

Appendix H

Correspondence with Penobscot Nation



January 5, 2021

**Subject: Ripogenus Hydroelectric Project (FERC No. 2572)
 Penobscot Mills Hydroelectric Project (FERC No. 2458)
 Relicensing Pre-Application Document Information Questionnaire**

To Whom it May Concern:

Great Lakes Hydro America, LLC (GLHA), a subsidiary of Brookfield Renewable, is the licensee of the Ripogenus Hydroelectric Project and the Penobscot Mills Hydroelectric Project (hereinafter referred to as the "Projects") located on the West Branch of the Penobscot River and Millinocket Stream in Piscataquis and Penobscot Counties, Maine. The Projects are licensed by the Federal Energy Regulatory Commission (FERC) and the Projects' existing FERC licenses expire on September 30, 2026. GLHA will be initiating the relicensing of the Projects in 2021. GLHA will be using the Integrated Licensing Process, as described at 18 Code of Federal Regulations §5.0. Accordingly, GLHA is preparing Notices of Intent and a Pre-Application Document (PAD) to be filed prior to September 30, 2021. The PAD will provide FERC and other entities with existing, relevant, and reasonably available information pertaining to the Projects, as well as resources within the vicinity of the Projects.

The attached PAD Questionnaire is being used to help identify sources of existing, relevant, and reasonably available information pertinent to the Projects that are not currently in the possession of GLHA. This information will help to identify data collection needs or potential resource issues early in the relicensing process. Our intent is to include results of this information request questionnaire in the PAD.

GLHA respectfully requests that you complete the attached PAD Questionnaire and provide any relevant information your organization may have regarding the Projects or vicinity for the resource areas listed below.

- | | |
|--|------------------------------|
| • Geology and soils | • Recreation and land use |
| • Water resources | • Aesthetic resources |
| • Fish and aquatic resources | • Cultural resources |
| • Wildlife and botanical resources | • Socioeconomic resources |
| • Wetlands, riparian, and littoral habitat | • Tribal resources |
| • Rare, threatened, and endangered species | • Other resource information |

We respectfully request that you please return this PAD Questionnaire to Dawn Cousens in the self-addressed, stamped envelope provided or via email at dawn.cousens@hdrinc.com within 30 days of receipt of this letter. This will allow for follow-up contacts that may be needed by GLHA.

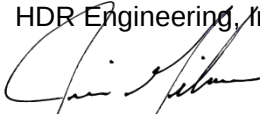
If we do not receive a response within 30 days, this will indicate that:

- your organization is not aware of any existing, relevant, and reasonably available information that describes the existing Projects' environment; and
- unless you are the representative of an Indian tribe or federal or state agency, you (and your organization) are not interested in receiving any further correspondence regarding this proceeding and you will be removed from the distribution list.

We greatly appreciate your response and your assistance in this effort to identify information resources and interested parties in this proceeding.

If you have questions regarding this request or would like additional information, please contact Mr. Randy Dorman at randy.dorman@brookfieldrenewable.com or (207) 755-5605 or the undersigned at jim.gibson@hdrinc.com or (315) 415-2729.

Sincerely,
HDR Engineering, Inc.



Jim Gibson
Project Manager

Attachments (3)

1. Distribution List
2. PAD Information Questionnaire (with Project Location Map)
3. Self-addressed, stamped envelope

cc: Randy Dorman, GLHA
Cate Russell, HDR
Dawn Cousens, HDR

Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
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Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
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Ripogenus Hydroelectric Project (FERC No. 2572)
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Relicensing Pre-Application Document Information Questionnaire
Distribution List

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Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
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Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
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Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
Distribution List

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Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
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Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire
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Great Lakes Hydro America, LLC (GLHA), a subsidiary of Brookfield Renewable, is the licensee of the Ripogenus Hydroelectric Project and the Penobscot Mills Hydroelectric Project (hereinafter referred to as the "Projects") located on the West Branch of the Penobscot River and Millinocket Stream in Piscataquis and Penobscot Counties, Maine. The Projects are operated in coordination with the Ripogenus Project located approximately 21 miles upstream of the Penobscot Mills Project. A map showing the location of the two Projects and the Projects' vicinities is attached for reference.

Ripogenus Project: The Ripogenus Project has a total nameplate capacity of 37.5 megawatts (MW) and consists of one dam (Ripogenus Dam), the associated hydroelectric station (McKay Station), and a 20.8-mile-long impoundment consisting of Ripogenus Lake, Caribou Lake, Chesuncook Lake, Moose Pond, Brandy Pond, and Black Pond.

Penobscot Mills Project: The Penobscot Mills Project has a total nameplate capacity of 70.8 MW and consists of four hydropower developments and one storage development. The hydropower developments are (in descending order from upstream to downstream) North Twin, Millinocket, Dolby, and East Millinocket, located between river miles 15 and 2 on the West Branch of the Penobscot River. The Project's Millinocket Lake Storage Development is located on Millinocket Stream (which enters the West Branch of the Penobscot River downstream of the Millinocket Development).

Under the Federal Power Act, the Federal Energy Regulatory Commission (FERC) administers the relicensing of the Projects. The Projects' existing FERC licenses expire on September 30, 2026; therefore, GLHA will be initiating the relicensings of the Projects in 2021. GLHA will be using the Integrated Licensing Process (ILP), as described at 18 Code of Federal Regulations (CFR) §5.0. Accordingly, GLHA is preparing Notices of Intent (NOIs) to relicense the Projects and a Pre-Application Document (PAD) (single PAD encompassing the required information for both Projects) to be filed prior to September 30, 2021. At this time, GLHA anticipates filing the NOIs and PAD in the second or third quarter of 2021. The PAD will provide FERC and other entities with existing, relevant, and reasonably available information pertaining to the Projects as well as resources within the vicinity of the Projects.

This PAD Questionnaire is being used to help identify sources of existing, relevant, and reasonably available information pertinent to the Ripogenus and Penobscot Mills Projects that are not currently in the possession of GLHA. This information will help to identify data collection needs or potential resource issues early in the relicensing process. Our intent is to include results of this information request questionnaire in the PAD.

We respectfully request that you please return this PAD questionnaire to Dawn Cousens in the self-addressed, stamped envelope provided or via email at dawn.cousens@hdrinc.com within 30 days of receipt of this letter. This will allow for follow-up contacts that may be needed by GLHA.

If we do not receive a response within 30 days, this will indicate that:

- your organization is not aware of any existing, relevant, and reasonably available information that describes the existing Projects' environment; and
- unless you are the representative of an Indian tribe or federal or state agency, you (and your organization) are not interested in receiving any further correspondence regarding this proceeding and you will be removed from the distribution list.

We greatly appreciate your response and your assistance in this effort to identify information resources and interested parties in this proceeding.

Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire

1. Please provide the following information about the person completing this questionnaire.

Name & Title	
Organization	
Address	
Phone	
Email Address	

2. Do you or your organization plan to participate in the relicensing proceeding for the Ripogenus and Penobscot Mills Projects?

☐ Yes (*If yes, please complete information below*) ☐ No (*If no, please go to No. 3*)

Please provide the contact information for the representative(s) of your organization that will be participating in the relicensing process for these projects. (*Additional contacts may be provided on a separate page.*)

Name & Title	
Organization	
Address	
Phone	
Email Address	

3. If you and the entity you represent do not want to receive any further correspondence associated with this proceeding, please indicate so here:

☐ Please remove me and the entity I represent from the mailing list.

Ripogenus Hydroelectric Project (FERC No. 2572)
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4. Do you or your organization know of any existing, relevant, and reasonably available information that describes the existing Projects' existing or historical environment (i.e., Project area, adjacent Project vicinity, or areas upstream or downstream of the Ripogenus or Penobscot Mills Projects)?

___ Yes (*If yes, please complete Nos. 4a through 4d*) ___ No (*If no, please go to No. 5*)

- a. If yes, please circle the specific resource area(s) that the information relates to:

- | | |
|--|--|
| ▪ Geology and soils | ▪ Rare, threatened, and endangered species |
| ▪ Water resources | ▪ Recreation and land use |
| ▪ Fish and aquatic resources | ▪ Aesthetic resources |
| ▪ Wildlife and botanical resources | ▪ Cultural resources |
| ▪ Wetlands, riparian, and littoral habitat | ▪ Socioeconomic resources |
| | ▪ Tribal resources |
| | ▪ Other resource information |

- b. Please briefly describe the information referenced above or list available documents (*additional information may be provided at the end of this questionnaire*).

- c. Please provide referenced document, source website link, or description of where GLHA can obtain this information, if available.

