

May 20, 2024

Ms. Debbie-Anne A. Reese  
Acting Secretary Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

***Via online submission to: <http://www/ferc.gov>***

**Subject: City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, Maine Council of Trout Unlimited and Maine Rivers, Androscoggin Land Trust Comments on the Draft License Application (DLA) for the Lewiston Falls Hydroelectric Project (FERC No. 2302)**

Dear Ms. Reese:

The City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, Androscoggin Land Trust, and Maine Council of Trout Unlimited (“signatories”) submit the following Comments and Study Requests in response to the Draft License Application (DLA) for the Lewiston Falls Hydroelectric Project (FERC Project No. 2302) by Brookfield White Pines Hydro LLC (BWPH) dated February 21, 2024 ([Accession # 20240221-5232](#)). These organizations all have a strong and continuing interest in the outcome of the Lewiston Falls Project relicensing.

In summary, the DLA is incomplete and fails to propose any meaningful mitigation measures despite the stakeholders’ good faith participation in the studies coordinated by the Licensee. The need for additional study of recreational impacts remains, project generating information is absent from the DLA and mitigation measures have not been proposed in response to the completed or nearly completed studies. The following pages provide stakeholder information and study deficiencies followed by Stakeholder Mitigation needs beginning on page 6.

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 located on 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 of the state's highest poverty rates. Immediately abutting the project boundary, 45% of Census Tract 201 and 25% of Census Tract 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.

**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 18%, 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. **As indicated in Studies and the DLA, the facility essentially operates as run of river. however, the operations and flows are coordinated with, dependent on and benefit from the Gulf Island Pond impoundment for generating operations and equal consideration for other uses should also be given the ability to benefit from the licensees ability to deliver water to the project area via coordinated facilities.**

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.

### **Project Area**

A major portion of the project area was removed in 2020 reducing it by nearly 5 miles of affected river. The removed area recognized the major downstream effects of project operations - the current, reduced area does not. **The signatories request the return of these areas to the project, and in the absence of this measure, that recreational facilities both current and needed be given full consideration for inclusion in the terms and conditions of the new license going forward.**

### **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 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 economic 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 businesses and

amenities such as parks, trails or viewing platforms. The facility severs through-paddling options and floods the natural floodplain to create steep inaccessible banks. 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 1/2 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 based on coordination with upstream facilities and this significantly affects different recreational user groups in different ways. Fluctuating flows shown below are measured downstream of the facility and are driven by generating operations in coordination with licensee-controlled flows at facilities

upstream.

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

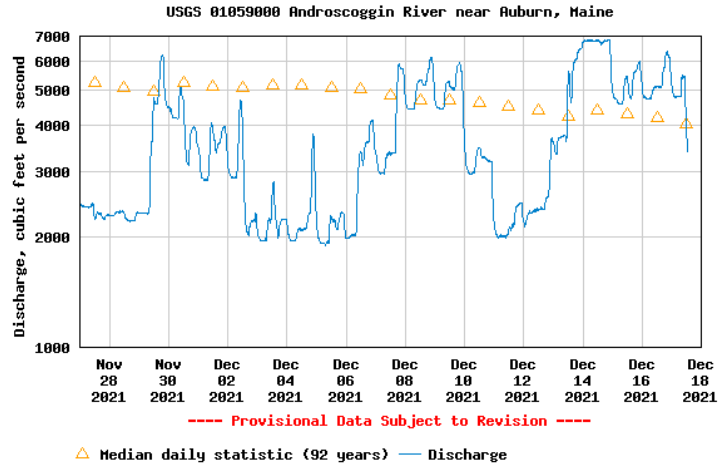
upstream. Prior to the current relicensing surveys, the last fisheries survey was conducted in 2003, 19 years ago.

### **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, flowing water through turbines instead of over the falls and may affect dissolved oxygen levels. The Maine Department of Environmental Protection classifies this river reach as Class C. Water quality monitoring was terminated 30 years ago in 1994. Notably, the waters below Lewiston Falls are classified as Critical Atlantic Salmon Habitat.

### **Discharge, cubic feet per second**

Most recent instantaneous value: 3400 12-17-2021 13:15 EST



### **Study Requests and Conclusions**

The Stakeholders actively participated in the Study phase of the FERC process and were 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 requested three studies that we deemed essential to the future management of the Lewiston Falls Project. Those requests are detailed in prior filings and the shortcomings are summarized below.

