



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BUREAU OF PARKS AND LANDS  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

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May 17, 2023

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

**RE: Comment on Proposed Recreation and Aesthetic Environmental Measures,  
Addendum to Final License Application, Rumford Falls Project (FERC No. 2333)**

Dear Secretary Bose,

These comments are in response to the Recreation Study Report and Additional Protection, Mitigation and Enhancement Measures, submitted to FERC on March 30, 2023 by Rumford Falls Hydro (RFH) as an addendum to the Final License Application, which was submitted to FERC September 9, 2022. We are also commenting in response to the aesthetic flows proposed environmental measures, first proposed in the Final License Application and repeated in the addendum. We postponed comments on aesthetic flows due to the delayed completion of the Recreation Study and the resultant delay in proposed recreation environmental measures.

Throughout the Integrated Licensing Process, the Bureau and numerous other stakeholders have noted that the recreation opportunities available on the Androscoggin River are generating increasing interest due to greatly improved environmental conditions, far different from conditions when the current license was issued. We believe the proposed aesthetic flow and recreation enhancement measures represent a substantial step towards implementing in partnership with the local community a common vision for the river-oriented recreation and access sites, managed for a high-quality experience, taking full advantage of the improved conditions.

As documented in the study reports, the Bureau has been an active participant in the Recreation and Aesthetic Flow Studies, including field observation and focus group components. Based on that participation and on the Recreation and Aesthetic Flow Study results, we offer the following recommendations for additions or revisions to the proposed environmental measures.

ANDREW R. CUTKO, DIRECTOR  
BUREAU OF PARKS AND LANDS  
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-3821  
FAX: (207) 287-6170  
WEB: [WWW.MAINE.GOV/DACF](http://WWW.MAINE.GOV/DACF)

### Proposed Aesthetic Flows – Upper Dam Bypass Reach

While providing worthwhile benefits, we view the proposed aesthetic flows of 1200-1500 cfs on three summer days (June through August) as an inadequate improvement over current flows. Given that there would be no aesthetic improvement over current conditions for all the remaining days of the summer (and also fall), when both local residents and visitors could most benefit, we recommend that license conditions require a substantial increase in the number of scheduled releases above the three proposed, in consultation with the Town of Rumford. In relation to balancing aesthetic and other flows with hydroelectric generation, we note that the annual reduction in generation associated with the proposed aesthetic flows is 165 MWh (FLA Exhibit D, Table 7.0-1), approximately 0.1% reduction in gross average annual generation at the Upper Station Development.

We note that the NGOs, in their August 31, 2022 comments on the Draft License Application, advocated for aesthetic flows on all weekends throughout the summer months, and consideration of additional flow releases at other times to coincide with the town's tourism-focused events. We suggest approximately 8-10 scheduled releases (e.g., equating to every other weekend through the summer).

### Proposed Whitewater Flows – Middle Dam Bypass Reach

The Bureau supports the proposed whitewater flows of 1200-1500 cfs on three summer days (June through August); however, we recommend consultation with the Town of Rumford and American Whitewater regarding the sufficiency of the proposal and potential additional flow days. In relation to balancing whitewater and other flows with hydroelectric generation, we note that the annual reduction in generation associated with the proposed whitewater flows is 64 MWh (FLA Exhibit D, Table 7.0-1), approximately 0.06% reduction in gross average annual generation at the Lower Station Development.

### Proposed Minimum Flows – Middle Dam Bypass Reach: Potential aesthetic benefits with increased minimum flows above those proposed

The Maine Department of Inland Fisheries and Wildlife (MDIFW), in their February 17, 2023 comments on the FLA, states “the current and proposed minimum flows for the Middle Dam bypass reach are extremely low and unacceptable” and recommends that additional flows (800, 1600, and 3200 cfs) be evaluated. MDIFW also states, based on their site observations and experience with evaluating aquatic habitats, that flows between 250-500 cfs appear to be appropriate. While the Aesthetic Flow Study focused solely on the Upper Dam bypass (Rumford Falls) and therefore did not evaluate flows at the Middle Dam bypass reach, the 250-500 cfs minimums flow proposed by MDIFW would undoubtedly provide aesthetic benefits at that location as compared to the current and proposed flows (95 cfs May-Oct, 54 cfs Nov-April), in addition to enhancing aquatic habitat. The attached photos, taken by MDIFW during the course of the flow study, depict flows in the bypass reach of 90 cfs (similar to the proposed May-Oct flows) and 190/265 cfs (similar to the lower end of MDIFW's proposed range); while not taken for the purposes of aesthetics evaluation, nor at identical locations for each flow, they provide visual corroboration of the aesthetic benefits of the higher flows.

