

Brookfield

Renewable

December 23, 2024

VIA E-FILING

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

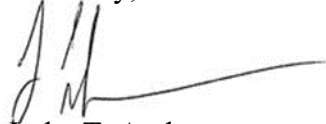
**RE: Lewiston Falls Hydroelectric Project (FERC No. 2302)
Final License Application Response to Comments**

Dear Secretary Reese:

Brookfield White Pine Hydro LLC (BWPH or Licensee), a subsidiary of Brookfield Renewable, is the owner and operator of the Lewiston Falls Hydroelectric Project (Project) (FERC No. 2302). The Lewiston Falls Project is located on the Androscoggin River in the Cities of Auburn and Lewiston, in Androscoggin County, Maine. The Project's existing license was issued on September 29, 1986, and expires August 31, 2026. On August 28, 2024, BWPH filed a Final License Application (FLA) for the Project. In response to the FLA, comment letters were filed by certain stakeholders including the Maine Department of Marine Resources, the National Park Service, and the consolidated comments of City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, and Maine Council of Trout Unlimited. This letter provides BWPH's response to the comments on the FLA in the attached table.

If you require additional information, please contact me by phone at (207) 577-4536 or by email at Luke.Anderson@brookfieldrenewable.com.

Sincerely,



Luke T. Anderson
Senior Manager, Licensing

Brookfield White Pine Hydro LLC

Attachment 1: Responses to FLA Comments

No.	Commenter	Comment	Suggested Response to Comments
Aesthetic Flows			
1	National Park Service – 10/28/2024	The NPS, along with multiple stakeholders participated in the design and conduct of the Aesthetic Flow Study and the Recreation Study 2023 and 2024. Although the conduct, scope and methodology of the Aesthetic Flow study was adequate, the applicant has not proposed any mitigation measures in terms of actual times, duration, and magnitude of flows that would enable the host communities, the public, NGOs and RAs to support a licensing proposal and to inform FERC’s NEPA analysis. A specific mitigation plan relative to aesthetic flows should be required by the FERC for the application to be considered complete, and to give reviewers the opportunity to evaluate and comment on it.	Based on the results of the Aesthetic Flow Study that was conducted by BWPH, and discussions with the aesthetics focus group participants, BWPH had previously proposed in the Final License Application (FLA) to provide six aesthetic flow releases over either Dam 3 or Dam 1 six times each year, after bass spawning season, during the months of July through September, between the hours of 10Am and 4PM to enhance the aesthetic qualities of the falls. BWPH also proposed to establish a release schedule annually in consultation with the host communities of the Cities of Lewiston and Auburn to optimize the release dates selected. BWPH routinely communicates with the Cities of Lewiston and Auburn regarding recreation and public access at the areas immediately surrounding the Lewiston Falls Project, and plans to continue such communications with the aesthetic flow releases. Specifically, this proposed measure is described in Sections 3.4.4 and 4.11.2.1 of Exhibit E of the FLA. The proposed aesthetic flow releases of suitable volume and location will provide an aesthetically appealing condition, as determined by the Aesthetics Flow Study results.
Public Access and Portage			
2	Auburn et al. – 10/18/2024	The Cities and the Licensee have property control on significant portions of the land needed for a riverfront portage trail that ties into existing infrastructure along the river. The licensee should study how to connect the existing project impoundment boat access (Project Facility) to the City of Auburn Riverwalk Trail system that can deliver boaters to the existing carry-in/emergency boat launch (Non-Project Facility) below the falls. The gaps can be connected through improved public sidewalks and shared and multi-use trail systems with appropriate study and design. The design should be completed and attached as an appendix to the Final License Application prior to completion of the NEPA Analysis.	Section 4.10 of Exhibit E and the Recreation Study (Appendix E-2) of the FLA describes the existing portage route at the Project that connects the existing Project impoundment boat launch access to the City of Auburn Riverwalk Trail system. As part of the Recreation Study, BWPH, along with the recreation Focus Group, discussed the existing and potential alternative portage routes, including the City of Auburn’s possible northward extension of the Riverwalk Trail. As was previously analyzed in the Recreation Study and described in Appendix E-1, DLA Comment Response Matrix, of the FLA, northward extension of the Riverwalk Trail would require the crossing of the operational railroad line, which requires permission from the railroad for new pedestrian crossing or use of their railroad bridge trestle for a pedestrian crossing. Based on this assessment, BWPH is not proposing any alternatives to the existing portage route