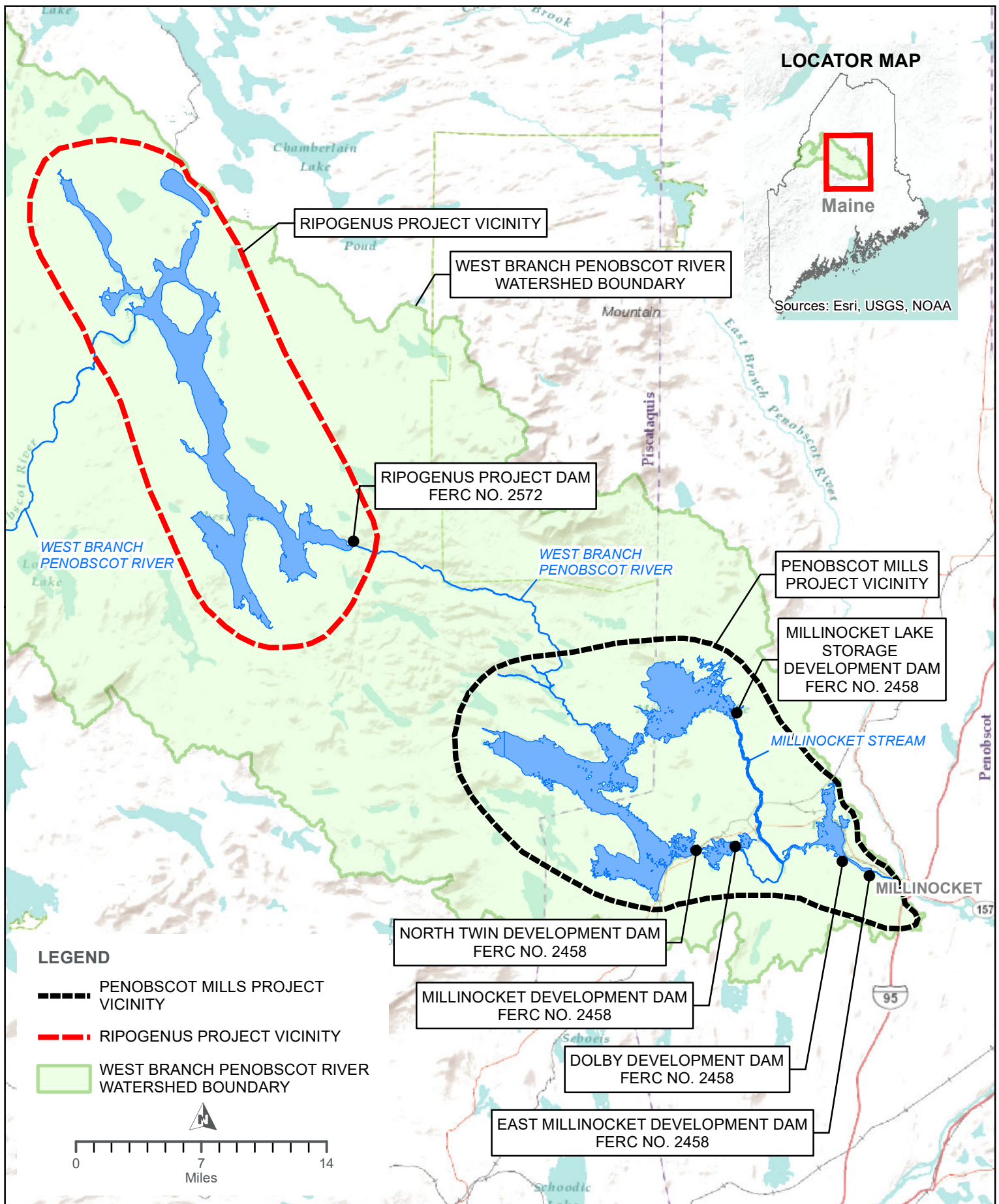
Ripogenus Hydroelectric Project (FERC No. 2572)
Penobscot Mills Hydroelectric Project (FERC No. 2458)
Relicensing Pre-Application Document Information Questionnaire

- d. Based on the specific resources listed in 4a, are you aware of any specific issues or improvements pertaining to the identified resource area(s)? *(Additional information may be provided at the end of this questionnaire.)*

___ Yes *(please list specific issues below)* ___ No *(if no, please go to No. 5)*

Resource Area	Description of Issue

5. If you have additional comments and/or questions regarding the Ripogenus or Penobscot Mills Projects, or the relicensing process, please provide them below.



PROJECT LOCATION MAP

RIOGENUS HYDROELECTRIC PROJECT (FERC NO. 2572)

PENOBSCOT MILLS HYDROELECTRIC PROJECT (FERC NO. 2458)

From: [Chris Sockalexis](#)
To: [Dorman, Randy](#); [Cousens, Dawn](#)
Cc: [Gibson, Jim](#)
Subject: Ripogenus Hydroelectric Project (FERC No. 2572) - Penobscot Mills Hydroelectric Project (FERC No. 2458)
Date: Monday, May 31, 2021 2:20:52 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

I received notification for the relicensing pre-application document questionnaire for the Ripogenus Hydro Project (FERC No. 2572) and Penobscot Mills Hydro Project (FERC No. 2458)

The following is what my office is interested in (taken from questionnaire)

- Geology/Soils
- Water Resources
- Fish & Aquatics
- Wetlands Habitat
- Recreation Use
- Cultural Resources

Thank you and I look forward to working with you all on this FERC relicensing project.

Chris Sockalexis, THPO

Penobscot Nation

Cultural & Historic Preservation

12 Wabanaki Way

Indian Island, ME 04468

Office (207) 817-7471

Cell (207) 659-5524

PENOBSCOT NATION

DEPARTMENT OF
NATURAL RESOURCES

JOHNS BANKS, DIRECTOR



12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL: 207/827/7776
FAX: 207/817/7466

September 13, 2021

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

RE: Extension of Time Request, Data Request, Legal information request and repeat of the Public Scoping meeting request for the Ripogenus (FERC No. 2572-133) and Penobscot Mills (2458-247) Hydroelectric Projects

Dear Secretary Bose,

On September 10, 2021 the Penobscot Indian Nation (PIN) attended both of the Ripogenus (FERC No. 2572) and Penobscot Mills (FERC No. 2458) virtual scoping meetings hosted by the Federal Energy Regulatory Commission (the FERC). This included the morning session with Resource agencies and the Public meeting, held in the evening.

A relicensing of this size and scope will not happen again in Maine or the Northeast region of the United States for 40 years. The decisions made during this relicensing process will affect the entire West Branch of the Penobscot River, a drainage over 2,000 square miles and present and ancestral home of the PIN. The West Branch contained vast quantities of high gradient, cold water, and climate resilient habitat before it was dammed and industrialized to support the Great Northern Paper mills in Millinocket nearly 100 years ago. These antique structures, long past the life span of concrete, continue to negatively alter the social, economic and environmental systems of an entire region, for the economic benefit of a foreign energy company. It is imperative that decisions, comments and questions be built from a working knowledge of all the studies from the last relicensing, a assessment of the ecological potential of a dam-free West Branch, and present/past operating conditions at each facility.

The PIN believes that the best fish passage and the best chance for restoration of the West Branch Penobscot River ecosystems is dam removal for all the projects in this relicensing.

Request for past studies and extension of time:

Many stakeholders noted during the agency meeting that, to date, the licensee had not provided the studies referenced in the Pre-Application Document (PAD). As a representative for the licensee in the process, HDR employee Jim Gibson went so far as to say the licensee did not have many of the documents, and was relying on summary tables of unknown date, unknown origin and unknown author. Yet, the licensee states in the PAD:

“...GLHA maintains that a full suite of new studies is not needed, that the vast body of information on which today’s certifications and licenses are soundly based and should be relied upon for these relicensings. In addition, consistent with the Commission’s criteria for

study requests, the scope and extent of any new study be focused on addressing specific data gaps necessary to inform the development of license requirements.”

The PIN finds this situation challenging in its efforts to assess the PAD and to submit comments and study requests. The licensee admittedly made statements in the PAD based on incomplete data and summary tables. The PIN empathizes with the FERC and all other stakeholders who find themselves in the same position. That is, a position of trying to respond and comment on a document based on incomplete data, and not knowing where fact may be found within the array of assumption and invention.

Stakeholders cannot identify existing data gaps to inform their respective study requests without the original studies referenced in the PAD.

The PIN requests that the licensee provide stakeholders with each study referenced in the PAD, the additional information requests outlined below, and asks that the Commission grant a ninety-day extension of time from when the studies/information are received to submit PAD comments and study requests for the Ripogenus and Penobscot Mills licensing proceedings.

Additional data request:

The resource agencies have also identified other data gaps that must be filled for the proper review and understanding of the issues of these relicensing's.

The PIN requests that the licensee provide 10 years of head-pond elevation and 10 years of daily flow conditions for each project involved in the relicensing (min, mean, and max flow) . This data is needed to understand flow conditions and operations on the West Branch of the Penobscot River, as there are no flow gauges on the system or other data available. This data would be critical to understanding the environmental impacts of the projects and to inform study requests. This information would have been appropriate to be included in the PAD.

Legal information request:

The PIN asked Mr. Creamer of the FERC during the Scoping meeting to explain the directives, orders, or other guidance documents that FERC relicensing staff were responding or operating under after the United States Court of Appeals for the District of Columbia circuit, No. 16-1195, American Rivers and Alabama Alliance v. FERC, and the US Dept. of Interior. The case was argued January 12, 2018 and decided July 6, 2018. (2018 decision) Mr. Creamer of the FERC was personally involved in the case as a FERC employee, and explained in general terms that the FERC normally will assess the project environmental baseline as the current conditions. He also seemed to indicate that endangered species issues and cumulative effects were some of the factors in determining if baseline conditions were indeed the ancestral condition or the present modified conditions. FERC attorney Abigail Christoph joined the call to clarify. She stated that the question would need to be asked in writing and that the FERC would respond in writing.