In their April 19, 2023 response to MDIFW's comments, RFH defends the basis of the proposed minimum flows citing the Flow Study results and rejects the need for additional analysis or flow

studies. The Bureau will not comment on the biological basis of the proposed minimum flows, with the expectation that FERC and RFH will continue to engage with MDIFW on their concerns. However, on the basis of the potential for an enhanced fishery and the aesthetic benefits discussed above, the Bureau supports MDIFW's recommendation for increased minimum flows for the Middle Dam bypass reach and, if necessary, additional analysis to arrive at the most balanced minimum flow requirement for the new license.

### Proposed and Recommended Additional Recreation Enhancements

#### **West Viewing Area**

The Bureau supports and appreciates the proposed enhancements for the West Viewing Area, which will provide the public with the best opportunity to enjoy and benefit from the proposed aesthetic flows at Rumford Falls (Upper Dam bypass reach). However, given the limited existing and proposed additional parking (4 spaces, 1 ADA) at the West Viewing Area and traffic safety concerns at the entrance, the Bureau recommends that enhancements also include the development of a footpath to the West Viewing Area from Boivin Park, as suggested during the field visit and focus group components of the Recreation Study. This would be a more enjoyable option for the public than the public sidewalk route along Route 2 between the two sites as presently proposed.

#### **Logan Brook Carry-in Boat Access to Upper Impoundment**

The Recreation Study documented concerns with the current informal use at this site; in particular, the lack of designated parking (leading to unsafe roadside parking) and potential shoreline erosion issues. Potential closure and relocation were discussed during the field visit. We also note that MDIFW in their comments on the FLA point out the nearly two-mile distance between the nearest upstream launch and the boater barrier on the Upper Impoundment, and advocate for a new carry-in launch in the area just upstream of the boater barrier. However, RFH in the addendum has proposed no enhancements at this site and did not address MDIFW's comments in their response.

The Bureau recommends formalization of this site, with license conditions that include a recreation enhancement that would move the access nearer to the boat barrier or further upstream on the inlet, on the same RFH-owned parcel, where there appears to be the opportunity for the development of a new facility, including space for limited designated parking off the road.

#### **Angling Access Enhancements to Middle Dam Bypass Reach and Canal**

MDIFW's comments on the FLA highlight staff conversations with local anglers and people from the town that indicate that a fair amount of shore angling occurs in the canal and bypass areas. This informal dispersed use was not captured by the Recreation Study. In response to these observations and in concert with their stocking program -- and paired with adequate flows in the lower bypass to enhance the fishery -- MDIFW advocates for better access provisions for these areas, possibly including improved accessibility measures such as stairways and/or safety railings. RFH's proposed improved access and/or steps from the lower Rumford Public Library lower parking area to the ledges and cascades near the middle of the bypass reach for whitewater boating does not appear sufficient to meet this need. Therefore, the Bureau joins MDIFW in recommending additional access improvements in this area.

### **Portage Route Around Upper and Lower Developments**

Early in the IRP both MDIFW and BPL commented on the need for information on a portage route/trail and associated put-in and take-out sites in the Project area; however, it was not formally included as part of the Recreation Study. We note that FERC in its May 11, 2023, Request for Additional Information has requested a description and a map of the portage around the dams. With the expectation that this portage route will be largely on road shoulders and sidewalks given the primarily developed environment surrounding the dams, the Bureau recommends that recreation enhancements include the installation of signage and other necessary marking of the portage route/trail. Following on identification of the portage route, any improvements needed to the take-out and put-in sites should also be included among the recreation enhancements.

Thank you for the opportunity to submit these comments. Please feel free to contact me at (207) 287-2163 or via email at [Jim.Vogel@maine.gov](mailto:Jim.Vogel@maine.gov) if you have any questions.

Sincerely,



Jim Vogel, FERC Coordinator  
Bureau of Parks and Lands

Cc: Andrew Cutko, Director  
John Perry, Maine Department of Inland Fisheries and Wildlife  
Luke Anderson, Brookfield Renewable

Attachment: Middle Dam Bypass Reach Photographs, Oct. 2021 Flow Study



ATTACHMENT: Middle Dam Bypass Reach photos (MDIFW)

(1) Cascades upstream of Portland Street bridge



90 cfs flow, 10/18/21, upstream view.



265 cfs flow, 10/20/21, upstream view.



(2) Cascades and pool downstream of Portland Street bridge.



90 cfs flow, 10/18/21, upstream view.



190 cfs flow, 10/19/21, upstream view.