FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

February 5, 2018

OFFICE OF ENERGY PROJECTS

Project No. 4784-095- Maine

Pejepscot Hydroelectric Project

Topsham Hydro Partners Limited Partnership

**Subject: Scoping Document 2 for the Pejepscot Hydroelectric Project, P-4784-095**

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by the Topsham Hydro Partners Limited Partnership (Topsham Hydro) for relicensing the Pejepscot Hydroelectric Project (FERC No. 4784). The project is located on the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties in the village of Pejepscot and the town of Topsham, Maine.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

Our preliminary review of the scope of environmental issues associated with the proposed relicensing of the Pejepscot Project was described in Scoping Document 1 (SD1), issued on October 30, 2017. We requested comments on SD1, conducted an environmental site review, and held scoping meetings on November 28, 2017, to hear the views of all interested agencies and entities on the scope of issues that should be addressed in the EA. Based on the meetings and the submission of written comments, we have updated SD1 to reflect our current view of issues and alternatives to be considered in the EA. ***Key changes from SD1 to SD2 are identified in bold and italicized type***.

SD2 is being distributed to both Topsham Hydro’s distribution list and the Commission’s official mailing list (see section 10.0 of the attached SD2). If you wish to be added to or removed from the Commission’s official mailing list, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written or emailed requests must specify your wish to be removed from or added to the mailing list and must clearly identify the following on the first page: **Pejepscot Hydroelectric Project No. 4784-095**.

If you have any questions about SD1, SD2, the scoping process, or how Commission staff will develop the EA for this project, please contact Ryan Hansen at (202) 502-8074 or [ryan.hansen@ferc.gov](mailto:ryan.hansen@ferc.gov). Additional information about the Commission’s licensing process and the Pejepscot Project may be obtained from our website, [www.ferc.gov](http://www.ferc.gov).

Enclosure: Scoping Document 2

SCOPING DOCUMENT 2

PEJEPSCOT HYDROELECTRIC PROJECT

MAINE

PROJECT NO. 4784-095

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Federal Energy Regulatory Commission

Office of Energy Projects

Division of Hydropower Licensing

Washington, DC

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**SCOPING DOCUMENT 2**

**Pejepscot Hydroelectric Project, No. 4784-095**

**1.0 INTRODUCTION**

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),[[1]](#footnote-2) may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On August 31, 2017, Topsham Hydro Partners Limited Partnership (Topsham Hydro) filed a Pre-Application Document (PAD) and Notice of Intent to seek a new license for the Pejepscot Hydroelectric Project (FERC Project No. 4784).[[2]](#footnote-3)

The Pejepscot Hydroelectric Project (Project) is located on the Androscoggin River in Sagadahoc, Cumberland, and Androscoggin Counties in the village of Pejepscot and the town of Topsham, Maine. The Pejepscot Project has a total installed capacity of 13.88 megawatts (MW). The average annual generation of the Pejepscot Project from 2006 to 2016 was 77,558 megawatt-hours (MWh).

A detailed description of the project is provided in section 3.0. The location of the project is shown on figure 1. The Pejepscot Project does not occupy federal lands.

The National Environmental Policy Act (NEPA) of 1969,[[3]](#footnote-4) the Commission’s regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Pejepscot Project as proposed, and also consider reasonable alternatives to the licensee’s proposed action. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure identification and analysis of all pertinent issues.



Figure 1. Location of the project in the Androscoggin River Basin. (Source: applicant).

Although our current intent is to prepare an EA, there is a possibility that an environmental impact statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

# **2.0 SCOPING**

This Scoping Document 1 (SD1) was intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

**2.1 PURPOSES OF SCOPING**

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

* invite participation of federal, state and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
* determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
* identify how the project would or would not contribute to cumulative effects in the project area;
* identify reasonable alternatives to the proposed action that should be evaluated in the EA;
* solicit, from participants, available information on the resources at issue, including existing information and study needs; and
* determine the resource areas and potential issues that do not require detailed analysis during review of the project.

**2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW**

***We issued SD1 on October 30, 2017, to enable resource agencies, Indian tribes, NGOs, and the public to more effectively participate in and contribute to the scoping process. In SD1, we requested clarification of the preliminary issues concerning the Pejepscot Project and identification of any new issues that need to be addressed in the project EA. We revised SD1 following the scoping meetings and site visit and our review of written comments filed during the scoping comment period, which ended December 29, 2017. This SD2 presents our current view of issues and alternatives to be considered in the EA. To facilitate review, key changes from SD1 to SD2 are identified in bold and italicized type.***

***We conducted scoping meetings in Brunswick, Maine on November 28, 2017, and an environmental site review of the project on November 29, 2017, to identify potential issues associated with the project. A court reporter recorded oral comments made during both scoping meetings.***

***In addition to oral comments received at the scoping meetings, written comments were also received from the following entities*:**