The PIN requests that the FERC provide the PIN and other stakeholders with any and all information with regards to the FERC response to the 2018 decision, and asks what guidance FERC staff has received with regards to the 2018 decision. For example, has the FERC changed its own statutes, procedures, laws or directives? Have there been changes in FERC process in other recent relicensing's in regards to the 2018 decision? Any information or documents the FERC could provide would be greatly beneficial for properly reviewing the PAD, drafting study requests and all other stopes in this massive relicensing.

FERC Scoping meeting for the public, September 10th, 2021:

The PIN would like to express its concern over the handling and execution of the Scoping meeting by the FERC. The FERC held a public scoping meeting by telephone, in response to guidance over the global Covid-19 pandemic. PIN staff attended the meeting and realized that a major deviation from the normal scoping process was happening. Scoping meetings for the public always allow for participants to hear the comments given by other stakeholders. This process allows the public to understand the issues, and to hear the diversity of interests from their neighbors and fellow citizen tax-payers. Only the first speaker of the night would not have the benefit of hearing what others may think of the issues at stake. In the Scoping meeting held on September 10th, 2021, no one got to hear the comments of the other interested parties. Citizens were

placed into a private, digital location from their phone line and had an opportunity to give a five minute comment. No person got to hear a single comment or question by any other interested parties.

The PIN believes this to be a major deviation from the public scoping process, and one that may have discouraged public participation through the process. The public scoping process touches a minimum of citizens and sometimes touches no one at all. Only those citizens who read the FERC website, read the Federal register, or read their local newspaper's legal announcement sections would have any idea a relicensing was occurring. Here in 2021, there has been an exponential increase in the number of information portals available to public and private institutions and people. The FERC has not adapted to the times in its public scoping techniques, and has done a further disservice to the tax-payers of Maine by not allowing them to hear the comments of their neighbors and other interested other parties, as is traditional in the Scoping process.

The PIN requests that the Public Scoping meeting for these relicensings be repeated at the earliest convenience. The Public Scoping meeting should provide the opportunity for stakeholder to listen to the other interested parties and to give their own comments in turn.

The PIN looks forward to hearing from the FERC in a timely manner. The PIN continues to review the PA and draft study requests. However the PIN is currently experiencing great challenges in this effort due to the missing studies, flow and head-pond elevation data and without any information of the response of the FERC to the 2018 decision. The PIN appreciates the opportunity to provide these comments and requests.

Please reach out if you have any questions.

Sincerely,

Dan McCaw

PENOBSCOT NATION

DEPARTMENT OF
NATURAL RESOURCES

JOHNS BANKS, DIRECTOR



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INDIAN ISLAND, ME 04468
TEL: 207/827/7776
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Kimberly D. Bose, Secretary

October 12th, 2021

Federal Energy Regulatory Commission

888 First Street, NE,

Washington, D.C. 20426

RE: Penobscot Mills (P-2458-247) and Ripogenus (P- 2572-133) Notice of Intent, Pre-application document, Scoping document #1 and study requests

Dear Secretary Bose,

The Penobscot Indian Nation (PIN) has reviewed the Notice of Intent (NOI), Scoping Document #1 (SD1), and the Pre-Application Document (PAD) filed with the Federal Energy Regulatory Commission (FERC) for the Penobscot Mills and Ripogenus Projects, located on the West Branch of the Penobscot River in Maine and has drafted comments accordingly. The PIN is unable to completely assess the cultural, biological and socioeconomic impacts of relicensing of the projects, and to draft appropriate study requests, due to the lack of information and extensive exclusionary detailing perpetuated by the licensee in the PAD, and NOI. The PIN submitted an Extension of Time request to the FERC on 9/16/21 for an additional 90 days to review the currently unavailable information not included in the PAD and NOI and to prepare study requests. However, on 9/28/21, the FERC denied the request. The FERC went on to request additional data, similar to the multiple agency requests, on 10/8/21.

Agency Support

The PIN would like to express its support for the comments and all study requests submitted by our partner agencies, the US Fish and Wildlife Service (USFWS), National Ocean and Atmospheric Administration (NOAA) the Maine Dept. of Marine Resources (MDMR), and the Maine Dept. of Environmental protection (MeDEP). The PIN works collaboratively with these agencies and designs our comments and study requests accordingly.

Tribal History and Federal Lands

The Penobscot Nation has inhabited the Penobscot River, including the West and East Branches, from time immemorial. This is the Nation's aboriginal domain. The Nation has never ceded its related aboriginal title to the River and its branches in any treaty and Congress has never extinguished that aboriginal title. It is the Nation's position that

Ripogenus and the Penobscot Mills Projects, located on the West Branch of the Penobscot River, occupy federal lands, the Penobscot Reservation. To the extent that the Scoping Documents states otherwise, the Nation disagrees.

Back Channel

The PAD and supporting documents refer to the West Branch of the Penobscot River below Stone Dam as “The Back Channel”. This terminology is offensive to the PIN and is believed to have been adopted by the previous licensee to diminish the importance of the river channel and to create public confusion as to what section of the river is really being talked about. The PIN request that this nomenclature cease from being used in this proceeding.

Tribal Needs:

The FERC, on July 23, 2003, issued a *Policy Statement on Consultation with Indian Tribes in Commission Proceedings* (18 CFR Part 2, Docket No. PL03-4-000; Order No. 635) In that statement, the FERC created a Tribal liaison position to help Tribes actively engage in FERC matters. The PIN would like to express its strong desire to consult with the Tribal liaison at the FERC as soon as possible, such that Tribal issues and concerns can be articulated to the FERC within its’ process guidelines and obligations. The PIN had no knowledge that such a position even existed, but looks forward to consulting with the FERC liaison about this important relicensing and others in the Penobscot River drainage.

Additionally, the PIN asked the FERC about the establishment of baseline conditions at the project for environmental review and for the analysis of alternatives at the projects. Specifically the PIN asked during the Scoping meeting held on 9/9/21 about how the 2018 American Rivers court case, which vacated Alabama Power’s project license and remanded the matter back to FERC for further consideration, would affect the FERC process for the current relicensing. The FERC responded in their letter dated 9/28/21 that the case as ongoing but documents had been issued since the verdict and the FERC provided a link to the updated draft supplemental environmental impact statement (DSEIS) for the Coosa River Hydroelectric project. The DSEIS was an excellent read, however the PIN was not able to find any information as to how the DSIES considered the historic condition as the baseline condition. The PIN would ask that the FERC Tribal liaison, or other FERC staff, work with the PIN to understand this case, the connections to the cumulative impacts of the projects in this relicensing and the use of the historic, pre-dam conditions for analysis by the FERC.

Environmental Justice

The PIN also has concerns of Environmental Justice surround the continued operation of the projects, as they may disproportionately affect minority and low-income people living in the region. The PIN asks that FERC staff provide guidance to the stakeholder as to the environmental justice concerns at the project, any recent changes in the FERC NEPA analysis that may or may not include sections on environmental justice, and how they could be related to these projects.

Socioeconomic Working Group

The Klamath Hydroelectric project (P-2082), during relicensing in the early 2000’s, created a Socioeconomic Working Group during the Scoping process to assess the socioeconomic impacts of the projects. The working group drafted a study plan together and submitted it for review in 2002. The group then recommended the study be conducted in two phases. The Final Technical report was released in February of 2004. The PIN request that the FERC provide a pathway forward to establishing such a working group in this proceeding. The PIN finds itself without the technical expertise to comprehensively develop a study plan to assess the socioeconomic conditions in the region. The PIN therefore believes a Socioeconomic Working group should be established immediately. Members could include a variety of stakeholder from the Millinocket region, Penobscot and Piscataquis counties and subject matter experts available at the University of Maine in Orono. The FERC is well versed in the proper creation of such a group and process, and the PIN will rely upon the FERC and its Tribal Liaison to help promote and execute this most important matter.

NOI Comments

Ripogenus (P-2572)

Section 8V. The PIN is an affected Native American Tribe with Tribal lands and Treaty reserved sustenance fishing rights negatively affected by continued project operations.

PAD Comments

Section 5.1.2.

The description of the uses of the Penobscot watershed and surrounding area of the projects focuses on timber, pulp and paper, and hydro development. It falls short in describing other significant uses of the watershed, especially the cultural uses by Penobscot Nation. The licensee narrative creates a false illusion that industrial/logging are all that have ever existed or are important.

Section 5.1.3.

This section contains no mention of cultural uses by the tribe. Tribal cultural uses are not adequately explained and should not fall under recreational uses. Many areas of the PAD makes make no mention of the long history of the Penobscot Nation throughout the project areas. This history is clearly demonstrated by the various place names which are Penobscot/Wabanaki : (Pemadumcook -"lake with gravelly or sandy bottom or sand bars"; Millinocket – “admirable place”; Ambajesus – “eddy place; Katahdin; Chesuncook; Penobscot.)

Downstream uses and aquatic life – The applicant states that the flows from the projects are beneficial to downstream aquatic habitat and spawning areas within the West Branch and mainstem. However, there is no documents, studies, references, etc that are provided to support these statements. This should be quantified and documented. Furthermore, while the Penobscot Mills dams are operated “run-of-river” they are certainly affected by the upstream Ripogenus Project flows. What is the cumulative effects of both projects within their project areas as well as downstream?

Section 5.3.9.

Water Quality (general comments)

-Existing water quality of Ripogenus.

