

October 18, 2024

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

Transmitted via e-mail and FERC e-file

Subject: City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, Maine Council of Trout Unlimited Comments & Study Requests In Response to the Notice of Application Tendered for Filing with the Commission and Soliciting Additional Study Requests for Lewiston Falls Hydroelectric Project (FERC No. 2302) dated September 9, 2024.

Dear Mrs. Reese:

The City of Auburn, City of Lewiston, American Whitewater, Appalachian Mountain Club, Grow L-A, and Maine Council of Trout Unlimited submit the following comments and study requests in response to the notice of application tendered for filing with the commission and soliciting additional study requests for Lewiston Falls Hydroelectric Project (FERC No. 2302) dated September 9, 2024.

In summary, the FLA 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 missing or incomplete from the FLA, and appropriate mitigation measures have not been proposed in response to concerns about project impacts. We have attempted to simplify the process for the licensee by collaborating with a broad range of stakeholders in preparation for the FLA. Details about the stakeholders collaborating on in this communication are available in prior comments at <https://www.auburnmaine.gov/pages/government/rivers-hydropower> and in the FERC E-library, most recently as a filing on the licensees PAD dated May 20, 2024. The stakeholders intend to continue participation in the licensing process and advocate for fair and appropriate mitigation at later stages, however, it is our understanding that this step will be limited to additional study requests. The following studies are still needed to inform the FERC NEPA Analysis.

1. **Portage study and consideration of alternative designs.** 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.

2. **Project Facility Maintenance and enhancement Study.** 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 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 completion of the NEPA Analysis.

3. **Project generation, Value, Cost of PME Study.** 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 at 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.

4. **Emergency and Recreational Access Study above and/or below Dresser Rips.** 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/CMSContent/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.

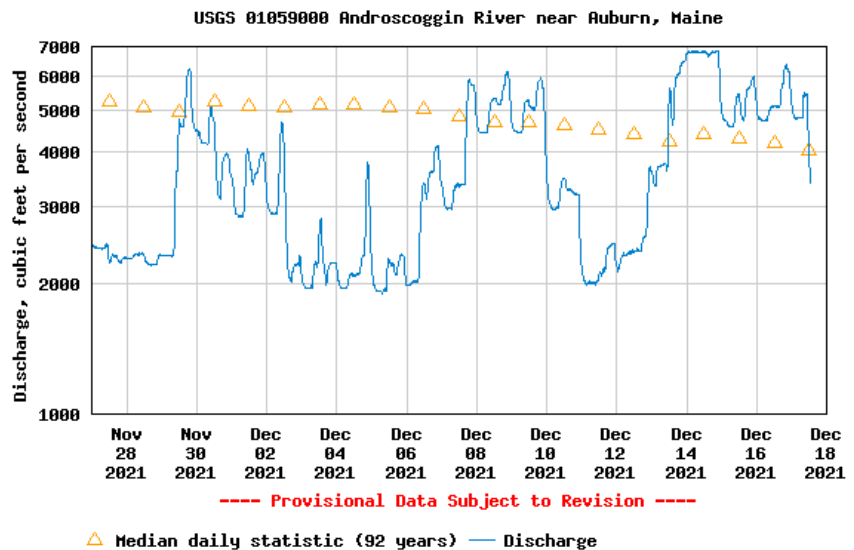
River Access, Recreational and Emergency Flow Study.

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.**

Discharge, cubic feet per second

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



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.

Goals and objectives

This study should include an evaluation of existing project operations, including cumulative effects of this project’s operation in conjunction with flows provided by the operation of upstream facilities (see P-2283 filing https://elibrary.ferc.gov/eLibrary/filelist?accession_num=20210903-5157) controlled by the applicant, and future on-water and on-shore recreation use along the river, canal, and abutting areas while protecting habitat, public safety, and water quality. The study will:

- 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;
- 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 facility for river view access;

- 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;
- Determine flows needed by different user groups and suggest strategies for addressing conflicts;
- Evaluate and plan for portage around Dresser Rips and from North River Road boat launch to hand carry access below the Lewiston Falls.
- Evaluate river access improvements throughout the project area
- Evaluate and Identify flows that serve 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.

Resource management goals

The cities are not a resource management agency, but we represent the public that lives, works and plays within our municipal boundaries.