***Commenting Entity Filing Date***

***Maine Department of Marine Resources December 20, 2017***

***Maine Department of Environmental Protection December 27, 2017***

***National Marine Fisheries Service December 28, 2017***

***Brookfield Renewable December 29, 2017***

***Maine Department of Inland Fisheries and Wildlife January 2, 2018***

***U.S. Fish and Wildlife Service January 3, 2018***

***All comments received are part of the Commission’s official record for the project. Information in the official file is available for inspection and reproduction at the Commission’s Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. Information also may be accessed through the Commission’s eLibrary system using the “Documents & Filing” link on the Commission’s webpage at*** [*http://www.ferc.gov*](http://www.ferc.gov)***. Call (202) 502-6652 for assistance.***

***2.2.1 Issues Raised During Scoping***

***The issues raised by participants in the scoping process are summarized below. The summaries do not include every oral and written comment made during the scoping process. We revised SD1 to address only those comments relating directly to the scope of environmental issues. Further, we do not address recommendations for license conditions, such as protection, mitigation, and enhancement (PM&E) measures, as these recommendations will be addressed in the EA or any license order that is issued for this project. We will request final terms, conditions, recommendations, and comments when we issue our Ready for Environmental Analysis (REA) notice. Finally, we do not address comments or recommendations that are administrative in nature, such as requests for changes to the mailing lists. Those items will be addressed separately.***

***Project Decommissioning***

***Comment: The National Marine Fisheries Service (NMFS) states that the Pejepscot Project directly affects the endangered Atlantic salmon and its critical habitat. NMFS comments that project decommissioning with dam removal is the only alternative that would completely eliminate the threat to Atlantic salmon and their critical habitat. Therefore, NMFS recommends that the Commission consider project decommissioning with dam removal as a reasonable alternative considered in its EA.***

***Response: As the Commission has previously held, decommissioning is not a reasonable alternative to relicensing a project in most cases. Prior to conducting a decommissioning analysis with or without dam removal, the Commission waits until an applicant actually proposes to decommission a project, or a participant in a licensing proceeding demonstrates, with supporting evidence, that there are serious resource concerns that cannot be mitigated if the project is relicensed. Here, the applicant has not proposed decommissioning and there is no evidence of an unavoidable, serious resource concern that can’t be mitigated through relicensing the project. For these reasons, we find that at this time, further analysis of dam removal as a reasonable alternative is not required.***

***Cumulative Effects***

***Comment: Brookfield Renewable states that the geographic scope for the cumulative effects analysis for water quality should be narrowed. Brookfield Renewable points to the fact that the Androscoggin River is tidally influenced up to Brunswick dam and, therefore, the reach of the Androscoggin River between Brunswick dam and Merrymeeting Bay should be excluded from the scope of the analysis.***

***Response: Because the tidal influence on the Androscoggin River downstream of Brunswick dam would likely confound any analysis of cumulative effects on water quality from Brunswick dam downstream to Merrymeeting Bay, we revised Section 4.1.2 to exclude this portion of the Androscoggin River from our geographic scope for our analysis of cumulative effects on water quality.***

***Comment: Brookfield Renewable states that the geographic scope for the cumulative effects analysis for migratory fish should be narrowed. Brookfield Renewable points to the fact that the historical range for American shad and river herring is Lewiston Falls, which lies 17.5 miles upstream of Pejepscot Dam. Brookfield Renewable also states that the historical range of Atlantic salmon ends at Rumford Falls, approximately 75 miles upstream of Pejepscot Dam. The Maryland Department of Marine Resources (MDMR) supports the use of the entire Androscoggin River Basin as the appropriate scope for our migratory fisheries analysis in the EA. The Maine Department of Inland Fisheries and Wildlife (Maine DIFW) says that the cumulative effects analysis for aquatic resources should be expanded to include resident fish and aquatic organisms.***

***Response: While we agree that the historic range of migratory fishes in the Androscoggin River does not include the entire river and many natural barriers to upstream fish migration historically prevented migratory species from inhabiting the upper reaches, both migratory and resident fish in the Androscoggin River may be affected by activities in the river basin well upstream of their natural ranges. For example, water storage, hydroelectric projects, and wastewater discharges upstream could affect water quality and flows such that, when considered in combination with the possible effects of the operation of the Pejepscot Project, they could cumulatively affect both migratory and resident fishes, as well as other aquatic organisms. Consequently, we believe the entire Androscoggin River Basin is the appropriate scope for our migratory fisheries analysis in our EA. We revised Section 4.1.1 and 4.1.2 to include resident fish and aquatic organisms in the cumulative effects analysis and to establish the entire Androscoggin River Basin as the geographic scope of analysis.***

***Recreation Resources***

***Comment: Maine DIFW raised concerns about public access to the project shoreline and the operation of the Pejepscot Boat Ramp.***

***Response: The EA will consider recreation access needs and is already identified as an issue in Section 4.2.5; therefore no changes to SD2 are needed.***

**3.0 PROPOSED ACTION AND ALTERNATIVES**

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

**3.1 NO-ACTION ALTERNATIVE**

Under the no-action alternative, the Pejepscot Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

**3.1.1 Existing Project Facilities**

The existing Pejepscot project consists of a dam, spillway, fish passage facilities, two powerhouses, a sheet-pile floodwall, transmission line, and ancillary equipment (figure 2).