The data provided for the previous license is outdated (1986-88) and needs to be redone to demonstrate attainment with water quality standards. The applicant states that the Watyer quality (WQ) monitoring demonstrated there was no degradation of WQ due to the operation of the Ripogenus Project. This is misleading. Meeting water quality standards does not mean there is no degradation, just that criteria for that class are met. The licensee also makes unsupported claims that the operation of the Ripogenus dam limits the severity of a dissolved oxygen deficit in the hypolimnion and enhances removal of nutrients from the impoundment and provides valuable food resource to the West Branch.

-Existing water quality of Penobscot Mills project

Much of the water quality data referenced in the PAD is outdated and needs to be repeated. While the impoundments met the DO criteria for class C at that time, these waters have been upgraded to Class B since the last relicensing. The old data provided would not meet class B criteria. New data is needed to demonstrate whether the waters will attain class B criteria.

The applicant makes a simple statement that Lower Dolby Pond had elevated chlorophyll-a and turbidity and that “good water quality conditions are due to sustained and consistent flows provided by the storage withdrawals”. Dolby has a long history of poor water quality and significant algal blooms, that are well documented by PIN and ME DEP. The 2016 Integrated Report Table 5.3-9 on (pg 5-69) indicates that water quality in Dolby Pond was not meeting water quality standards due to DO and nutrient issues. While the primary cause of the non-attainment was from phosphorous loading from an upstream discharge, the impoundment created by the Dolby Dam is a contributing factor

as it serves as a “cooker” by providing ideal conditions for blooms to develop. The dam also further exacerbates the blooms by allowing phosphorous to settle into sediments within the impoundment which become available during anoxic conditions when the impoundment thermally stratifies. These nutrient rich sediments will continue to contribute to phosphorous loading and potential algal blooms even after the discharge levels are reduced or cease.

-West Branch Penobscot Below Stone Dam –Table 5.3-9 (pg 5-69) lists river reaches in the Penobscot Mills Project that are listed in Category 4 of Maine’s 2016 Integrated Report. The report lists the 5.1 mile segment of the West Branch below the outlet of Quakish Lake to the confluence of Millinocket Stream as being impaired and not meeting water quality standards due to flow diversion modifications for the Quakish Lake/Stone Dam. While DEP waived CWA Section 401 certification during the last relicensing of the project, this shows that the project is not meeting water quality standards and will continue to not meet standards under the current operation.

Table 6.1-3 list comments from GLHA regarding potential effects and resource issues associated with the projects. PIN contends that these responses are inadequate and misleading.

- Some of the comments state that the West Branch below Stone Dam is difficult to access and that use of the area is minimal suggesting there is no need to study the area. In other sections of the PAD (Article 412) the applicant reports on the enhancements they have made including seeded and maintained access roads to the area and creation of a wildlife management area. PIN staff have travelled by vehicle during summer 2021 to this area without any difficulty. Their statement that “angler use is minimal” is the result of poor aquatic habitat quality and insufficient flows to support a desirable fishery. Restoring flows to this river segment would improve the fishery.
- Potential effect on RTE species – GLHA lists the presence of several RTE species identified by ME DIFW in the project areas and comments that there are not any anticipated adverse effects on the species because there are no proposed operational changes. The mere presence of these RTE species is not evidence that the species are not detrimentally harmed by the operation of the dams. The licensee should provide additional data about the health of the populations, whether they are sustainable and at what levels under the current flow regimes, and whether they would be enhanced by alternative flow regimes.

Toxic Metals

The PAD is misleading on the topic of toxic metals, particularly mercury. The licensee states that they found no difference in mercury levels in sediments from the impoundments with drawdowns vs control lakes and that FERC concluded no evidence of project operations leading to increased mercury levels. However, the conclusion of many of the agencies on the Article 404 and 405 studies from the previous license was that there appears to be a relationship between drawdowns and mercury levels. The agencies generally agreed that the 404 and 405 study requirements were met, but they recommended that the role the operation of the dams plays on mercury levels needs additional study, including mercury levels in loons (add references including meeting notes and letters from the agencies). The licensee was very selective about what they chose to summarize from the Haines and Norton 1999 study and only included bulleted statements from the study that support their claim that the project flow regime does not affect mercury levels, and do not include any results or statements from the study that suggest otherwise. We request that FERC require the applicant to conduct additional/continued studies on toxic metals in fish, sediments, water, and piscivorous birds to demonstrate that the dams are not contributing to the unsafe levels of mercury that require issuance of fish consumption advisories. We also think that routine testing of fish from project waters should be required of the applicant to advise recreational and sustenance anglers about the safety of consuming fish from these waters.

Loon and eagle productivity from project areas – The PAD references studies about nesting productivity of eagles and loons from the project waters, but only addresses the availability of nesting sites. Elevated levels of mercury in the foods of loons and eagles are known to have a detrimental effect on the productivity of these piscivorous birds. Burgess and Meyer (2008) found that maximum observed loon productivity dropped 50% when fish Hg levels were 0.21 ug/g (wet wt.), and failed completely when fish Hg concentrations were 0.41 ug/g. The PAD indicates that mercury levels in salmonid species monitored in 2015 exceeded the Maine DHHS guidelines for consumption but did not provide any data on fish tissue concentrations. The licensee should provide information not only about availability

of nest sites, but also about the number of chicks that hatch, survival of the chicks, and whether the mercury concentrations in the food base from the project waters is at a level that could impair reproduction.

Shortcomings of Proposed Studies

Table 6.2-2 provides details of proposed studies by the applicant which need to be expanded.

1. Water Quality Study - This water quality work should not be limited to just the deep hole in riverine impoundments such as Dolby. Additional sites should be included to properly characterize water quality conditions throughout the impoundment, including the inlet and the main channel upstream of the dams. Water quality standards are more easily met at the deep hole because attainment cannot be measured below the point of thermal stratification. Furthermore, 38 MRSA 464 13C states that where mixing is inhibited due to natural topographical features in an existing riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within that portion of the impoundment that is topographically isolated. Such natural topographic features may include, but not be limited to, natural deep holes or river bottom sills. Hence, if the licensee only takes measurements in the deep hole, they will argue that they meet WQS when there may be other more representative areas of the impoundment that are not attaining standards.
2. Macroinvertebrate Survey - This survey must include macroinvertebrate sampling in the West Branch downstream of the Stone Dam (Back Channel). The survey plan does not list this area as one of the proposed sites. The purpose of this work is to determine whether aquatic life criteria are being attained. Without benthic macroinvertebrate data from this site ME DEP will be unable to determine whether aquatic life criteria are being met.
3. Recreation and Land Management Inventory - This plan should include removal or marking of navigational hazards, particularly in Dolby Pond. There are many deadheads and standing trees that are an impediment to recreational/navigation in this area.

PIN Water Resources Program also believes that the licensee should be doing a study to determine the role that the Dolby dam has on dissolved oxygen levels, nutrients, and algae in the impoundment and downstream river. Dolby has a long history of episodic cyanobacteria blooms. The impoundment creates an environment that allows the algae to flourish when the right conditions are present. We are concerned with the phosphorous that has deposited in the sediments in the anoxic zone and becomes available. This situation would not exist if the dam was not present.

References:

- [Methylmercury exposure associated with reduced productivity in common loons.](#)

Burgess NM, Meyer MW. *Ecotoxicology*. 2008 Feb; 17(2):83-91. doi: 10.1007/s10646-007-0167-8. E pub 2007 Nov 25. PMID: 18038272

Section 5.1

“Populations in the towns of Millinocket and East Millinocket are expected to continue to decrease by approximately 44 percent between 1970 and 2036, compared to an expected increase in population by 35 percent at the state level.” (EMDC 2020)

“The mean household income in 2019 was \$40,890 for Piscataquis County and \$50,808 for Penobscot County, compared to \$57,918 for the state in 2019.” (USCB 2019)

“The estimated 2019 population of Piscataquis County was 16,785 people, reflecting a 4.3 percent decrease over the nine-year period between 2010 and 2019. The 2010 census reported that Penobscot County has a population of 153,923. The estimated 2019 population of Penobscot County was 152,148 people, reflecting a 1.2 percent decrease over the nine-year period between 2010 and 2019.” (U.S. Census Bureau [USCB] 2019)

These quotes from Section 5.1 are insufficient to describe and evaluate the socioeconomic resources of the region. However, they do paint a picture of economic distress, with a shrinking population. This condition is inconsistent with the entire State of Maine and goes to elucidate the fact that the Millinocket region has suffered tremendous socioeconomic distress and crisis since the mills have been closed during the last licensing period. The mills ran on electric power generated by the projects. Now the energy goes into the grid without supporting the local community. The past dedication of public resources was done with support for the local mills and community. The entire situation has changed. A robust socioeconomic study must be conducted.

There is a lack of information concerning the construction of the projects, the past relicensing process, the Great Northern Paper company mills in Millinocket and East Millinocket, Maine, and the massive changes in the socioeconomic conditions experienced by the local community and the state of Maine since the last relicensing.

