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PATRICK C. KELIHER  
COMMISSIONER

July 7, 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,

These are the comments of the Maine Department of Marine Resources (MDMR) on the Draft License Application (DLA) for the Pejepscot Hydroelectric Project (Project) that was submitted to the Federal Regulatory Commission (Commission) by Topsham Hydro Partners Limited Partnership (applicant) on April 3, 2020. The Project is located on the Androscoggin River near the town of Topsham, Maine.

**General comments**

We have reviewed the DLA and find that it is incomplete, because the applicant has not yet filed an Updated Study Report with the Commission. We note that during a meeting with the agencies on May 12, 2020, the applicant provided preliminary results of the following studies:

1. Eel Monitoring Survey
2. Evaluation of Spring Migration Season Fish Passage Effectiveness
3. Evaluation of Fall Migration Season Fish Passage Effectiveness
4. Fish Entrainment and Turbine Survival Assessment
5. Sediment Storage and Mobility
6. Large Woody Debris

However, MDMR and the other resource agencies had concerns about the results of the studies (particularly studies 1-4) and requested additional information (e.g. gate settings during upstream migration season) and discussed potential additional studies. These discussions continued during a follow-up meeting on July 2, 2020. We expect that additional studies will be needed to evaluate the Project's effects and determine the necessity and scope of any potential protection, mitigation, and enhancement measures.

## Specific comments

The DLA contains the following statements in Exhibit E, 4.6.1.1 Fish Assemblage (Page E-75) and 4.6.1.2.1 Diadromous Species (Page E-83) regarding the historic range of American shad in the Androscoggin River:

“The historic extent of upstream passage for shad and herring has been reported to be Lewiston Falls (approximately 17.5 miles upstream of the Project), with some American Eel, Atlantic Salmon, and possibly Sea Lamprey having passed as far upstream as Rumford Falls. However, according to Taylor, 1951, the Androscoggin River may never have been a shad river because of impassable falls at Brunswick, which is located 4.7 miles downstream of the Project.”

“The numbers of American Shad passed at the Brunswick Fishway have ranged from zero to 1,123 fish from 2000-2019 (Table 4.6.1.1-3). It should be noted that the falls at Brunswick may have been an impassible barrier for American Shad, and the Androscoggin River may not have been historically considered a shad river (Taylor, 1951).”

A more authoritative citation than Taylor (1951) is Atkins (1887)<sup>1</sup> who stated on page 723 that “Alewives used to breed in Sabattus pond, and shad in the main river below Lewiston.”

If you have any questions, please contact Gail Wippelhauser at 207-904-67962 or by email at [gail.wippelhauser@maine.gov](mailto:gail.wippelhauser@maine.gov).

Sincerely,



Patrick C. Keliher, Commissioner

cc: Sean Ledwin, Casey Clark, Paul Christman, DMR  
John Perry, Jim Pellerin, DIFW  
Kathy Howatt, DEP  
Anna Harris, Antonio Bentivoglio, USFWS  
Sean McDermott, Jeff Murphy, Don Dow, NMFS

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<sup>1</sup> Atkins, C. G. 1887. The river fisheries of Maine. Pages 673-728 in G. B. Goode, editor. The fisheries and fishing industries of the United States, Section V, Volume 1. Government Printing Office, Washington, D.C.