Figure 2. Aerial view of the Pejepscot Project (Source: applicant).

**Impoundment**

The project impoundment extends approximately 3 miles upstream from the Pejepscot Dam to the confluence with the Little River. At normal full pool elevation (elevation 67.5 feet), the impoundment has a surface area of 225 acres, gross storage capacity of 3,278 acre-feet, and approximately 6.6 miles of shoreline. The drainage area at the project is 3,420 square miles. Because the Project is run-of-river, there is minimal usable available storage behind the dam.

**Dam & Spillway**

The Pejepscot Dam is a 560-foot-long, 47.5-foot-high, rock- and gravel-filled, timber-crib, overflow structure with a sheet-pile cutoff to bedrock along the upstream side. The cribs are topped with a 5-foot-thick reinforced concrete slab to protect the dam from erosion during periods of high river flow. At the right (west) end of the dam where the abutment rock level is high, there is no cribwork, and the dam consists of a low, mass-concrete section. The dam is abutted on the right by a high bedrock outcrop and on the left (east) by a mass-concrete and stone-masonry pier.

Spillway capacity is provided by operating the gates on the crest of the dam. The crest is equipped with five, 96-foot-long by 3-foot-high, hydraulically operated, bascule gates separated by concrete piers. The gates can be operated automatically or manually. The hydraulic pump units that operate the gates are contained in the mass-concrete pier forming the left abutment of the dam. The crest gate seals are heated to permit operation of the gates during cold weather, including movement when subjected to heavy ice pressure. The project has a spillway discharge capacity of 95,000 cfs. Overtopping of the dam does not occur until the headwater reaches elevation 81, at which point the spillway discharge is approximately 110,000 cfs.

**Powerhouses & Intake**

The project includes two powerhouses: an original powerhouse that was constructed in 1898, and a newer powerhouse that was constructed from 1985 to 1987. Each powerhouse has its own intake that is integral with the powerhouse. The original powerhouse contains three rehabilitated horizontal Francis units (identified as Nos. 21, 22, and 23) with a combined output capacity of about 1.588 MW. Each of the units has an intake gate for dewatering. The three Francis unit intakes have 1.5-inch bar spacing on the trashrack. The tailrace for the three units can be isolated from the downstream tailwater by means of a bulkhead-type gate, which is operated from the new powerhouse intake deck using a mobile crane.

The newer powerhouse contains a vertical-shaft, low speed, adjustable-blade, propeller type (Kaplan) turbine-generator unit (identified as Unit No. 1) rated at 12.3 MW, with four blades and 18 feet in diameter; it rotates at 82 revolutions per minute (rpm). The maximum flow through the turbine is 7,500 cfs. The Kaplan unit intake has 1.5-inch bar spacing at the top of the trashrack and 2.5-inch bar spacing at the bottom. The project discharges into a short tailrace that meets the Androscoggin River approximately 25 feet downstream of the powerhouse.

**Fish Passage Facilities**

The Project has both upstream and downstream fish passage facilities.

*Upstream Fish Passage Facilities*

The upstream fish passage facility is a vertical lift (elevator) that lifts migratory fish in a hopper about 30 feet vertically from near the powerhouse tailrace to the impoundment level behind the dam. The lift hopper is about 20 feet long and 7 feet wide with a sloping bottom that assists in removal of the fish from the hopper. The inlet to the hopper is a V-trap about 8 inches wide by 8 feet high opening. In front of the entry gate there are four attraction pumps under a grating that create an additional flow up to 160 cfs through the entry channel to attract the fish to the lift. These pumps can be sequenced to change the volume of water passing through the entry channel, depending on the flow out of the powerhouse tailrace. The lift basket discharges the fish into a metal channel about six feet wide and eight feet high. The channel is approximately 110 feet long from the lift hopper to the gate at the dam. Along the channel is a viewing window to observe the fish along with a crowding panel that moves the fish closer to the window for viewing. There is a continuous flow of about 30 cfs from the impoundment to the lift basket to attract the fish to the impoundment.