Great Northern Paper (GNP) Company was founded in the late 1800's. The company created the "Magic City" in the north Maine woods where no organized town had been before. GNP contracted for homes, tenements and even a hotel to be built in the city to supply housing for workers at the mills. (<http://greatnorthernpaperhistory.com/the-paper-giant/millinocket-grows.html>) GNP built and maintained the Penobscot Mills and Ripogenus projects specifically to provide energy to their mills and to provide an economic advantage over its competitors. It was the first paper mill to have an electrical generation and distribution facility built into the plant. (https://en.wikipedia.org/wiki/Great_Northern_Paper_Company) In the 1940's the timberland owned by GNP had grown to over 5 million acres. In 1977 GNP was still Maine's second largest private employer after Bath Iron Works. At one time GNP's was the nation's largest industrial hydro-electric system, producing enough power to electrify a city of 450,000 or, comparably, almost half the homes in Maine. (<https://damnyankee.com/great-northern-paper>)

The history of GNP in Maine, its control of the local socioeconomic conditions, and the contentious nature of the relicensing in the late 1980's and early 1990's is not mentioned in the PAD. However, it is this history, and the massive changes that have happened in the Millinocket region since the last relicensing, that makes these matters of paramount importance to the FERC Scoping process where socioeconomic conditions in the area have to be considered in the upcoming environmental analysis inherent in the FERC process.

The last relicensing for these projects was historical in its size, scope and contentiousness. Numerous state legislators made comments during the proceedings, asking the FERC to not impose economic hardships on GNP for environmental concerns, as these would have potentially effected GNP's ability to be competitive and maintain the high paying jobs for the local economy. In a letter dated 4/22/1993 the Maine state commissioner for the MeDEP waived the Dept's authority to certify Water Quality standards (order #L-17166-32-A-N) for the West Branch below the Stone Dam. This waiver was based on political pressure and the issue of economics for the projects and recommended minimum flows in the area. Additionally, the FERC was sued by the Conservation Law Foundation after the license orders were issued. (United States Court of Appeals for the District of Columbia circuit) Argued April 20, 2000, Decided June 23, 2000. No. 99-1035)

The complexity and contentiousness of the last relicensing should be included in any project history by the licensee or the FERC. Perhaps there are lessons to be learned from these past events that will eliminate the need for extensive and expensive legal action to ensue during or after this relicensing proceeding. However, with the incomplete background information within the licensee produced PAD, the FERC and all other stakeholders will find it extremely difficult to assess the socioeconomic concerns of the region that have dramatically changed since the licensee purchased the projects and closed down the paper mills.

SD1 Comments-

Section 1.0.

The section explains that the projects do not occupy federal lands. The Penobscot Nation has inhabited the Penobscot River, including the West and East Branches, from time immemorial. This is the Nation's aboriginal domain. The Nation has never ceded its related aboriginal title to the River and its branches in any treaty and Congress has never extinguished that aboriginal title. It is the Nation's position that Ripogenus and the Penobscot Mills Projects, located

on the West Branch of the Penobscot River, occupy federal lands, the Penobscot Reservation. To the extent that the Scoping Documents states otherwise, the Nation disagrees.

Section 3.4.

SD1 indicates that project decommissioning is not a reasonable alternative to relicensing the project with appropriate environmental measures. No studies have been conducted of any kind in the area to assess the negative affect of modern project operations on the natural or human environment. The record of resource issues to date is incomplete, as a complete socioeconomic study has not been conducted. This study will be needed for the NEPA analysis and currently does not exist. The socioeconomic resource concerns investigated and explained in such a report may lead the FERC to the decision to consider decommissioning and removal for all the projects during its analysis.

Section 4.1.

The PIN would lie to point out that there are potentially many other resources that are cumulatively effected by the project and its existence over decades. The socioeconomic conditions of the local areas have changed dramatically since the last relicensing. These resource issues should be added to the list in Section 4.1.

Section 4.1.6.

There is no mention of PIN cultural resource concerns based on current operations, which have no connection to the National Register of Historic places. There is also no mention of other cultural connections from the local community and the State of Maine.

The PIN appreciates the careful consideration of these comments and study request by the FERC. If there are any questions for the PIN about these comments, please send them along at your convenience. As issues come to light that were not previously described by the PAD, SD1 or the PIN, the Tribe will alert the FERC to these issues accordingly.

Sincerely,

Daniel McCaw

Fisheries Program Manager
Penobscot Indian Nation
12 Wabanaki Way,
Indian Island, ME 04469

PIN study request-

Socioeconomics Study

§5.9(b)(1) – Describe the goals and objectives of each study proposal and the information to be obtained.

The goals of the study would be to describe the existing socioeconomic environment in the study area, including population, housing, economic development, public services, local energy production, State of Maine statutes for energy production in the future, fiscal conditions, and infrastructure.

The study would describe socioeconomic resource trends under the existing condition, summarize the existing condition of the recreation resources in the study area and describe the current Project and social and environmental measures as they relate to the socioeconomic factors.

The study would also describe changes in employment or income associated with modifications to recreational potential for the river in existing and pre-dam conditions.

The study would describe the current socioeconomic condition of the Maine Tribes and identify socioeconomic issues and concerns.

The study would also serve as a source of information in considering other options for the projects, to include decommissioning and removal.

To understand incremental Project effects on socioeconomic resources, it is important first to characterize the existing population demographics, local human resources and public services, the local and tribal economy, as well as pertinent trends in such factors. It will be necessary to identify the study area in terms of the geographic extent of the potential incremental Project's sphere of influence on the socioeconomic condition as well as to identify likely differences across regions in the types of socioeconomic factor effects. The existing information is used to identify current socioeconomic conditions and expected trends in the study area. This is one of many reasons a Working group should be established: to define these parameters for the study.

The results of this study will provide information to satisfy FERC license application requirements specific to Project-related effects on the socioeconomic environment as specified in the applicable sections of 18 CFR Parts 4 and 16.

§5.9(b)(2) – If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied.

Not applicable.

§5.9(b)(3) – If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study.

The requestor is a Federally-Recognized Indian Tribe, the Penobscot Indian Nation.

§5.9(b)(4) – Describe the existing information concerning the subject of the study proposal, and the need for additional information.

The PIN knows of no such study or data available, with the exception of the population and census data contained within the PAD.

§5.9(b)(7) – Describe considerations of level of effort and cost, as applicable, and why any proposed alternative studies would not be sufficient to meet the stated information needs.

Cost and effort would depend on the number of alternatives included in the analysis and the amount of existing information. We anticipate that most or all of the information needed for this analysis already exists, however the information would need to be analyzed and findings to be drafted. A potential cost of \$20,000 to \$40,000 may be reasonable for such an extensive analysis. This study will require several months to two years of effort to complete. The licensee did not propose any alternative studies.

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PENOBSCOT NATION

DEPARTMENT OF NATURAL RESOURCES

Charlie Loring Jr., DIRECTOR



12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL: 207/827/7776
FAX: 207/817/7466

Kimberly D. Bose, Secretary

February 22th, 2022

Federal Energy Regulatory Commission

888 First Street, NE,

Washington, D.C. 20426

RE: Penobscot Mills (P-2458-247) and Ripogenus (P- 2572-133) Proposed Study Plan

Dear Secretary Bose,

The Proposed Study Plan (PSP) for the Ripogenus Hydroelectric Project (FERC NO. 2572) and the Penobscot Mills Hydroelectric Project (FERC NO. 2458), drafted by Great Lakes Hydro America, LLC (licensee) on November 22, 2021 has been reviewed by the Penobscot Indian Nation (PIN). The PIN has been an active participant for these important relicensing events and looks forward to continued consultation with the Federal Energy Regulatory Commission (FERC) and the licensee for purposes of minimizing the negative social, economic and environmental impacts of these private projects on the public resources in the West Branch of the Penobscot River.

Background:

The Penobscot Nation has inhabited the Penobscot River, including the West and East Branches, from time immemorial. This is the Nation's aboriginal domain. The Nation has never ceded its related aboriginal title to the River and its branches in any treaty and Congress has never extinguished that aboriginal title. It is the Nation's position that the Ripogenus and the Penobscot Mills Projects, located on the West Branch of the Penobscot River, occupy federal lands, the Penobscot Reservation.

Socioeconomics Study Request:

The PIN drafted and submitted comments on the Pre-Application Document (PAD) on October 12th, 2021, complete with a Socioeconomics Study request. Within these comments, the PIN identified the significant data gaps in Section 5.1 of that document. The socioeconomic conditions in the region were not adequately addressed and large portions of the history of the projects, their integral role in the papermaking industry and the extreme changes to employment in the region since the last relicensing, were not addressed. Great Northern Paper, (GNP) former owner and builder of the dams, was not even mentioned in the PAD. The PIN provided much of this history in its' PAD comments and outlined the need for a more robust analysis of the socioeconomic conditions in the region and how the potential relicensing of these projects could affect the regional socioeconomic conditions. The PIN drafted a study request to meet this unmet need.

Scoping Document #2 (SD2), released by the FERC in November of 2021, outlines the information required to complete their analysis according to the National Environmental Policy Act of 1969 (NEPA document). In line with the Electric

Consumers Protection Act (ECPA) of 1986, the FERC is required to give equal consideration of both power and non-power uses of the resource, in this case, the West Branch of the Penobscot River. The NEPA requires that the FERC independently evaluate the social, economic and environmental effects of relicensing the projects as proposed and consider reasonable alternatives to the proposed actions. The FERC's Scoping process helps to determine the required level of analysis and satisfy the NEPA scoping requirements.