			<p>at this time. The existing portage route will remain as is and will utilize the existing, safe, sidewalk crossing of the railroad along Turner Street in Auburn. To enhance the existing, informal canoe portage route at the Project, BWPB has proposed to install signage at the Lewiston Falls Impoundment Boat Launch depicting the available downstream boat launches and delineating the portage route, and to install directional and wayfinding signage in consultation with the City of Auburn along the portage route utilizing existing infrastructure and leading to the Festival Plaza boat launch. See Section 4.10.2.1, Appendix E-2, and Appendix E-3 of Exhibit E of the FLA for further discussion of the proposed measures and studies of the portage route that have already been completed.</p>
3	Auburn et al. – 10/18/2024	<p>Despite opposition by the Stakeholders, Brookfield successfully removed approximately 4 miles of river from the project boundary just before commencement of the current licensing process. During that discussion, we were assured that removal would not impact the ability to mitigate project impacts in the removed river segment while we argued that it would be more appropriate to address the project boundary with more information and study during this licensing process and NEPA analysis. Poor access has contributed to rescue challenges during river emergencies and flow changes are constant due to facility operations. Our objection is detailed here: https://www.auburnmaine.gov/CMS/Content/Upload%205262022/CityofAuburnMaineCommentsP2302Amendment2020.pdf. The Cities have land control and access rights that need to be studied for FERC review and proposed access plans attached as an appendix to the Final License Application prior to completion of the NEPA Analysis.</p>	<p>With the removal of the Lewiston Canal System from the FERC-licensed project (by FERC license amendment; accession #20171109-3008) the FERC Project boundary was appropriately modified to no longer include the downstream portions of the Androscoggin River mainstem to which the Canal System discharges. Although the Project boundary was modified appropriately, BWPB has continued to cooperate and collaborate with both the Cities of Lewiston and Auburn on downstream river access issues and recreational needs. BWPB intends to continue to collaborate with the Cities on local issues and needs, particularly those related to emergency response and safety. However, such endeavors are not directly related to the Lewiston Falls Project or its operation and are not being considered as part of the FERC relicensing process.</p>
4	National Park Service – 10/28/2024	<p>The host communities and the applicant together control almost all the land needed for a riverfront portage trail on River Right that would allow a connection with existing infrastructure along the river. A safe and convenient portage is critical in this location for through paddlers. The FLA does not identify how and where to connect the existing Lewiston Falls Impoundment Boat Launch to the City of Auburn Riverwalk Trail system which would enable through paddlers to reach the public boat launch below the falls at Festival Park. The gaps can be connected through improved public sidewalks and uniform signage to allow for safe and convenient</p>	<p>See response to comment #2, above.</p>

		portage. The specific route should be identified by the host communities in consultation with the applicant and included in the FLA to inform FERC’s NEPA analysis as to adequate mitigation. The City of Auburn et al comments dated October 18, 2024 sets out specifically how this could be accomplished and provides multiple sources and publicly funded efforts to address this outstanding issue.	
Recreation			
5	Auburn et al. – 10/18/2024	The Stakeholders requested a recreational flow study to understand which recreational uses are available to the public during various flow conditions on different river segments below Lewiston Falls. That has not been completed. Project operations utilize upstream facilities to operate as run of release with significant flow fluctuations and water volumes driven by maximizing power generation on the river system. The recreational study and flow/depth information will also inform planning by emergency responders on how best to access an in-river emergency during different flow conditions. Detailed project specific needs, nexus, and requested methodology, labeled Study Request #2, are repeated below from previous communications with the licensee.	BWPH conducted a comprehensive study of recreation at the Project, including an assessment of the effects of flow on recreational use of the river. The Recreation Study conducted by BWPH included a recreation site inventory and condition assessment; recreation use counts and estimates of recreation site use and utilization; recreation user surveys to determine how the sites are used by recreationist and their opinions regarding the useability of the sites, the site facilities and amenities, and potential improvements to the sites. In addition, the study included both Project and non-Project recreation sites, in an effort to provide FERC and the cities with a complete understanding of recreation at the Project and the opportunities provided for public recreation in the immediate Project vicinity. The study also considered recreational boating use below the Project, and evaluated the appropriateness of existing flows for different boating uses. This included an analysis of existing boating opportunity and access both at the Project and in the Project region, downstream boating use, the flow dependent attributes of recreational boating activities in the Project area, and Project operations relative to downstream boating. The results of this study found that the Project area supports a wide variety of recreational boating activity on the river downstream from the Project, and that these activities have a wide range of flow-dependent attributes. This is further described in Appendix E-2 of Exhibit E of the FLA.
6	National Park Service – 10/28/2024	During the pre-filing stage, a River Access and Recreational Flow study was requested by the city of Lewiston et al, dated December 21, 2021. That request set out in detail locations to be evaluated to 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 the public including an	See response to comment #5, above.

