

**FEDERAL ENERGY REGULATORY COMMISSION
Washington D.C. 20426**

Office of Energy Projects

Project No. 2572-136—Maine
Ripogenus Hydroelectric Project
Great Lakes Hydro America, LLC

August 4, 2023

VIA FERC Service

Kelly Maloney
Great Lakes Hydro American, LLC
150 Main Street
Lewiston, ME 04240-1398

Subject: Request for Response to Allegations of Flow Deviations

Dear Ms. Maloney:

This letter is in reference to multiple filings with the Federal Energy Regulatory Commission (Commission) made between July 9 and August 2, 2023, pertaining to one or more minimum flow deviation(s) at the Ripogenus Hydroelectric Project No. 2572. Minimum flow requirements are established by Article 402 of the project license and vary based on water year type, date, day of the week, and time to provide for the protection of aquatic resources as well as recreational whitewater boating.¹

On July 21, 2023, you reported a deviation from whitewater boating flows that occurred on July 8, 2023. You state the lightning strikes on July 7 damaged equipment. As a result of the damage, two generating units shut down unexpectedly on July 8, causing flows to drop below the minimum required for whitewater boating releases for 1 hour and 46 minutes, beginning at 08:57 on July 8. However, a July 9, 2023 letter from Mr. Ed Spear alleges that flows below McKay Station were as low as 100 cubic feet per second (cfs) for approximately 4 hours on the evening of July 7, 2023. Your letter did not indicate any operational issues on July 7, nor did the included flow data span beyond July 8. Trout Unlimited requested that we require you to file the July 7 data by letter

¹ Order Issuing License (77 FERC ¶ 61,066), issued October 22, 1996.

Project No. 2572-136

-2-

dated July 25, 2023. On July 28, 2023, Mr. Ed Spear filed an additional letter, alleging that the whitewater boating flow deviation report was filed as a distraction from the July 7 impacts, including numerous salmonid mortalities that were apparent on July 8. On August 2, 2023, Mr. Henry Mitchell filed comments broadly alleging poor water management, but specifically stating that a dewatering event on July 5 resulted in a fish kill.

In order for Commission staff to complete our determination of your compliance with Article 402, please respond to the comments within 15 days of the date of this letter. In your response, please include hourly flow data from July 5 through July 7, 2023. If you are unable to provide hourly data, please provide the highest resolution data available and a summary of your flow monitoring methods. Also, in your July 21, 2023 report, you indicated that you did not observe any adverse environmental effects during your response to the July 8 deviation. Please describe the methods used to check for environmental effects, including the areas surveyed.

Thank you for your cooperation. We look forward to your response, **due August 21, 2023**. If you have any questions regarding this letter, please contact me at (202) 502-8038 or alicia.burtner@ferc.gov.

Sincerely,

**ALICIA
BURTNER**

Digitally signed by
ALICIA BURTNER
Date: 2023.08.04
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Alicia Burtner
Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

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