The licensee conducted a PSP Public meeting on December 12th, 2021. During that meeting, the licensee outlined its reasons for not adopting the Socioeconomic Study as proposed by the PIN. At that time, attorney Allison Economy, representing camp owners within the projects area, vocalized support for such a study and requested it include addressing the needs of the camp owners she represents. This sentiment was echoed by other Non-Governmental Organizations (NGO). ***Additionally, FERC Outdoor Recreation Planner, Dustin Wilson, expressed support for a robust socioeconomic study in order that FERC have complete information to conduct their NEPA analysis.***

The PIN has attached an updated Socioeconomics Study request to fulfill the needs of the FERC study proposal guidelines. The study request, complete with additions asked for by the licensee, is attached at the end of this document.

The FERC's Additional Information Request (AIR)

The FERC made an AIR on October 8th, 2021. The FERC letter states:

“Therefore, please include, as an appendix to the Proposed Study Plan, 10 years of operations data (in excel format) for each project, or each individual development, in the case of the Penobscot Mills Project, including: (1) daily impoundment elevations; and (2) daily outflows (minimum, maximum, and average discharges).”

This request is similar to request made by numerous stakeholders during the Scoping process. The PIN requested the exact information in its letter dated September 13th, 2021. As stated by the FERC in their letter dated September 28th, 2021,

*“Following the scoping meetings, several stakeholders filed letters requesting: (1) additional information from Great Lakes Hydro America (GLHA) and Commission staff; (2) an extension of time to file comments on the Preliminary Application Document (PAD) and study requests; and (3) an additional public scoping meeting. These stakeholders included the **National Marine Fisheries Service** (NMFS; September 13, 2021); the **U.S. Fish and Wildlife Service** (FWS; September 14, 2021); the **Penobscot Indian Nation** (PIN) and the **Maine Council of Trout Unlimited** (Maine Council TU), both on September 16, 2021; and the **Maine Department of Marine Resources** (Maine DMR) and **Maine Department of Inland Fisheries and Wildlife** (Maine DIFW), both on September 17, 2021”.*

The FERC denied the extension requests in order to keep the relicensing on schedule, and submitted their AIR in order to ensure adherence to the proposed schedule. The FERC stated in their letter dated September 28th, 2021 that,

“Because the established milestones are designed to prevent undue delay in the relicensing process, and the timing of the field seasons would be negatively affected by a 90-day delay in the process, the stakeholders' request for a 90-day extension of time to file comments on the PAD and study requests is denied”.

To date, the licensee has only supplied excuses for why this information is not being made available to the FERC and stakeholders and stated in the PSP that the information would be gathered as part of a study, to be made available at the end of the first year of studies. The Historical Operations Data and Assessment Study Plan is proposed in the PSP to be completed in 2022, with the report being made available in April of 2023.

“GLHA proposes to perform this study in 2022, with study results provided in the Initial Study Report to be filed with FERC in April 2023”.

The PIN finds this schedule to be extremely problematic. The information requested by the agencies, numerous NGO stakeholders and the FERC is critical in understanding the operations and impact of such operations on the public resources of the West Branch of the Penobscot River.

The PIN is confused as to why this data is challenging to provide. As an operator of these facilities for over decade, operational data for past and present operations should be part of the normal management of these facilities by the licensee/operators. The narrative created by the licensee, where multiple contractors and licensee staff is incapable of assembling such data in a timely manner, is absurd and disrespectful to the process and the stakeholders. The PAD was filed in June of 2021. The licensee has had adequate time to assemble and distribute the required information.

The PIN respectfully requests that the FERC intervene in this process and amend the relicensing schedule to reflect the licensee's unwillingness to provide this essential, baseline information. The shifting of the information request into a Study Proposal is unacceptable to the PIN and is undermining the relicensing designed to include stakeholder input into the Scoping process. The PIN is confused as to how the Scoping process can be completed, when the most basic and necessary of information is still being withheld from all stakeholders, to include the FERC.

The PIN is hopeful that the FERC will demand this information be supplied to stakeholders immediately and that the intentional game of obfuscate and delay being practiced by the licensee can come to a much needed end.

Comments on Studies Proposed in the PSP—

- 1) The licensee identifies the accuracy of handheld YSI ProSolo dissolved oxygen meters that are being used for studies of trophic status. However, there is very little information provided about the continuous monitoring sondes that will be used for the downstream temperature and dissolved oxygen assessment work, other than indicating an Onset HOBO data logger (or similar) will be used.

The licensee should state the accuracy of the loggers that they will use to ensure that they meet Maine DEP's accuracy requirement of 0.2 mg/L.

- 2) *We recommend that the DO/Temperature loggers be equipped with sensor wipers to prevent biofouling of the probe, which is likely to occur during the deployment periods.*
- 3) Table 3 of Appendix A-10 provides the detection limits for impoundment trophic sampling. The detection limits listed from the HETL laboratory for several parameters are higher than the required Maine DEP reporting level/detection limits.

The licensee should work with their selected laboratory or select a different laboratory that will provide them with detection limits that meet those of Maine DEP.

- 4) *Based on PIN experiences at Dolby Pond, we believe that the licensee should use at least 2 sites within the Dolby Impoundment for the trophic status study. In addition to the site displayed on map in Figure 5 of Appendix A-25, immediately upstream of the Dolby Dam, the applicant should also sample in the deep hole located in the North East portion of the impoundment. Water quality conditions between these two deep water areas can vary substantially and both are affected by the operation of the Dolby Dam.*
- 5) PIN disagrees with the licensee's assertion that riverine aquatic habitat cross-sectional flow studies are not needed below the McKay Station, Millinocket powerhouse, Dolby Dam, or the East Millinocket dams.

These studies are indeed needed to demonstrate that the projects attain aquatic habitat for fish and aquatic life within these areas. While the licensee claims studying these areas is unnecessary, the PIN is unable to evaluate whether water quality standards will be attained without the information from conducting these studies.

- 6) PIN disagrees with the licensee's decision to not adopt proposed studies by NMFS including 1) Study to Evaluate the Effects of Operating the Penobscot Mills and Ripogenus Dams on the Hydrology of the West Branch and Mainstem Penobscot River Using Indicators of Hydrologic Alteration Model; 2) Study to Evaluate Project River Temperature in West Branch and Mainstem Penobscot River; 3) Study to Evaluate Future Flow and Water Temperature Scenarios.

The PIN believes that these are important studies that are needed to evaluate how the proposed operation of these dams affects the flows and water temperature within and downstream of the project areas. These large projects must be evaluated in the context of the watershed which they exist and effect.

USFWS comments on the PSP:

The PIN would like to express its support and concurrence for the USFWS comments submitted on February 22, 2022. The PIN has worked collaboratively with the USFWS throughout this relicensing and will continue to support the goals of the USFWS for this important relicensing.

Please reach out at any time if there are questions or any clarification needed for these comments.

Sincerely,

Daniel McCaw

Fisheries Program Manager
Penobscot Indian Nation
Indian Island, Maine

Appendix 1. Penobscot Indian Nations' Socioeconomics Study proposal

Socioeconomics Study

§5.9(b)(1) – Describe the goals and objectives of each study proposal and the information to be obtained.

The goals of the study would be to describe the existing socioeconomic environment in the study area, including population, housing, economic development, public services, local energy production, State of Maine statutes for energy production in the future, fiscal conditions, and infrastructure. The effects of project relicensing on the local and regional socioeconomic conditions will need to be evaluated in order for the FERC to adequately understand project effects on local resources, to include water quality, fish and wildlife, cultural, recreation, aesthetics, land use, and tribal resources.

The study would describe socioeconomic resource trends under the existing condition, summarize the existing condition of the recreation resources in the study area and describe the current Project and social and environmental measures as they relate to the socioeconomic factors. The study should also include extensive input from stakeholders to determine the priorities for future use of the resources described previously.

The study would also describe changes in employment or income associated with modifications to recreational potential for the river in existing and no-dam conditions. The study would describe the current socioeconomic condition of the Maine Tribes and identify socioeconomic issues and concerns.

The study would also serve as a source of information in considering other options for the projects, to include altered operational regimes to better suit recreational activities such as fishing, guiding and whitewater rafting. License orders could be based on the needs of local stakeholders, as operation of the projects is no longer tied to the defunct papermaking industry for which the dams were first built and last relicensed. Decommissioning and removal of some or all of the projects, for instance, may better suit a local economy based on tourism and multiple uses.

To understand incremental Project effects on socioeconomic resources, it is important first to characterize the existing population demographics, local human resources and public services, the local and tribal economy, as well as pertinent trends in such factors. It will be necessary to identify the study area in terms of the geographic extent of the potential incremental Project's sphere of influence on the socioeconomic condition as well as to identify likely differences across regions in the types of socioeconomic factor effects. The existing information is used to identify current socioeconomic conditions and expected trends in the study area. This is one of many reasons a Working group should be established: to define these parameters for the study.

The results of this study will provide information to satisfy FERC license application requirements specific to Project-related effects on the socioeconomic environment as specified in the applicable sections of 18 CFR Parts 4 and 16.

§5.9(b)(2) – If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied.