		evaluation of where and how ADA compliant facilities could be developed or existing facilities improved. During the Aesthetic Flow Study, the applicant, their representatives and stakeholders toured all these areas both above and below the project and were presented with plans identified by Lewiston and Auburn to accomplish their goals for improved and safe public access. However, the actual study was not conducted, nor has any mitigation been proposed in the FLA. The information gleaned during these site visits combined with existing information (see again Auburn et al’s comments dated October 18, 2024) provides adequate information upon which to develop a comprehensive mitigation proposal.	
7	National Park Service – 10/28/2024	The 4.8-mile section below the project at Great Falls extending through Dresser Rips to a recently completed portage in Lewiston at 521 River Road should be a part of FERC’s NEPA analysis regarding adequate recreational use and access. The FLA does not contain information regarding the extent to which the applicant can control and modify flows within this area, how the upstream facilities controlled by the applicant impact inflows to the facility and river below it; what measures might be necessary to enable the applicant to modify flows in order to provide specific timing, duration, and magnitude of recreational flows, as well as how any modification in operations might affect power generation and availability.	The river section below the Project dam was analyzed in the Recreation Study (see Appendix E-2 and E-3 of Exhibit E of the FLA). There are several existing formal and informal boat launches (carry-in and trailered) that provide access to the Androscoggin River between the Project dam and the Durham Boat Launch seven miles downstream. These are all described in the Recreation Study (Exhibit E, Appendix E-2). The results of the Recreation Study found that river downstream of the Project dam supports diverse boating activities, including flatwater boating, rowing, fishing from a boat, whitewater paddling, and motorized boating.
8	National Park Service – 10/28/2024	The Recreation and Aesthetics studies have not been completed to the degree necessary for FERC to complete a fully informed NEPA analysis, therefore at this time, FERC and the stakeholders lack adequate information to properly assess recreational and aesthetic flows and public access around and below the project. The applicant’s conclusion that existing facilities are adequate for the proposed license period is unsupported by the information they have provided in their FLA.	BWPH conducted comprehensive studies which included stakeholder focus groups of both recreation and aesthetics at the Project. Based on the results of these studies (see Appendix E-2 and E-3 of Exhibit E of the FLA), BWPH is proposing a suite of enhancements to the Project recreation sites (see Exhibit E, Section 4.10), and enhancements to aesthetics (see Exhibit E Section 4.11).
Operations and Maintenance			
9	Auburn et al. – 10/18/2024	The Cities of Lewiston and Auburn have maintained the project facilities during the term of the current license, however, limited budgets and staffing constraints have resulted in less-than-ideal conditions with unacceptable tax-payer expense at project facilities. Project facilities are not accessible to members of the community with limited mobility. The Licensee should study, in collaboration with the two communities, the cost of appropriate improvement, management, and maintenance plans for project	BWPH proposed in the FLA to continue to provide for recreational opportunity at the existing FERC approved Project recreation sites (i.e., Lewiston Falls Impoundment Boat Launch, West Pitch Park Overlook, and Durham Boat Launch). To ensure the sites, facilities, and amenities are maintained in good useable condition, the Licensee included in the Draft Recreation Management Plan, appendix E-7 of the FLA, annual site inspections, clean-up,

