

July 25, 2023

Ms. Kimberly D. Bose
Secretary Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426



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

Subject: Comments of Maine Council of Trout Unlimited on the Flow Excursion Report Submitted on July 21, 2023 for the Ripogenus Project, Project Number P-2572

Dear Secretary Bose:

On behalf of its six chapters and over 2,000 members, Maine Council of Trout Unlimited (TU) submits these comments on the Flow Excursion Report for the Ripogenus Project (P-2572) filed for Great Lakes Hydro America, LLC by Brookfield Renewable ("Brookfield" or "Applicant") submitted on July 21, 2023. With two generators put out of commission at McKay Station, this must be considered a serious event that deserves FERC's full attention. Given the strandings and mortality documented by the Brookfield Stranding Study conducted on October 5, 2022¹ incident to the ongoing relicensing of the project that were confirmed and documented by TU volunteers,² consequences to the aquatic resources downstream are a serious concern to TU, its membership and Maine's public.

The outage that initiated the chain of events addressed by Brookfield's report was described by Ed Spear in his July 19, 2023 filing: "On July 7, 2023 at 7 PM the Brookfield Website listed a McKay Station (McKay) flow of 100 cfs (see photo below). At 9:47 this website continued to list the McKay flow as being 100 cfs and campers reported the flow remained low at 11 PM."³ This filing was based on Brookfield's own data and was confirmed by observers. Rather than address this in the flow excursion report as would be expected and as Brookfield has done for trip events in the past, the report terms the event a "Whitewater Recreation Flow Excursion" in its Subject block and proceeds to describe the lesser flow excursion of 1373 cfs that occurred the following day. The report refers to the trip event of July 7 in an attached email message.

The report states that the events of July 8 were a violation of license terms and conditions but the attached email says that the events of July 7 were not. This is a determination that is the prerogative of the Commission, not the licensee - one that should be based on the best information available.

Concentrating on the whitewater recreational flow excursion that occurred on July 8, the report provides graphical generation data documenting the event. Since there is no USGS flow gage below McKay Station in the West Branch of the Penobscot, inferred flows from generation data are the best quantitative information available. The attached email concerning the July 7 event says outage flows

¹ Initial Study Report, Ripogenus Hydroelectric Project (FERC No. 2572), Penobscot Mills Hydroelectric Project (FERC No. 2458), Great Lakes Hydro America, LLC, Millinocket, Maine dated April 24, 2023, Appendix E.

² Maine Council of Trout Unlimited letter dated October 19, 2023, Subject: Report of Observations on Ripogenus Project Fish Stranding Study.

³ Ed Spear Letter dated July 19, 2023, Subject: RE: Complaints and Comments in Response to the Environmentally Diastorous McKay Station Outage and the failure of Emergency Outage Measures of July 7, 2023 (FERC No. 2572-133).

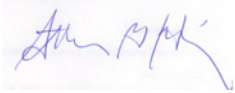
occurred without providing the flow rate, duration, or graphic flow data as was provided for the July 8 flow excursion. Brookfield continues to withhold critical flow information as well as deep gate changes.

We ask that FERC require that Brookfield submit similar generation data graphics for both July 7, 2023 and July 8, 2023 in their entirety, accompanied by a chronological narrative of the events that occurred during that timeframe.

This is not the first time that a major malfunction has occurred at McKay Station under Brookfield ownership. A somewhat similar event occurred on June 13, 2015 that was the object of FERC scrutiny that also necessitated use of the deep gates of Ripogenus Dam to maintain flows. Brookfield reported that the problem had been corrected.⁴ At the ISR Meeting held last May, Brookfield stated that the project now provided 500 cfs trip flows that exceed the 400 cfs license requirements. This calls the issue into serious question and warrants revisiting by the Commission.

TU has on multiple occasions asked for a schematic of the design of the McKay Station generation facility and reiterates that request.

Respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator

Email copy to: Alicia Burtner, FERC Compliance

⁴ Brookfield letter dated January 7, 2016, RE: Ripogenus Project 2572, Article 402 Compliance; Follow-up to June 13, 2015 Flow excursion due to McKay Station outage. FERC Document Accession #: 20160107-5108.

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