The PIN has concerns that the West Branch of the Penobscot River, a public resource of the highest value to the Tribe is being negatively impacted by the continued operation of the projects. Ecological integrity of the system is impossible in a river where the majority high-gradient habitat is flooded by the projects and the riverine stretches in between the projects are impaired by peaking operations. Traditional cultural practices are unable to be exercised because of the extreme modification and industrialization of this public resource called the West Branch of the Penobscot River. The PIN believes that a large scale, comprehensive socioeconomics study is needed to understand these issues and the effects of projects operations on these resources concerns. This information will be needed by the FERC in order complete their analysis of project effects and would inform the development of license conditions needed to protect and enhance resources identified by local stakeholders.

Specific issues of concerns for the PIN include:

a) Lack of fish passage and turbine exclusion measures for diadromous and native species in their historic range. Numerous species remain extirpated from the West Branch due to the lack of structures and are unavailable for Tribal sustenance and regional recreational opportunities.

b) Access to historically important sites for cultural and sustenance uses, many of which are unavailable due to the project impoundments and operations. Cultural and recreational opportunities are unavailable in the project areas due to the presence of the projects, their impoundments and peaking operations.

c) Recreational activities such as fishing, boating, camping, birding, and ecotourism, to name but a few, are greatly hindered by the projects and their operations. The local economy is negatively affected by the continued negative projects effects and no longer receive any positive gain from the projects. The local economy will be based on ecotourism and outdoor adventures as the region adapts to the loss of the GNP paper mills once powered by these projects.

d) The negative effects of peaking flow manipulation on the social, economic, cultural and recreational opportunities on the West Branch of the Penobscot River.

§5.9(b)(3) – If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study.

The requestor is a Federally-Recognized Indian Tribe, the Penobscot Indian Nation.

§5.9(b)(4) – Describe the existing information concerning the subject of the study proposal, and the need for additional information.

The PIN knows of no such study or data available, with the exception of the population and census data contained within the PAD. The current socioeconomic conditions of the region are dramatically different when compared to the last licensing period. The local papermaking mills have all been closed and the power from the projects does not support the entire region through its connection to the mills. The potential for multiple uses of the West Branch of the Penobscot River exists. Historically, the local community and the State of Maine government let the public resources of the West Branch of the Penobscot River be utilized for the benefit of the local mills which supported the entire local economy. The local communities no longer receive any public benefit from the projects and the needs of the local economies are no longer supported by the projects. However, no information exists on the cultural, economic and recreational activities that are affected by the projects, or the opportunities that could be realized if some or all of the projects were decommissioned and removed. Alternative operations and protective structures at the projects need to be evaluated against the local socioeconomic conditions and needs. The information gathered by an extensive socioeconomics study will be needed by the FERC to complete their analysis of project effects and will help determine future license conditions needed to protect and enhance the local socioeconomic conditions, if the projects are relicensed.

§5.9(b)(5) Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements.

The connections between the project, project operations and the socioeconomic conditions in the local region are extensive. The Great Northern Paper (GNP) Company was founded in the late 1800's. The company created the "Magic City" in the north Maine woods where no organized town had been before. GNP contracted for homes, tenements and even a hotel to be built in the city to supply housing for workers at the mills. (<http://greatnorthernpaperhistory.com/the-paper-giant/millinocket-grows.html>) GNP built and maintained the Penobscot Mills and Ripogenus projects specifically to provide energy to their mills and to provide an economic advantage over its competitors. It was the first paper mill to have an electrical generation and distribution facility built into the plant. (https://en.wikipedia.org/wiki/Great_Northern_Paper_Company) In the 1940's the timberland owned by GNP had grown to over 5 million acres. In 1977 GNP was still Maine's second largest private employer after Bath Iron Works. At one time GNP's was the nation's largest industrial hydro-electric system, producing enough power to electrify a city of 450,000 or, comparably, almost half the homes in Maine. (<https://damnyankee.com/great-northern-paper>)

The projects have multiple connections to the local socioeconomics. Cultural, outdoor and economic opportunities are linked to the management of the West Branch of the Penobscot River. The West Branch of the Penobscot River is highly modified by the projects and flows are managed in a peaking mode in order to maximize profits for the licensee. The River is affected by the projects and project operation not only in the projects areas, but also throughout the region and Penobscot River drainage. Fish populations are diminished to historically low numbers, riverine reaches have been flooded and highly managed for flows, and Tribal cultural traditions, to include sustenance fishing, are all negatively

impacted by the projects and project operations. Future license orders should be based on the extensive information this study will provide.

§5.9(b)(6) Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate field season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge.

There are many methodologies used by professionals and researchers to describe socioeconomic conditions in a region. Regional economic modelling can be accomplished using economic input-output models (i.e., IMPLAN, JEDI) or through computable general equilibrium (CGE) models.

IMPLAN is a proprietary software that is the industry standard for economic impact assessment and regional economic modeling. CGE is becoming more popular in academic literature. IMPLAN was originally developed and is now maintained by the Minnesota IMPLAN Group (MIG). It models monetary flows through major sectors of the specific region's economy through a set of extensive economic databases, region-specific multipliers (local, state, national), demographic statistics, and highly refined quantitative analysis. IMPLAN allows the user to develop local-level input-output models that can estimate the economic impact (local spending, jobs, tax revenue, etc.) of new firms moving into an area as well as the impacts of professional sports teams, recreation and tourism, and residential development. The model accomplishes this by identifying direct impacts by sector, then developing a set of indirect and induced impacts by sector through the use of industry-specific multipliers, local purchase coefficients, income-to-output ratios, and other factors and relationships. IMPLAN has been used by numerous entities, to include, the U.S. Dept. of Interior, the United States Fish and Wildlife service (USFWS), the State of Maine, and countless others.

The Jobs and Economic Development Impact (JEDI) models developed by the National Renewable Energy Laboratory (NREL) includes a freely available hydropower-specific economic impact model that uses a similar "input-output" modeling approach as IMPLAN but with hydropower-specific inputs and characteristics. In addition to these industry standards in economic impact assessment, other types of socio-economic modeling can be accomplished via hedonic pricing, contingent valuation, willingness-to-pay, and social cost of carbon studies that are very common in economic research and practice.

The PIN recommends a working group be formed to help identify the specific socio-economic parameters that should be included in the study (i.e., jobs, local spending, tax revenue, property values, greenhouse gas emissions reduction, etc.) and the specific methodologies most appropriate to each parameter. There are several professors of economics at the University of Maine who could help advise a working group like this on the most appropriate methodologies depending on the output sought. At a minimum, the socio-economic analysis could begin by replicating with updated data the analysis that was completed for the previous relicensing.

§5.9(b)(7) – Describe considerations of level of effort and cost, as applicable, and why any proposed alternative studies would not be sufficient to meet the stated information needs.

Cost and effort would depend on the number of alternatives included in the analysis and the amount of existing information. We anticipate that most or all of the information needed for this analysis already exists, however the information would need to be analyzed and findings to be drafted. A potential cost of \$20,000 to \$80,000 may be reasonable for such an extensive analysis. This study will require several months to two years of effort to complete. The licensee did not propose any alternative studies.

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From: [Russell, Cate](#)
To: [Russell, Cate](#)
Subject: RE: Voice Message -- Ripogenus and Penobscot Mills Relicensing
Date: Thursday, July 17, 2025 3:26:49 PM

From: Gibson, Jim
Sent: Tuesday, April 9, 2024 8:35 AM
To: charlie.loring.jr@penobscotnation.org
Subject: RE: Voice Message -- Ripogenus and Penobscot Mills Relicensing

Mr. Loring,

Good morning. Checking to see if there is a good time later this week or next week to touch base regarding the ongoing relicensing process.

Thanks

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

HDR
231 Salina Meadows Parkway, Suite 210
Syracuse, NY 13212
D 315.414.2202 **M** 315.415.2729
jim.gibson@hdrinc.com

hdrinc.com/follow-us

From: Gibson, Jim
Sent: Monday, March 11, 2024 11:49 AM
To: charlie.loring.jr@penobscotnation.org
Subject: Voice Message -- Ripogenus and Penobscot Mills Relicensing

Mr. Loring,

As a follow up to my voice message, looking to see if there is a good time later this week or next week for a call to provide an update regarding the ongoing relicensing process.

Thanks

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

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FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426
May 14, 2024

OFFICE OF ENERGY PROJECTS

Project Nos. 2572-133 & 2458-247- Maine
Ripogenus Hydroelectric Project
Penobscot Mills Hydroelectric Project
Great Lakes Hydro America, LLC

VIA FERC SERVICE

Kirk E. Francis, Chief
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468

Chris Sockalexis, THPO
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, ME 04468

Reference: Communication with Penobscot Indian Nation

To the Tribal Leaders Addressed:

As part of relicensing the Ripogenus and Penobscot Mills Hydroelectric Projects, Commission staff solicited study requests and comments on the Pre-Application Document (PAD).¹ The Penobscot Indian Nation, through its representative Mr. Daniel McCaw, Fisheries Program Manager of the Penobscot Indian Nation, submitted comments on the PAD, study requests, and Proposed Study Plan.² Mr. McCaw requested, among other things, that a socioeconomic working group be established, and noted Environmental Justice concerns associated with the projects. These concerns were

¹ See Notice of Intent to File License Applications for New License and Commencing Pre-filing Process, Dockets P-2458-247 and Docket P-2572-133 (Aug. 10, 2021).

² See Penobscot Indian Nation Comment, Dockets P-2458-247 and Docket P-2572-133 (Oct. 13, 2021); Penobscot Indian Nation Comment, Docket P-2458-247 (Feb. 22, 2022).

considered as Commission staff developed the Study Plan Determination (SPD) for the projects.