The upstream fish passage is operated annually from April 15th to November 15th. The lift is operated automatically to lift the fish hopper every two hours beginning at 8 a.m. for a total of five lifts per day. The four attraction pumps are operated by station technicians; the number of pumps operating is determined based on the flow coming through the turbine and out the tailrace. A preset weir in the channel provides an attraction flow through the channel and hopper. The channel from the hopper to the impoundment is opened when the seasonal operation is started for passage of anadromous fish. The gates in the channel that allow fish to be counted through the observation window are left open unless they are being used for counting. Fish at the plant are not actively counted and, historically, the counting facilities have only been used for efficiency tests.

*Downstream Fish Passage Facilities*

The downstream fish passage facilities consist of two entry weirs, one on either side of the Unit 1 turbine intake. From each weir, an outlet pipe transports the fish in water down to the tailwater. The weir gates are four feet wide and are part of an inlet box with the outlet pipe located on the side opposite the weir. The right-side weir has a 30-inch diameter transport pipe and the left-side weir has a 24-inch diameter transport pipe. Both pipes have a free discharge to the water below the dam.

To ensure downstream passage safety for Atlantic salmon smolts and post-spawned adults (i.e., kelts) migrating in the Androscoggin River system, the downstream fishway is currently operated from April 1 to December 31, as river conditions allow.

**Switchyard/Transmission Lines**

Main and secondary substations are located to the north and south of the powerhouse, respectively. In addition, the Project works include 900-foot-long, 15-kV cable connections to the substations.

**3.1.2 Existing Project Operations**

The Pejepscot Project is operated as a run-of-river facility. The main turbine generator unit (Unit 1) is operated on pond level control. Unit 1 controls the turbine wicket gates to maintain a preset pond level which is normally at about elevation 67.2 or 0.3 feet below the top of the spill gates. When Unit 1 nears its maximum flow capacity of 7,550 cfs, one or more of the three small units (Units 21, 22 and 23) is manually started and set at its best efficiency point. The small units are mainly operated during high spring runoff and after large storm events that increase river flow.

**Normal Operation**

The project has a maximum hydraulic capacity of 7,550 cfs through the units. The minimum flow of 1,710 cfs is conveyed to the Project tailrace as flow through the powerhouse or as spill over the dam or as a combination. Inflows in excess of the hydraulic capacity of the units are passed at the dam spillway. Inflows to the project exceed the maximum capacity of the units approximately 28 percent of the time, on average.

**High Flow Operations**

When the pond level reaches elevation 69.0 (1.5 feet above the spill gates), the gates begin to lower starting with Gate 1, closest to the powerhouse. The gates operate on pond level control and as flow increases they maintain the pond level of elevation 69.0 until all five gates are open. When the flow starts decreasing and the pond level drops to elevation 68.0 the gates start to close to maintain a level above elevation 68.0. When all five gates are closed, the pond is again on turbine pond level control until the pond level exceeds elevation 69.0.

**Minimum Flow Requirement**

The project is required to discharge a continuous minimum flow of 1,710 cfs, as measured immediately downstream from the Project powerhouse, or inflow to the impoundment, whichever is less, minus process water (approximately 5 MGD or 9.3 cfs) and 100 cfs for pond level control. Flows may be modified temporarily if required by operating emergencies beyond the licensee’s control, or for short periods upon mutual agreement between Topsham Hydro, Maine Department of Marine Resources (MDMR), and Maine Department of Inland Fisheries and Wildlife (MDIFW).

**3.2 APPLICANT’S PROPOSAL**

**3.2.1 Proposed Project Facilities and Operations**

Topsham Hydro proposes to continue to operate and maintain the Pejepscot Project as is required in its existing license. Topsham Hydro does not propose any new development or changes in project operation at this time.

**3.2.2 Proposed Environmental Measures**

The environmental measures that are currently proposed by Topsham Hydro are described below.

Aquatic Resources

* Continue to release a 1,710-cfs, or inflow (whichever is less), minimum flow in the tailrace of the Pejepscot Project.
* Continue to operate the upstream and downstream fish passage facilities.

Recreation and Land Use

* Continue to maintain the project boat launch, access point and canoe portage.

## 3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as the addition of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission’s dam safety criteria found in Part 12 of the Commission’s regulations and the Engineering Guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

## 3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement (PM&E) measures identified by the Commission, the agencies, Indian tribes, NGOs, and the public.

**3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY**

At present, we propose to eliminate the following alternatives from detailed study in the EA.

**3.5.1 Federal Government Takeover**

In accordance with § 16.14 of the Commission’s regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA.[[4]](#footnote-5) We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

**3.5.2 Non-power License**

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Pejepscot Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

**3.5.3 Project Decommissioning**

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the region. With decommissioning, the project would no longer be authorized to generate power.

No party has suggested project decommissioning would be appropriate in this case, and we have no basis for recommending it. Thus, we do not consider project decommissioning a reasonable alternative to relicensing the project with appropriate environmental measures.