		<p>lands and facilities during the term of a new license. The plans should include itemized proposed maintenance tasks by season and facility. Stakeholder engagement and draft plans should be completed for FERC review and attached as an appendix to the Final License Application prior to the completion of the NEPA Analysis.</p>	<p>and maintenance at each site. The Licensee will also ensure that vegetation is appropriately managed, including periodic mowing, string trimming, pruning, and brush clearing, as needed throughout the growing season. Maintenance, improvements, and repairs will be conducted on an observed, as-needed basis. Site clean-up and routine maintenance will be conducted annually at the start of the recreation season. This information was included as Appendix E-7, Draft Recreation Management Plan, of Exhibit E of the FLA.</p> <p>In addition, in response to the Recreation Study findings, in the FLA BWPH has proposed the following enhancements to Project area recreational resources:</p> <ol style="list-style-type: none"> 1. Lewiston Falls Project Impoundment Boat Launch <ol style="list-style-type: none"> a. Extend the concrete boat ramp approximately 8 feet further into the impoundment by adding additional concrete planks. b. Extend the asphalt apron at the site entrance into the parking lot by approximately 10-15 feet to help alleviate the creation of parking lot potholes at the entrance area. c. Re-grade the driveway and parking area, add material as needed, add parking stops and/or signage to delineate parking spaces and to dedicate spaces for vehicles with trailers, add two dedicated ADA spaces located closest to the picnic area. d. Install two anti-theft picnic tables, one of which will be ADA-compliant. e. Provide an ADA-compliant access path to the ADA-compliant picnic table. f. Install two benches. g. Replace the FERC Part 8 sign with an updated version to include a map depicting Project recreation sites and clarifying site rules. h. Replace the site identification sign at the driveway entrance.
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			<p>2. West Pitch Park Overlook</p> <ul style="list-style-type: none"> a. Replace and relocate the FERC Part 8 sign. The updated sign will include site rules and a map depicting Project recreation sites. The sign will be relocated to overlook platform entrance. b. Replace the existing overlook platform wood planks with “wood look” composite decking. c. Replace the existing chain link fencing enclosing the overlook platform with decorative fencing designed to blend better with the natural setting of the overlook and to be consistent with the black ornate fencing currently in place in the area of the overlook. d. Reposition the warning sign on the platform fencing to improve the view of the falls. e. Replace the safety fencing below the overlook with black-coated chain link or comparable safety fencing when the existing chain link safety fencing requires replacing. <p>3. Durham Boat Launch</p> <ul style="list-style-type: none"> a. Replace the FERC Part 8 sign with an updated version to include a map depicting Project recreation sites and clarifying site rules. b. Dedicate two parking spaces as ADA spaces, including parking space designation signage to be located closest to the picnic area. c. Install two anti-theft picnic tables, one of which will be ADA-compliant. d. Provide an ADA-compliant access path to the ADA-compliant picnic table. <p>4. Portage Route</p> <ul style="list-style-type: none"> a. Install signage at the Lewiston Falls Project Impoundment Boat Launch depicting the available downstream boat
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			<p>launches and delineating the portage route.</p> <p>b. Install directional and wayfinding signage in consultation with the City of Auburn along the portage route utilizing existing infrastructure and leading to the Festival Plaza boat launch.</p>
			See Section 4.10 of Exhibit E of the FLA.
10	National Park Service – 10/28/2024	The FLA at Page E4 190-191 describes the status of ownership, easement, and maintenance responsibilities. This arrangement coupled with limited budgets and staffing constraints of Lewiston and Auburn have resulted in a poorly maintained facility with river access unavailable to members of the community with limited mobility. This facility is within the FERC project boundary; all operations and maintenance should be the responsibility of the Licensee. This is especially important given that multiple recreational facilities were removed from the Project Boundary (over the objection of the host communities) shortly before the commencement of the relicensing proceeding by FERC Order dated October 14, 2020. The FLA contains limited information regarding future capital and O&M costs for recreational facilities; this information is needed to inform FERC and to provide stakeholders with adequate expectations during the anticipated 30-40-year term of a new license.	Both Exhibit D and Section 5.0 of Exhibit E of the FLA provide information related to costs and Project financing, including information for future capital and O&M costs for recreational facilities.
Project Generation, Value, Cost of PME Study			
11	Auburn et al. – 10/18/2024	The FLA lacks sufficient information on the value of energy and revenues anticipated during the term on the proposed license and leaves it up to Stakeholders to make assumptions about future energy prices and guess what is included in capital and O&M costs. This study should itemize in detail what is proposed for Capital and O&M investments as well as more details about anticipated project revenues during the license term to the extent that Stakeholders and FERC can understand the balance between project generation, the environment, fisheries, and recreation. We recognize that there will be overlap between this study and the other requests for PME related study and some information may belong in different portions of the application. We ask that FERC will acknowledge that the information is needed for FERC review of a Final License Application prior to completion of the NEPA Analysis by requiring it.	See response to comment #10, above.