Specifically, we required in the SPD that Great Lakes Hydro America, LLC (GLHA) conduct an Environmental Justice study in consultation with the Penobscot Indian Nation and other interested relicensing stakeholders. Since Mr. McCaw's last filing in 2022, we have reached out by telephone to Mr. McCaw on two occasions, each time leaving a voice message, and have not received a response. Additionally, GLHA reached out to the Penobscot Indian Nation via telephone and email in March and April of 2024; however, GLHA reports that Penobscot Indian Nation has not yet responded to this outreach.³

By this letter, we are trying to ensure that the Penobscot Indian Nation is receiving these project updates and invitations to participate in the relicensing process. We would like to know if there is an alternative preferred method of communication than documents posted to the eLibrary docket or phone calls to Mr. McCaw. Finally, we wanted to highlight that Updated Study Report meeting is planned for May 15 and 16, 2024 with options to participate both virtually and in-person in Bangor, Maine.⁴

³ GLHA Appendix O at O-16, Dockets P-2572-133 and P-2458-247 (Apr. 22, 2024).

⁴ See GLHA Cover Letter, Dockets P-2572-133 and P-2458-247 (Apr. 22, 2024). See Accession Number: [20240422-5168](#). On the first page of the cover letter, GLHA gives details regarding how to participate in this meeting and requests that agencies or stakeholders who plan on attending the meeting to RSVP by contacting Cate Russell at Cate.Russell@hdrinc.com or by phone at (207) 239-3792.

If you have any questions or comments, please contact Dustin Wilson at (202) 502-6528, or at dustin.wilson@ferc.gov. Mr. Wilson will contact you shortly to follow-up on this letter.

Sincerely,

Stephen Bowler, Chief
South Branch
Division of Hydropower Licensing

Cc:

Daniel McCaw
Fisheries Program Manager
12 Wabanaki Way
Indian Island, ME 04468

Dan Kusnierz
Water Resources Program Manager
12 Wabanaki Way
Indian Island, ME 04468

MEMORANDUM TO: Public file for the Ripogenus & Penobscot Mills
Hydroelectric Projects under Docket Nos. P-2572-133 &
P-2458-247 – Maine

FROM: Dan McCaw, Penobscot Indian Nation (Posted by Dustin
Wilson, FERC staff)

SUBJECT: Contact information of Dan McCaw for Great Lakes Hydro
America

DATE: July 2, 2024
[Email dated June 19, 2024)

Please place the attached email memo in the public file for the Ripogenus & Penobscot Mills Hydroelectric Projects under Docket Nos. P-2572-133 & P-2458-247.

The attached email references information about a letter written by Commission staff to members of the Penobscot Indian Nation and offers Mr. McCaw's contact information to Great Lakes Hydro America.

From: [Dan McCaw](#)
To: [Dustin Wilson](#)
Subject: Penobscot Mills and RIpogenus
Date: Wednesday, June 19, 2024 8:03:04 AM

You don't often get email from dan.mccaw@penobscotnation.org. [Learn why this is important](#)

Good morning, Dustin,

I am writing about the May 24th letter written by Stephen Bowler to Chief Kirk Francis, here at Penobscot Nation.

If GLHA would like to contact me, my phone number is below. I am unsure as to what number they have been calling, but I have received no calls or messages from the licensee.

The licensee certainly knows my email, but I have received no messages to date about the referenced study. The Nation is preparing comments on the Study to be submitted before June 30th.

Sincerely,

Dan

Daniel E. McCaw
Fisheries Program Manager
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, Maine 04468

dan.mccaw@penobscotnation.org
(207) 356-3224

From: [Russell, Cate](#)
To: [Russell, Cate](#)
Subject: FW: Voice Message -- Ripogenus and Penobscot Mills Relicensing
Date: Thursday, July 17, 2025 10:32:27 AM

From: Gibson, Jim
Sent: Monday, March 11, 2024 11:49 AM
To: charlie.loring.jr@penobscotnation.org
Subject: Voice Message -- Ripogenus and Penobscot Mills Relicensing

Mr. Loring,

As a follow up to my voice message, looking to see if there is a good time later this week or next week for a call to provide an update regarding the ongoing relicensing process.

Thanks

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

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Syracuse, NY 13212
D 315.414.2202 **M** 315.415.2729
jim.gibson@hdrinc.com

hdrinc.com/follow-us

From: [Gibson, Jim](#)
To: [Dan McCaw](#); [Charlie Loring, Jr.](#)
Cc: [Scarzello, Michael](#); [Dorman, Randy](#); [Russell, Cate](#)
Subject: RE: Ripogenus and Penobscot Mills Relicensing
Date: Thursday, July 25, 2024 9:35:17 AM

Dan and Chuck,

Hope everyone is doing well.

Looking to see if there is a good time over the next two weeks for a call regarding the ongoing Ripogenus and Penobscot Mills relicensings.

Thanks

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

HDR
231 Salina Meadows Parkway, Suite 210
Syracuse, NY 13212
D 315.414.2202 **M** 315.415.2729
jim.gibson@hdrinc.com

hdrinc.com/follow-us

From: Gibson, Jim <jim.gibson@hdrinc.com>
Sent: Friday, July 12, 2024 8:23 AM
To: Dan McCaw <Dan.mccaw@penobscotnation.org>
Cc: Scarzello, Michael <Michael.Scarzello@brookfieldrenewable.com>; Dorman, Randy <randy.dorman@brookfieldrenewable.com>; Russell, Cate <cate.russell@hdrinc.com>
Subject: Ripogenus and Penobscot Mills Relicensing

Dan,

As a follow up to last week's emails, looking to see if there is a good time the week of July 15th or July 22nd for a call regarding the ongoing Ripogenus and Penobscot Mills relicensings.

Thanks and hope you have a great weekend.

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

HDR
231 Salina Meadows Parkway, Suite 210
Syracuse, NY 13212
D 315.414.2202 **M** 315.415.2729
jim.gibson@hdrinc.com

hdrinc.com/follow-us

From: [Dan McCaw](#)
To: [Charlie Loring, Jr.](#); [Gibson, Jim](#); [Cody Dillingham](#)
Cc: [Scarzello, Michael](#); [Dorman, Randy](#); [Russell, Cate](#)
Subject: RE: Ripogenus and Penobscot Mills Relicensing
Date: Monday, July 29, 2024 2:01:24 PM

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jim,

I am available this Wednesday from 9am-12pm, and 1pm-3pm. (7/31)

I am also available Friday, 10am to 12pm, 1pm-3pm. (8/2)

I have added out fish biologist Cody Dillingham to this thread. He may be able to join us as well.

Thanks!

Dan

Daniel E. McCaw
Fisheries Program Manager
Penobscot Indian Nation
12 Wabanaki Way
Indian Island, Maine 04468

dan.mccaw@penobscotnation.org
(207) 356-3224

From: Charlie Loring, Jr. <Charlie.Loring.JR@penobscotnation.org>
Sent: Monday, July 29, 2024 12:29 PM
To: Gibson, Jim <Jim.Gibson@hdrinc.com>; Dan McCaw <Dan.McCaw@penobscotnation.org>
Cc: Scarzello, Michael <Michael.Scarzello@brookfieldrenewable.com>; Dorman, Randy <randy.dorman@brookfieldrenewable.com>; Russell, Cate <cate.russell@hdrinc.com>
Subject: RE: Ripogenus and Penobscot Mills Relicensing

I'm on vacation this week, but if anyone wants to schedule some time next week I will keep an eye on my emails to chime in with availability... Dan is going on Vacation August 5th, so we will want to meet before then.

Thanks,

Chuck

From: Gibson, Jim <Jim.Gibson@hdrinc.com>
Sent: Thursday, July 25, 2024 9:35 AM
To: Dan McCaw <Dan.McCaw@penobscotnation.org>; Charlie Loring, Jr. <Charlie.Loring.JR@penobscotnation.org>
Cc: Scarzello, Michael <Michael.Scarzello@brookfieldrenewable.com>; Dorman, Randy <randy.dorman@brookfieldrenewable.com>; Russell, Cate <cate.russell@hdrinc.com>
Subject: RE: Ripogenus and Penobscot Mills Relicensing

Some people who received this message don't often get email from jim.gibson@hdrinc.com. [Learn why this is important](#)

Caution: This is an external email, please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Dan and Chuck,

Hope everyone is doing well.

Looking to see if there is a good time over the next two weeks for a call regarding the ongoing Ripogenus and Penobscot Mills relicensings.

Thanks

Jim Gibson, MPA, MSES
Vice President, National Business Class Lead

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Cc: Scarzello, Michael <Michael.Scarzello@brookfieldrenewable.com>; Dorman, Randy <randy.dorman@brookfieldrenewable.com>; Russell, Cate <cate.russell@hdrinc.com>
Subject: Ripogenus and Penobscot Mills Relicensing

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From: [Gibson, Jim](#)
To: [Dan McCaw](#)
Cc: [Scarzello, Michael](#); [Dorman, Randy](#); [Russell, Cate](#)
Subject: Ripogenus and Penobscot Mills Relicensing
Date: Friday, July 12, 2024 8:23:20 AM

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Jim Gibson, MPA, MSES
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