

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2572-142--Maine  
Ripogenus Hydroelectric Project  
Great Lakes Hydro America, LLC

August 5, 2025

Kevin Bernier  
Senior Compliance Specialist  
1024 Central Street  
Millinocket, ME 04462

Subject: Additional Information Request Regarding June 17, 2025, Deviation from Article 402 Required Discharges

Dear Mr. Bernier:

On June 26, 2025, you filed a report documenting a June 17, 2025, outage incident that occurred at the Ripogenus Project P-2572 where you deviated from the 400 cubic feet per second (cfs) outage discharge requirement of license Article 402, part four.<sup>1</sup> The Commission also received comments regarding this incident filed by two members of the public on June 28, 2025, and July 21, 2025, respectively.

The 400 cfs outage flow requirement contained in part 4 of Article 402 is required to be discharged when the station trips offline during the minimum flows required by part 1-3<sup>2</sup> of Article 402 while you restore the minimum flow as quickly and practicably as possible, but in no case for more than 3 days. The discharge is measured on the basis of an average hourly flow. At the time of the event, you were discharging a whitewater recreational flow of 2,000 cfs under part 3 of Article 402. Your Plan for Monitoring and Providing Minimum Flows (Minimum Flow Plan)<sup>3</sup> under Article 403 describes how you maintain compliance with Article 402.

In order for Commission staff to assess this incident for compliance purposes, we require the following information. Please respond to the following questions within **15 days** of this letter.

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<sup>1</sup> Order Issuing New License (77 FERC ¶ 61,066) issued October 22, 1996.

<sup>2</sup> Drawdown, Salmon Spawning, and Whitewater Recreation Flow requirements, respectively.

<sup>3</sup> Order Modifying and Approving Plan for Monitoring and Providing Minimum Flows (88 FERC ¶ 62,157) issued August 19, 1997.

1. In your filing you do not describe that at the time of the outage you were required to discharge a 2,000 cfs whitewater recreational flow in accordance with Article 402 (part three). This deviation is also a deviation of the recreational flow even though the outage flow condition contained in Article 402 (part four) was activated upon the occurrence of the outage. Please elaborate on how this may have affected recreation and the restoration of the recreation flow.
2. You stated in your notification to the resource agencies that the McKay station trip at the Ripogenus Project also resulted in a deviation of Article 403<sup>4</sup> requirements downstream at the Millinocket Development of the Penobscot Mills Project P-2458 (also licensed to Great Lakes Hydro America, LLC). Please determine if this incident was also a deviation of the requirements at the downstream Penobscot Mills Project and file a late report of the deviation under docket P-2458 in the Commission's eLibrary system. Alternatively, you can explain why it is not a deviation or why a report is not required.
3. In your filing you state flows from the project dropped to a low hourly flow of 350 cfs. Based on the graph you included in your filing, it appears that units #1 and #3 went down to 0 cfs discharge and then ramped up to 350 cfs. Calculating the hourly average from the top of the hour to the end of the hour would include 24 minutes of the 2,000 cfs recreational flow in the first hour of the calculation which would appear to smooth out actual releases to the river and not reflect what the lowest actual flows may have been in an hour period. Alternatively, calculating the hour average based on the start time of the incident when 400 cfs outage flow became the requirement would provide an assessment of exactly how low the flows became in the first hour after the start of the incident. Neither calculation accounts for an addition of the flow leaking from the dam even though that is real flow in the river.

Staff cannot determine based on the provided information the exact amount of time McKay station was discharging an amount that was between 0 cfs and 350 cfs. The entire incident lasted 101 minutes that discharge was less than 400 cfs. Commission staff are unsure how you calculated your hour averages because there is inadequate data provided in the filing and the accompanying graph. Please describe how you calculated the hourly average, and please provide any tabular operation and flow data you have that documents the timeline of flow releases during the entire station trip. Please provide the Commission with a calculation of what the actual hourly flows were based on the start time of the incident when 400 cfs outage flow became the requirement.

4. Article 402 (part 4) requires you to discharge a 400 cfs outage flow, as measured hourly, if the station trips offline. Given that you knowingly took Unit 2 out of service for maintenance, please explain why you did not adjust your protocol so that

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<sup>4</sup> Order Issuing New License (77 FERC ¶ 61,068) issued October 22, 1996.

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the 400 cfs hourly average outage flow could be delivered from the two available units. Could you have adjusted the protocol on units #1 and #3 so that they could deliver 400 cfs by themselves in the case of a station trip? If you were unable to make adjustments to Units #1 and #3 then please explain why did you not preemptively open a gate or remove stoplogs at the dam to provide supplemental flow to your discharge at McKay Station in case a station outage occurred during maintenance on Unit #2 so that the required 400 cfs could be delivered?

5. In your filing you state that impacts to aquatic life likely occurred, however you did not conduct any downstream assessments to establish the extent of any effects. You state staff were busy restoring the flow at the station. Commission staff agree that restoring flow is the first priority in this situation rather than conducting assessments to detect adverse effects. However, collection of some basic observation data along the river would not have been excessively difficult or burdensome given that you would have driven past multiple observation/access points on the way back to town and could have at a minimum conducted a quick visual assessment to determine if there were any dead fish that washed up in the back eddies and pools of the river. Because aquatic impacts likely occurred, we are directing you to consult Maine Department of Environmental Protection, Maine Department of Inland Fish and Wildlife, Maine Land Use Regulation Commission, and U.S. Fish and Wildlife Service to determine if there are any reasonable and feasible surveys (ie. young of year surveys for salmon) that could be conducted at this point to determine the magnitude of the adverse effects to the fish and macroinvertebrate community caused by this incident. Please provide a status update regarding your consultation efforts within **15 days** of the date of this letter. If the any of the resource agencies sent staff out to assess the river after you reported the incident to them then this information may be adequate to answer this question if you provide it to the Commission. Additionally, you should determine if there is any available historical data to provide context to the findings of any surveys that you conduct or to surveys that were conducted by the resource agencies after you notified them of the incident.

Thank you for your cooperation. Please provide a response to this letter with in **15 days** of the date of issuance. If you have any questions regarding this letter, please contact me at 202-502-8041 or michael.calloway@ferc.gov.

Sincerely,

MICHAEL  
CALLOWAY

Michael T. Calloway  
Aquatic Resources Branch  
Division of Hydropower Administration  
and Compliance

Digitally signed by MICHAEL  
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