries. These data gaps make it difficult to effectively manage these important resources and to assess any Project associated impacts.

5. *Nexus between Project operation and effects on the resource to be studied.*

The operation of the Pejepscot Project has a direct impact on the bass population in the Androscoggin River. The impounded area created by the dam creates habitat that is more suitable to bass, and project operations including flow modifications and impoundment water levels likely effect bass growth, survival, and reproductive success. Riverine bass fisheries often exhibit frequent year class failures, and poor size quality that has in some cases been attributed to hydroelectric operations.

6. *Explain how the proposed study methodology is consistent with generally accepted practice in the scientific community.*

MDIFW routinely studies bass populations in the manner described above. In order to effectively manage bass populations, it is critical to know population dynamics including size and age class structure, evaluate recruitment, identify limitations to the populations including available habitat, water level fluctuations, etc.

7. *Describe considerations of level of effort and cost, as applicable, and why proposed study alternatives would not be sufficient to meet the stated information needs.*

The level of effort and cost is commensurate with a project the size of the West Buxton facility and the likely license term. Given the economic and cultural importance associated with the inland fisheries resources in this area of the State, this study is necessary for fishery managers to make informed management decisions.

To help ensure that our Agency responds in a timely manner, all future general electronic correspondence should be sent to IFWEnvironmentalreview@maine.gov. Alternatively, though not preferred, mailings and notifications can be sent to:

Environmental Review Coordinator
Maine Department of Inland Fisheries and Wildlife
284 State Street, 41 SHS
Augusta, ME 04333-0041

Thank you for the opportunity to comment on the Pejepscot Hydroelectric Project. If you have any specific questions, please feel free to contact me directly by phone at 207-657-5765 or by email at james.pellerin@maine.gov.