Public interest

The Androscoggin River is a public trust resource for the communities of Auburn and Lewiston and the people of the State of Maine, licensed to Brookfield White Pines Hydro LLC for power generation. The public has the right to access it for all forms of recreation. The cities have invested in long range planning efforts that center on the river as a critical quality-of-life asset. Our Comprehensive Housing Affordability Strategy (CHAS) data, updated with the latest available information (2016-2020 ACS) underscores the pressing need for quality-of-life amenities and mitigation for under served communities in the area of the facility. Nearly half of households in Auburn and Lewiston qualify for support, with approximately 4,760 households in Auburn and 8,695 households in Lewiston falling within or below 80% of the HUD Area Median Family Income (HAMFI), rendering them eligible for low-to-moderate-income status under the CDBG or HOME programs. 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. Understanding project impacts as they relate to access to the river is necessary to promote environmental justice in the project area and surrounding LMI neighborhoods during the FERC NEPA Analysis and ensure access to a high quality of life despite the impacts of project operations. Thus, the study must:

- 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 public has an interest in accessing the river that is a public trust resource. Improved public access is necessary to mitigate the flooding of

natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts;

- 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 could extend through Heritage Park and along Island Point, linking back to Main Street at the Upper Canal. The public has an interest in accessing the river that is a public trust resource. Improved public access is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts;
- Evaluate Pedestrian Railroad Bridge as a project facility for river view access;
- 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;
- Determine flows needed by different user groups and suggest strategies for addressing conflicts; Evaluate and Identify flows that serve on the water users including kayakers and canoeists, whitewater at Dresser Rips, rowing teams. The public has an interest in accessing the river that is a public trust resource. This study is necessary to understand how fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts affect the ability of all paddling user groups;
- Evaluate and plan for portage around Dresser Rips and from the North River Road boat launch to hand-carry access below the Lewiston Falls. The public has an interest in accessing the river that is a public trust resource. This is necessary to mitigate the flooding of natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts. This is further necessary because the impoundment and the hydro facility operations sever the opportunity for through-paddling and pedestrian access along the naturally occurring river. Through-paddling portages and pedestrian access might be restored above the impoundment pond elevation from the North River Road Boat Launch to the lower side of the facility, but it is necessary to understand options to mitigate this impact and consider the impacts in the NEPA Analysis;
- Evaluate river access improvements throughout the project area. The public has an interest in accessing the river that is a public trust resource. This is necessary to mitigate the flooding of

natural flood plains and to overcome the flooding in the impoundment as well as fluctuating flows below the facility caused by operation of applicant-controlled facilities and their cumulative impacts. This is further necessary because the impoundment and the hydro facility operations sever the opportunity for through-paddling and pedestrian access along the naturally occurring river. Through-paddling portages and pedestrian access might be restored above the impoundment pond elevation from the North River Road Boat Launch to the lower side of the facility, but it is necessary to understand options to mitigate this impact and consider the impacts in the NEPA Analysis;

- Evaluate ways to inform the public when ideal conditions exist or will exist. This is necessary to ensure the public knows when project impacts are minimized and/or safe enjoyable conditions will naturally exist and can be enjoyed when available. The project and its cumulative impacts on river flows affects the timing and duration of varying water conditions in the river in and below the project area.

Existing information and additional information needed

The cities have invested in long range planning efforts that center on the river as a critical quality-of-life asset.

Androscoggin Greenways: Benefits of a River Corridor was produced by the Androscoggin Land Trust in 1996. An Access and Recreational Study will evaluate the progress made toward that vision in the past 26 years and map opportunities for increased public access to the river in the greater Lewiston Auburn area.

The McLaughlin Whitewater Design Group prepared a *Vision for Recreation on the Lewiston Historic Canal* for the Androscoggin Land Trust in 2014. An Access and Recreational Study will evaluate the progress made toward that vision and map opportunities for enhancement of the canals.

Androscoggin Greenway Health Impact Assessment

[Microsoft Word - ALT HIA Report FINAL \(lewistonmaine.gov\)](#)

Androscoggin Greenway Plan https://issuu.com/wrightp/docs/androscoggin_greenway_plan_wright-pierce

Auburn Trails Feasibility Study

<https://digitalcommons.usm.maine.edu/mdot-docs/1/>

City of Auburn Strategic Plan

<https://www.auburnmaine.gov/pages/government/strategic-plan>

City of Auburn Comp Plan

<https://www.auburnmaine.gov/pages/government/comprehensive-plan>

City of Lewiston *Riverfront Island Master Plan*

<https://www.lewistonmaine.gov/413/Riverfront-Master-Plan>

City of Lewiston Comprehensive Plan, *Legacy Lewiston*
<https://www.lewistonmaine.gov/603/Lewiston-Comprehensive-Plan>