Communities in the Project Area			
12	National Park Service – 10/28/2024	Adequate public access to active and passive recreational opportunities is especially important in the underserved communities in the area surrounding the project. Nearly half of households in Auburn and Lewiston fall within or below 80% of the HUD Area Median Family Income (HAMFI), rendering them eligible for low-to-moderate-income status. Most are located within a mile of the project with residents largely dependent upon 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 low to moderate income neighborhoods.	Comment acknowledged. Section 4.14 of Exhibit E details considerations of potential impacts to environmental justice communities from the proposed action of relicensing the Project.
13	National Park Service – 10/28/2024	The cities of Auburn and Lewiston have together, undertaken considerable effort over many years to identify opportunities for improving recreational use and access and overall quality of life in and around Lewiston Falls. Almost 30 years ago during the previous licensing process, a publication was produced by the Androscoggin Land Trust entitled <i>Androscoggin Greenways: Benefits of a River Corridor</i> was produced by the Androscoggin Land Trust in 1996. Considerable progress and additional focused efforts have improved public access, but more can and should be accomplished during this relicensing.	Comment acknowledged.
Fisheries			
14	Maine Department of Marine Resources 10/24/2024	As we have repeatedly stated during this relicensing ¹ , MDMR has significant concerns regarding the methods and subsequent results of the <i>Upstream American Eel Study</i> at the Project. The Licensee did not follow study methods recommended by MDMR that have been used across the range of American eel to document and quantify upstream migrations. This was likely the cause of the small sample size of eels in the study (n=34), which resulted in limited information on appropriate locations to site temporary or permanent eel ramps at the Project. Additional assessment will be needed after eel ramps are cited to ensure that they are effective. Furthermore, MDMR believes that some of the PME measures proposed by the Licensee for eel passage will be inadequate to address project effects, and we will provide comments to that effect once the proposal has been reviewed by FERC and after issuance of the REA notice.	As was described in Appendix E-1 of Exhibit E of the FLA and has been repeatedly discussed with MDMR, BWPH conducted an upstream eel survey using observation methods that could be safely and effectively employed at the Lewiston Falls Project. Given the purpose of the relicensing studies, eel pots were not used because they have been found at times to be ineffective in trapping eels, particularly in rivers where, eel numbers are relatively low (see Initial Study Report for the Ripogenus and Penobscot Mills projects; accession #20230424-5265). Regarding nighttime observations, every project is unique, and the configuration of the Lewiston Falls dams spread across a wide expanse of rock ledges and located immediately below the dams, make the falls/ledge area a dangerous place to access, even in daylight hours. For the safety of

¹ Accession Nos. 20230329-5098 and 20240520-5105

			<p>the field crews, eel observations conducted by accessing the rock ledges were limited to daytime electrofishing and nighttime observations with binoculars, when appropriate, from safe but effective access locations. Backpack electrofish surveys were conducted during the daylight hours for the safety of the field crew maneuvering through the falls/ledge area. Following standard safety practices for electrofish sampling, electrofish surveys were targeted for dry weather conditions. The Final Study Plan for the Upstream American Eel Study indicated surveys would be conducted once weekly for a 14-week period from June to mid-September and would occur approximately one hour after sunset. The USGS protocol for observational surveys for upstream migrant eels states “Nights should be selected that have high probability of inducing eels to congregate or climb: warmer nights, cloudy nights, light rain, minimal wind. Safety (weather, temperature, flow conditions) should also be a consideration when selecting survey nights”. As described in the Upstream American Eel Study Report, nighttime surveys at Lewiston Falls were conducted over a range of weather conditions (clear, partly cloudy, and cloudy) and air temperatures (high 50s to high 70s), representing suitable conditions to assess for upstream passage.</p>
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