



**UNITED STATES DEPARTMENT OF  
COMMERCE  
National Oceanic and Atmospheric  
Administration**

NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

**July 2, 2020**

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

**RE: NMFS comments on the Draft License Application for the Pejepscot  
Hydroelectric Project (FERC No. 4784-095)**

Dear Ms. Bose,

On April 3, 2020, Topsham Hydro Partners Limited Partnership (Topsham Hydro or applicant) submitted its Draft License Application (DLA) for the Pejepscot Hydroelectric Project (FERC No. 4784-095 or Project) to the Federal Energy Regulatory Commission (FERC or Commission). The Project is located on the Androscoggin River near the town of Topsham, Maine.

We are submitting comments on the DLA in accordance with the Commission's Integrated Licensing Process (ILP).

**NMFS Comments on the DLA**

- We find that the DLA is incomplete. We note that the applicant has not yet filed its Updated Study Report (USR) with FERC. We expect that this USR will contain information crucial to the evaluation of project effects on diadromous fish passage and habitat and therefore, the development of appropriate protection, mitigation, and enhancement measures. Outstanding studies include, but are not limited to:
  - Eel Monitoring Survey
  - Evaluation of Spring Migration Season Fish Passage Effectiveness
  - Evaluation of Fall Migration Season Fish Passage Effectiveness
  - Fish Entrainment and Turbine Survival Assessment
  - Sediment Storage and Mobility
  - Large Woody Debris

Topsham Hydro has been working with us and other resource agencies to share and discuss preliminary results of several of these studies. The preliminary results of diadromous fish passage studies performed by Topsham Hydro were, at the least, concerning. As such, we expect that additional information and studies will be needed to suitably evaluate the



Project's effects and determine the necessity and scope of any potential protection, mitigation, and enhancement measures. Considering that the significant information is still pending in this proceeding, we are not providing specific comments on the environmental analyses or proposed environmental measures included in the DLA at this time. We expect to continue to work collaboratively with Topsham Hydro to develop that information and to provide FERC any comments relevant to Topsham Hydro's study results and need for additional information and/or studies after the USR is filed.

- Section 6 of the licensee's Exhibit E details the application's consistency with comprehensive plans. On April 15, 2020, we filed the *Androscoggin River Watershed Comprehensive Plan for Diadromous Fishes (2020)*. On June 18, 2020, the Commission determined that this document qualified as a comprehensive plan under section 10(a)(2)(A) of the Federal Power Act and was added to the Commission's list of approved comprehensive plans for the State of Maine. As such, we expect that the Final License Application will include an evaluation of its consistency with this comprehensive plan.

Please contact Matt Buhyoff by phone at 207-866-4238, or by email at [matt.buhyoff@noaa.gov](mailto:matt.buhyoff@noaa.gov) if you have questions regarding this correspondence.

Sincerely,



Julia E. Crocker  
Endangered Fish Recovery Branch Chief  
Protected Resources Division