**Study request #1: Aesthetic study-Most of the study was completed however the licensee has failed to complete the final step to 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, tree planting and proposed flows over the falls and in the canals. . The DLA lacks proposed mitigation efforts as required to mitigate project impacts.**

**Study request #2: River Access and Recreational Flow study – This study remains to be completed and we do not have adequate information to assess recreational flows below the project. The study’s conclusion that existing facilities are adequate for the proposed license period is unacceptable.**

**Study request #3: Special Dissolved Oxygen Level Study – This study has been completed and the Licensee has failed to propose any mitigation measures. Stakeholders remain ready to engage in discussions to determine mitigation.**

### **Proposed Mitigation and Study**

**To mitigate project impacts the Licensee must consider the following in a Final License Application.**

- **Aesthetic Flows** - No aesthetic flows were proposed as part of the DLA while project operations reduce aesthetic flows significantly. 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%. **We request that the Licensee provide at least 4000 CFS from Dam 1 for at least 40 days per year during daylight hours and every Friday evening from 4PM - 8PM between May 15 and October 30 including 10 holiday or event weekend days with dates to be determined at an annual meeting between the Licensee and stakeholders to be held each year in April, with consideration of the licensee’s ability to coordinate inflows with licensee-controlled facilities upstream that are already used in this way for generating purposes. See flows on page 5.**
- **Propose Recreational Mitigation** - Work with stakeholders 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 people across the region. This includes ADA compliance; **The DLA proposal that existing facilities are adequate is unacceptable.**
  - Upgrades are needed at the North River Road boat Launch including grading, parking lot paving and striping, ramp repairs, shoreline stabilization, signage and ADA pedestrian connectivity to the existing sidewalk network on Center Street.



**4,350 cfs spill, Dam 1 deflated, Headpond el. 168.29 ft**

- The dam severs through paddling capabilities and the combination of required safety buoys above the dam and No Trespassing signage/fencing extend a long and undefined portage. The City of Auburn has worked to acquire riverside rights to improve this, however, the licensee should be required to work with the City to design and construct a portage facility that is consistent with Auburn's Riverwalk and connects to existing sidewalks between the North River Road Boat Launch and West Pitch Park or alternative. A concept plan was provided to the Licensee during the Study process. The Facility would be largely on licensee owned and City owned land. **Licensee should be required to contribute funding for design and construction costs and participate in the design process when the City secures access rights to the entire necessary on and off road corridor.**
- Portage and access from public streets are needed above and below Dresser Rips in Lewiston and Auburn. This is needed for recreation and public safety. Emergency responses are limited by access above and below Dresser Rips. **The licensee should be required to work with the City and fund acquisition of rights and construction of access for Public Safety above and below the Rips.**
- River safety signage is needed along the river for public safety reference points. **The licensee should be required to work with the Cities and to install numbered markers along the river for emergency reference points along the river.** Licensee should work with Stakeholders to propose a plan as part of the FLA.
- Maintenance of project recreation facilities should be provided by or funded by the licensee during the license period. **The licensee should be required to provide a maintenance plan for project facilities (existing and new) or propose an alternative as part of the DLA.**
- **Restoration of former project boundary or development of additional recreation and emergency access as project facilities should be proposed as part of the FLA.**
- 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 Veterans Park and along Island Point, linking back to Main Street at the Upper Canal;
- Evaluate Pedestrian Railroad Bridge as a project recreation facility for river view access and work with Lewiston and Auburn to plan for repairs and maintenance of the existing facility.
- 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—Brookfield should review annually with the City of Lewiston
- Determine flows needed by different user groups and suggest strategies for addressing conflicts including 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. Safe Waters website should be used or enhanced to provide real time and 3-7 day predicted flows for recreational trip planning and made available for linking to local websites.
- The City of Lewiston would like to see periodic reports on the conditions and upkeep requirements of the portages
- Improve the parking and create a boat launch at the David Rancourt River Preserve, owned by Androscoggin Land Trust
- Extend the riverside walking trail along the Tall Pines housing development to connect Sunnyside Park to David Rancourt River Preserve
- Extend the riverside walking trail south of Sunnyside Park to connect to the Veteran’s Park – building bridge, providing easements, ownership transfer to City
- Commitment to partner with the City and fund design and construction when the City acquires access rights to develop a trail and portage just upstream of the Hart Bridge to provide access to Dresser Rips.
- Develop a launch in the Sunnyside neighborhood at such time that the City acquires the easements for the facility
- City of Lewiston retains or acquires all necessary easements, water rights and construction rights in order to move forward with the implementation of the Riverfront Island Master Plan
- Improvements be made to the hand-carry boat launch at Simard Payne Park—possibly a fenced, secured, flat area for boat storage.

## **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 and mitigation measures are necessary to provide information and mitigate the operational impacts of P-2302 to inform FERC’s NEPA Analysis.

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