Lewiston Riverside Greenway Feasibility Study
<http://www.lewistonmaine.gov/DocumentCenter/View/789/6-2002---Lewiston-Riverside-Greenway-Feasibility-S?bidId=>

City of Lewiston, Parks and Recreation Comprehensive Plan
<http://www.lewistonmaine.gov/DocumentCenter/View/807/1993---Parks--Recreation-Comp-Plan---Intro-Sectio?bidId=>

Twin Cities Riverfront Concept Plan
<http://www.lewistonmaine.gov/DocumentCenter/View/793/10-1988---Twin-Cities-Riverfront-Concept-Plan?bidId=>

Nexus between project effects and resource; how study results will inform license requirements

The nexus is clear and direct because the amount of water entering the impoundment and going over the falls is directly controlled by project operations. The study will inform the volume of water needed to support a range of both upstream and downstream recreation ranging from boating to fishing and passive viewing of the river and falls. It will inform the demand for access points, including portage sites. The project includes 5 dams, a bypassed reach that contains a significant waterfall at certain flows, and a riverine reach below the project boundary surrounded by the state's second largest metropolitan area, which is inherently attractive for recreation close to home. An analysis of existing recreation use and access at the project would help form the basis for determining the project's impacts upon, and ability to enhance, public recreation access opportunities. The proximity to a large population center, being located at its center, creates greater recreational value potential and, inversely, negative impacts of project operations to a larger group of users than more rural facilities, with fewer potential visitors. Flow over the dam and in the bypass reach directly impacts aesthetics and recreation. Also, an assessment of the current level of recreation use would provide information necessary to develop a Recreation Management Plan for efficient management of the recreational components of the project over the term of a new license.



The facility has 800-acre feet of storage capacity (The applicant indicates this fluctuation is largely unused) but is operated as a run-of-river facility with the flows fluctuating based on flows allowed from upstream facility operations controlled by the applicant. Cumulative operational impacts must be understood to inform the NEPA Analysis. The

recreational flow study is necessary to provide information that could inform a license condition and as part of the NEPA Analysis.

Study methodology

This study has a land-based access component and a Controlled Flow Stream Assessment for recreational boating.

Land Based Access Methodology:

1. Identify and assess usage, suitability and condition of existing project facilities.
2. Walk project boundary with stakeholder representatives present to identify access points based on evidence of foot traffic and to evaluate suitability and improvement potential.
3. Evaluate portage and trail connectivity options around the facility.

Controlled Flow Stream Assessment methodology for recreational boating:

Accepted practices for recreational flow studies would be employed for this study. Evaluated sections of river include the entire project area below the Great Falls extending through Dresser Rips to a recently completed portage in Lewiston at 521 River Road approximately 4.8 miles below the dams. The applicant has the ability to control and modify flow within this area and flows can be measured at the Dresser Rips Gauge (USGS Gauge 01059000). A component of the study is to determine the extent to which the applicant currently has the ability to control and/or modify flows; how the upstream facilities controlled by the applicant impact inflows to the facility and the river below it; what measures might be necessary to enable the applicant to better control flows and thus be better able to provide specific timing, duration, and magnitude of flows; as well as how and to what extent modifications to project works to allow for increased control of flows might affect project operations, power generation, and revenues.

The study should be designed to identify minimum flows that produce desirable conditions for novice boaters and rowing skulls in the river below the dam and for whitewater boaters at Dresser Rips. The evaluation should also include novice boaters in the canals and identify the range of flows that can be directed to each asset and test flows within that range for desirable conditions. The actual methodology should closely follow the Doug Whittaker, Bo Shelby, & John Gangemi publication, *Flows and Recreation, Guide to Studies for River Professionals* (npshistory.com/publications/rtca/nri/flows-recreation.pdf). The study should explain the impacts of generation and operation of the facility and the cumulative impacts of facilities upstream affecting flows in the project area and how they affect available flows in the river and in the canals.

Consideration of effort and cost

This type of study is routinely conducted during FERC proceedings and in this case, can be done at a reasonable cost and time frame.

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. **The ability to do that is impacted by project operations that cannot be fully evaluated and understood without further study.** 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 are necessary to provide information and make determinations on how to mitigate the operational impacts of P-2302 during FERC's NEPA Analysis.

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