**4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES**

**4.1 CUMULATIVE EFFECTS**

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

**4.1.1 Resources That Could Be Cumulatively Affected**

Based on information in the PAD for the Pejepscot Project, and preliminary staff analysis, we have identified water quality and ***aquatic organisms (to include*** migratory ***and resident*** fisheries) as resources that could be cumulatively affected by the proposed continued operation and maintenance of the Pejepscot Project in combination with other hydroelectric projects and other activities in the Androscoggin River Basin.

**4.1.2 Geographic Scope**

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other hydropower and non-hydropower activities within the Androscoggin River Basin. We have identified the geographic scope for water quality to include the Androscoggin River from the upstream extent of the Pejepscot reservoir to ***the Brunswick dam***. We chose this geographic scope because the operation and maintenance of the Pejepscot Project, in combination with other developments in the Androscoggin River Basin may affect water quality of this segment of the Androscoggin River. This reach of the Androscoggin River contains the Pejepscot project, a metal recovery and recycling facility, several active rock and gravel pits, and the Brunswick Hydroelectric project approximately 4.7 miles downstream from the Pejepscot Dam, all of which may cumulatively affect water quality conditions below the Pejepscot Dam.

We have identified the geographic scope for ***aquatic organisms*** to include the Androscoggin River Basin. We chose this geographic scope because the operation and maintenance of the Pejepscot Project, in combination with other hydroelectric projects ***and other types of development*** in the Androscoggin River Basin may affect ***aquatic organisms*** in the Androscoggin River Basin. There are no less than 28 dams on the mainstem Androscoggin River from its headwaters to the point where it flows into Merrymeeting Bay.

**4.1.3 Temporal Scope**

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

**4.2 RESOURCE ISSUES**

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission’s record for the Pejepscot Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA. Those issues identified by an asterisk (\*) will be analyzed for both cumulative and site-specific effects.

**4.2.1 Geologic and Soils Resources**

* None.

### 4.2.2 Aquatic Resources

* Effects of continued project operation on water quality from the project headwaters downstream to ***the Brunswick dam***.\*
* Effects of continued project operation on aquatic habitat in the project area for ***aquatic organisms***.\*
* Effects of continued project operation on passage of migratory fish species in the Androscoggin River including upstream passage of adult fish and downstream passage of smolts and juveniles.\*

**4.2.3** **Terrestrial Resources**

* Effects of continued project operation and maintenance on riparian, littoral, and wetland habitats and associated wildlife.

**4.2.4**  **Threatened and Endangered Species**

* Effects of continued project operation on the federally endangered Atlantic salmon and its critical habitat and the northern long-eared bat.

### 4.2.5 Recreation Resources

* Effects of continued project operation on recreational use in the project area, including the adequacy of existing recreational access.

**4.2.6** **Cultural Resources**

* Effects of continued project operation on historic properties and archaeological resources.

**4.2.7 Developmental Resources**

* Effects of proposed environmental measures and associated costs on project economics.

**5.0 Proposed Studies**

Depending upon the findings of studies completed by Topsham Hydro and the recommendations of the consulted entities, Topsham Hydro will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of the proposed action. Topsham Hydro’s initial study proposals are identified by resource area in table 1. Detailed information on Topsham Hydro’s initial study proposals can be found in the PAD. Further studies may need to be added to this list based on comments provided to the Commission and Topsham Hydro from interested participants, including Indian tribes.

Table 1. Topsham Hydro’s initial study proposals for the Pejepscot Project. (Source: Pejepscot Project PAD)

| **Resource Area/Study Name** | **Description of Proposed Study** | |
| --- | --- | --- |
| **Aquatic Resources** | | |
| Impoundment Trophic State Study | Collect water quality data from the project impoundment from June through October to confirm compliance with state water quality standards | |
| Tailwater Temperature and Dissolved Oxygen Study | Collect water temperature and dissolved oxygen data from the project tailrace from July through August to confirm compliance with state water quality standards. | |
| Tailwater Benthic Macroinvertebrate Study | Conduct a macroinvertebrate survey in the project tailrace. | |
| Visual Eel Monitoring Surveys | Conduct twelve nighttime visual monitoring surveys for upstream-migrating eels. | |
| Adult Alewife and American Shad Upstream Passage Evaluation | Conduct counts of upstream-migrating alewife, American shad, and other migratory species at the project fish lift during the course of the passage season. | |
| Downstream Atlantic Salmon Smolt Survival Study | Conduct a one-year downstream passage effectiveness study of Atlantic salmon smolts to evaluate whole station survival under spill conditions at the project. | |
| **Terrestrial Resources** | | |
|  | Map and characterize existing terrestrial habitat and vegetative cover within the project boundary and in areas around the impoundment. Document occurrence of invasive and federal- and state-listed rare, threatened, or endangered species. | |
|  | Map and characterize floodplain, wetland, and riparian habitat within the project boundary and in areas around the impoundment. | |
| **Recreation, Land Use, and Aesthetics** | | |
|  | Conduct a recreation use and condition assessment of the Pejepscot Boat Ramp and the Pejepscot Dam Recreation Area. | |
| **Cultural Resources** | |  |
|  | | Conduct a historic architectural survey, historic archeological resources survey, and a pre-historic archeological resource survey in accordance with Maine Historic Preservation Commission guidelines. |

**6.0 REQUEST FOR INFORMATION AND STUDIES**

We are asking federal, state, and local resource agencies, Indian tribes, NGOs, and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with relicensing the Pejepscot Project. The types of information requested include, but are not limited to:

* information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;
* identification of, and information from, any other EA, EIS, or similar environmental study (previous, on-going, or planned) relevant to the proposed relicensing of the Pejepscot Project;
* existing information and any data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
* information that would help characterize the existing environmental conditions and habitats;
* the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs), along with any implementation schedules);
* documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Indian tribes, NGOs, and the public;
* documentation showing why any resources should be excluded from further study or consideration; and
* study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA/EIS for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission no later than December 29, 2017. All filings must clearly identify the following on the first page: **Pejepscot Project (P-4784-095)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission’s website <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Register online at [http://www.ferc.gov/esubscription.asp](http://www.ferc.gov/esubscription.asp%20) to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

Any questions concerning the scoping meetings, site visits, or how to file written comments with the Commission should be directed to Ryan Hansen at (202) 502-8074 or [ryan.hansen@ferc.gov](mailto:ryan.hansen@ferc.gov). Additional information about the Commission’s licensing process and the Pejepscot Project may be obtained from the Commission’s website, [www.ferc.gov](http://www.ferc.gov).

**7.0 EA PREPARATION**

At this time, we anticipate the need to prepare a single EA. The EA will be sent to all persons and entities on the Commission’s service and mailing lists for the Pejepscot Project. The EA will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA and file written comments with the Commission.

The major milestones, with pre-filing target dates are as follows:

Major Milestone Target Date

Scoping Meetings November 2017

License Application Filed August 2020

Ready for Environmental Analysis Notice Issued TBD

Deadline for Filing Comments, Recommendations, and

Agency Terms and Conditions/Prescriptions TBD

Single EA Issued TBD

Comments on EA Due TBD

Deadline for Filing Modified Agency Recommendations TBD

A copy of Topsham Hydro’s process plan, which has a complete list of relicensing milestones for the Pejepscot Project, including those for developing the license application, is attached as Appendix A.

# **8.0 PROPOSED EA OUTLINE**

The preliminary outline for the Pejepscot Project EA is as follows:

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APPENDICES

A—Draft License Conditions Recommended by Staff

**9.0 COMPREHENSIVE PLANS**

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Pejepscot Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission’s regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Pejepscot Project.

Atlantic States Marine Fisheries Commission. 1995. Interstate fishery management plan for Atlantic striped bass. (Report No. 24). March 1995.

Atlantic States Marine Fisheries Commission. 1998. Amendment 1 to the Interstate Fishery Management Plan for Atlantic sturgeon (*Acipenser oxyrhynchus oxyrhynchus*). (Report No. 31). July 1998.

Atlantic States Marine Fisheries Commission. 1998. Interstate fishery management plan for Atlantic striped bass. (Report No. 34). January 1998.

Atlantic States Marine Fisheries Commission. 1999. Amendment 1 to the Interstate Fishery Management Plan for shad and river herring.

(Report No. 35). April 1999.

Atlantic States Marine Fisheries Commission. 2000. Technical Addendum 1 to Amendment 1 of the Interstate Fishery Management Plan for shad and river herring. February 9, 2000.

Atlantic States Marine Fisheries Commission. 2009. Amendment 2 to the Interstate Fishery Management Plan for shad and river herring, Arlington, Virginia. May 2009.

Atlantic States Marine Fisheries Commission. 2010. Amendment 3 to the Interstate Fishery Management Plan for shad and river herring, Arlington, Virginia. February 2010.

Atlantic States Marine Fisheries Commission. 2000. Interstate Fishery Management Plan for American eel (*Anguilla rostrata*). (Report No. 36). April 2000.

Maine Atlantic Sea-Run Salmon Commission. 1984. Strategic plan for management of Atlantic salmon in the State of Maine. Augusta, Maine. July 1984.

Maine Department of Agriculture, Conservation, & Forestry. Maine State Comprehensive Outdoor Recreation Plan (SCORP): 2014-2019. Augusta, Maine.

Maine Department of Conservation. 1982. Maine Rivers Study-final report. Augusta, Maine. May 1982.

Maine State Planning Office. 1987. Maine Comprehensive Rivers Management Plan. Augusta, Maine. May 1987.

Maine State Planning Office. 1992. Maine Comprehensive Rivers Management Plan. Volume 4. Augusta, Maine. December 1992.

National Marine Fisheries Service. 1998. Final Amendment #11 to the Northeast Multi-species Fishery Management Plan; Amendment #9 to the Atlantic sea scallop Fishery Management Plan; Amendment #1 to the monkfish Fishery Management Plan; Amendment #1 to the Atlantic salmon Fishery Management Plan; and Components of the proposed Atlantic herring Fishery Management Plan for Essential Fish Habitat. Volume 1. October 7, 1998.

National Marine Fisheries Service. 1998. Final Recovery Plan for the shortnose sturgeon (*Acipenser brevirostrum*). Prepared by the Shortnose Sturgeon Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. December 1998.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

U.S. Fish and Wildlife Service. 1989. Atlantic salmon restoration in New England: Final environmental impact statement 1989-2021. Department of the Interior, Newton Corner, Massachusetts. May 1989.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

**10.0 MAILING LIST**

The list below is the Commission’s official mailing list for the Pejepscot Project (FERC No. 4784). If you want to receive future mailings for the Pejepscot Project and are not included in the list below, please send your request by email to [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) <mailto:>or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Pejepscot Hydroelectric Project No. 4784-095. You may use the same method if requesting removal from the mailing list below.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-

866-208-3676, or for TTY, (202) 502-8659.

**Official Mailing List for the Pejepscot Project**

|  |  |
| --- | --- |
| John T Eddins  Advisory Council on Historic Preservation  401 F Street N.W.  Suite 308  Washington, DC 20001-2637 | Michael Kuhns  Director  Maine Bureau of Land & Water Quality Control  Department of Environmental Protection  17 State House Station  Augusta, Maine 04333-0001 |
| Kathy Davis Howatt  Hydropower Coordinator  Maine Department of Environmental Protection  17 State House Station  Augusta, Maine 04333-0017 | Jason Seiders  Maine Department of Inland Fisheries and Wildlife  270 Lyons Road  Region B  Sidney, Maine 04330-9711 |
| John Perry  Environmental Coordinator  Maine Department of Inland Fisheries and Wildlife  284 State Street  41 State House Station  Augusta, Maine 04333-0041 | Frank Frost  Fisheries Biologist  Maine Department of Inland Fisheries and Wildlife  63 Station Street  Ashland, Maine 04732 |
| Gail Wippelhauser  Marine Resources Scientist  Maine Department of Marine Resources  21 State House Station  Augusta, Maine 04333 | Kathleen Leyden  Dir., Maine Coastal Program  Maine Dept. of Agriculture, Cons. & Forestry  Dept. of Agr., Conserv. & Forestry  93 State House Station  Augusta, Maine 04333-0038 |
| Thomas S. Burack  Commissioner  New Hampshire Department of Environmental Services  29 Hazel Drive  Concord, New Hampshire 03301 | Sean P McDermott  Fisheries Biologist  NOAA  55 Great Republic Drive  Gloucester, Massachusetts 01930-2237 |
| Passamaquoddy Native American Nation  Pleasant Point Reservation  Tribal Building Office  Route No. 190  Perry, Maine 04667 | Frederick J Moore, III  Tribal Chief  Passamaquoddy Tribe - Pleasant Point  9 Sakom Road  PO Box 343  Perry, Maine 04667 |
| Topsham Hydro Partners Limited Partnership  Richard Fennelly, Jr.  Vice President  Black Bear Hydro Partners LLC  PO Box 276  Milford, Maine 04461 | Topsham Hydro Partners Limited Partnership  Christine M Miller  Assoc General Counsel  ArcLight Capital Partners, LLC  200 Clarendon St  55th floor  Boston, Massachusetts 02116-5021 |
| Topsham Hydro Partners Limited Partnership Kelly Maloney  Manager, Licensing and Compliance  26 Katherine Drive  Hallowell, Maine 04347 | Kevin Bernier  1024 Central Street  Millinocket, Maine 04462 |
| Frank Dunlap  Licensing Specialist  Brookfield Renewable  150 Main Street  Lewiston, Maine 04240 | U.S. Army Corps of Engineers  Divisional Office, Regulatory  696 Virginia Rd  Concord, Massachusetts 01742-2718 |
| Jay Clement  U.S. Army Corps of Engineers  675 Western Avenue  Manchester, Maine 04351 | Ralph Abele  U.S. Environmental Protection Agency  5 Post Office Square, Suite 100  Mail Code OEP06-02  Boston, Massachusetts 02109 |
| U.S. Environmental Protection Agency  Director  Water Quality Control Branch (WQB)  5 Post Office Sq, Ste 100  Boston, Massachusetts 02109-3946 | U.S. Fish & Wildlife Service  Regional Director  300 Westgate Center Dr.  Northeast Regional Office  Hadley, Massachusetts 01035-9587 |
| U.S. National Park Service  Kevin Mendik, ESQ  NPS Hydro Program Coordinator  U.S. National Park Service  15 State Street  10th floor  Boston, Massachusetts 02109 |  |

**APPENDIX A**

**PEJEPSCOT HYDROELECTRIC PROJECT PROCESS PLAN AND SCHEDULE**

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines.

| **Responsible Party** | **Pre-Filing Milestone** | **Date** | **FERC Regulation** |
| --- | --- | --- | --- |
| Topsham Hydro | Issue Public Notice for NOI/PAD | 8/31/17 | 5.3(d)(2) |
| Topsham Hydro | File NOI/PAD | 8/31/17 | 5.5, 5.6 |
| FERC | Tribal Meetings | 9/30/17 | 5.7 |
| FERC | Issue Notice of Commencement of Proceeding and Scoping Document 1 | 10/30/17 | 5.8 |
| FERC | Scoping Meetings and Project Site Visit | 11/28/17 | 5.8(b)(viii) |
| All Stakeholders | File Comments on PAD/Scoping Document 1 and Study Requests | 12/29/17 | 5.9 |
| FERC | Issue Scoping Document 2 (if necessary) | 2/12/18 | 5.10 |
| Topsham Hydro | File Proposed Study Plan | 2/12/18 | 5.11(a) |
| All Stakeholders | Proposed Study Plan Meeting | 3/14/18 | 5.11(e) |
| All Stakeholders | File Comments on Proposed Study Plan | 5/13/18 | 5.12 |
| Topsham Hydro | File Revised Study Plan | 6/12/18 | 5.13(a) |
| All Stakeholders | File Comments on Revised Study Plan | 6/27/18 | 5.13(b) |
| FERC | Issue Director's Study Plan Determination | 7/12/18 | 5.13(c) |
| Mandatory Conditioning Agencies | File Any Study Disputes | 8/1/18 | 5.14(a) |
| Dispute Panel | Select Third Dispute Resolution Panel Member | August 2018 | 5.14(d) |
| Dispute Panel | Convene Dispute Resolution Panel | 8/21/18 | 5.14(d)(3) |
| Topsham Hydro | File Comments on Study Disputes | 8/26/18 | 5.14(i) |
| Dispute Panel | Dispute Resolution Panel Technical Conference | September 2018 | 5.14(j) |
| Dispute Panel | Issue Dispute Resolution Panel Findings | 9/20/18 | 5.14(k) |
| FERC | Issue Director's Study Dispute Determination | 10/10/18 | 5.14(l) |
| Topsham Hydro | First Study Season | 2018-2019 | 5.15(a) |
| Topsham Hydro | File Initial Study Report | 7/12/19 | 5.15(c)(1) |
| All Stakeholders | Initial Study Report Meeting | 7/27/19 | 5.15(c)(2) |
| Topsham Hydro | File Initial Study Report Meeting Summary | 8/11/19 | 5.15(c)(3) |
| All Stakeholders | File Disagreements/Requests to Amend Study Plan | 9/10/19 | 5.15(c)(4) |
| All Stakeholders | File Responses to Disagreements/Amendment Requests | 10/10/19 | 5.15(c)(5) |
| FERC | Issue Director's Determination on Disagreements/Amendments | 11/9/19 | 5.15(c)(6) |
| Topsham Hydro | Second Study Season | 2019-2020 | 5.15(a) |
| Topsham Hydro | File Updated Study Report | 7/12/20 | 5.15(f) |
| All Stakeholders | Updated Study Report Meeting | 7/27/20 | 5.15(f) |
| Topsham Hydro | File Updated Study Report Meeting Summary | 8/11/20 | 5.15(f) |
| All Stakeholders | File Disagreements/Requests to Amend Study Plan | 9/10/20 | 5.15(f) |
| All Stakeholders | File Responses to Disagreements/Amendment Requests | 10/10/20 | 5.15(f) |
| FERC | Issue Director's Determination on Disagreements/Amendments | 11/9/20 | 5.15(f) |
| Topsham Hydro | File Preliminary Licensing Proposal (or Draft License Application) | 4/3/20 | 5.16(a)-(c) |
| All Stakeholders | File Comments on Preliminary Licensing Proposal (or Draft License Application) | 7/2/20 | 5.16(e) |
| Topsham Hydro | File Final License Application | 8/31/20 | 5.17 |
| Topsham Hydro | Issue Public Notice of Final License Application Filing | 8/31/20 | 5.17(d)(2) |

1. 16 U.S.C. § 791(a)-825(r) (2012).  
    [↑](#footnote-ref-2)
2. The current license for the Pejepscot Project was issued with an effective date of September 1, 1982, for a term of 40 years and expires on August 31, 2022.  
    [↑](#footnote-ref-3)
3. National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370(f) (2012). [↑](#footnote-ref-4)
4. 16 U.S.C. §§ 791(a)-825(r). [↑](#footnote-ref-5)