

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land Resource Regulation  
17 State House Station  
Augusta, Maine 04333  
Telephone: 207-287-7688

FOR DEP USE  
ATS # \_\_\_\_\_  
#L- \_\_\_\_\_  
Fees Paid \_\_\_\_\_  
Date Fees Received \_\_\_\_\_

**APPLICATION FOR  
WATER QUALITY CERTIFICATION  
(U.S. P.L. 92-500, SECTION 401)**

**HYDROPOWER PROJECT LICENSING/RELICENSING ONLY**

This form shall be used to request Water Quality Certification for the proposed FERC licensing or relicensing of an existing hydropower generating or storage project where no construction, reconstruction or structural alteration of project facilities which would affect water levels or flows is proposed.

All required fees must be paid before application processing will begin. Please contact the Department for current fee schedule information. Fees are payable to Treasurer, State of Maine.

**APPLICANT INFORMATION**

Name of Applicant: Brookfield White Pine Hydro LLC (BWPH)  
Mailing Address: 150 Main Street  
Lewiston, Maine 04240  
Name of Contact or Agent: Randall Dorman  
Telephone: 207-755-5605

**PROJECT INFORMATION**

Name of Project: Shawmut Hydroelectric Project FERC No. P-2322  
Address (use "911" address, if available): Kennebec Street, Fairfield, Maine  
  
Name of Waterbody Affected: Kennebec River  
Municipality or Township: Skowhegan, Fairfield, Clinton, Benton County: Kennebec, Somerset  
GPS Coordinates, if known: 44°37'50.81"N, 69°34'59.11"W

### REQUIRED INFORMATION

1. Provide all the information requested by this application form.
2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
3. A signed Certification of Publication and a completed Notice of Intent to File an application for Water Quality Certification.


**NOTE:** All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

Department of Environmental Protection  
Bureau of Land Resource Regulation  
17 State House Station  
Augusta, ME 04333  
Tel: (207) 287-7688

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: 10/15/21

(IF SIGNATURE IS OTHER THAN APPLICANT,  
ATTACH LETTER OF AGENT AUTHORIZATION  
SIGNED BY APPLICANT)

  
\_\_\_\_\_  
SIGNATURE OF APPLICANT

Thomas Uncher, Vice President  
PRINTED NAME & TITLE

## WATER QUALITY CERTIFICATION APPLICATION

### FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send an original paper copy plus one (1) electronic copy of a completed Application for Water Quality Certification to the Department, along with two (2) copies of the Application for Initial License or New License that has been or will be filed with FERC. The State filing can be made prior to or concurrent with the FERC filing.
2. The Department is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment as shown on the DEP fee schedule. Please make checks payable to: Treasurer, State of Maine.
3. A number of consulting agencies will be involved in the State review process of hydropower projects. Distribution of copies of the FERC application to these agencies may be coordinated by DEP or may be handled directly by the applicant. When filing, please notify the DEP staff to discuss distribution procedures.
4. Most information requested by this application form can be provided by making reference to the appropriate exhibit of the FERC license application. Space is provided on the form for such references.
5. Within 15 working days of receiving an application and all required fees, the DEP shall determine whether the application as filed is acceptable for processing.
6. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

## WATER QUALITY CERTIFICATION APPLICATION

**1. NATURE OF ACTIVITY.** Check appropriate item:

\_\_\_\_\_ Application for Initial License.

\_\_\_X\_\_\_ Application for New License (Relicense).

A COPY OF A COMPLETED FERC APPLICATION FOR LICENSE (THIRD STAGE CONSULTATION) MUST ACCOMPANY THIS FORM.

NOTE: A copy of any document revising, supplementing, amending, or correcting deficiencies in the application as originally filed with FERC must also be filed with D.E.P.

**2. EXISTING ENVIRONMENT.** Provide a description of the physical environment of the project site and its immediate vicinity. The project site includes all land and water areas affected by the project.

REFERENCE: FERC EXHIBIT(S) FERC License Application Exhibit E, Section 4.3

In addition, the following information is critical to understanding the existing environment for the Shawmut Project.

*[insert the following (and expand upon as needed) to emphasize the location of the dam relative to other dams, and the value of the impoundment to the community]*

- The Shawmut Project is the third dam on the mainstem Kennebec River, and is one of 8 dams located on the mainstem Kennebec below The Forks, where the Dead River joins the Kennebec.
- The Shawmut Project dam and original powerhouse have been in place since 1912, and the hydroelectric facilities have a long history of providing clean, renewable, carbon-free electric generation for Maine.
- The Kennebec River is one of Maine's working rivers that has a long history of supporting industrial and economic development of the communities along the river and to the state as a whole. The lower Kennebec River remains important for the continued economic well-being of the region and the state, as is reflected in its current water quality classification and designated uses for water supply, industrial use, and hydropower production.
- The riverine impoundment created by the Shawmut Project dam has been in place since 1912, and supports recreational uses, provides wastewater treatment assimilation by the Town of Skowhegan, and serves as industrial process water for the Sappi Somerset mill.

- As explained in Sappi's comments on MDMR's Plan Amendment<sup>1</sup> (filed with MDMR in January 2021 (Appendix 14)), the Somerset mill is dependent on the Shawmut dam, which is inexorably tied to and economically supported by the Shawmut hydroelectric facility, and which must receive water quality certification for its continued operation. Comments on the Department's August 11, 2021 draft order denying a water quality certification for the Shawmut Project, hereinafter "draft WQC order" (Appendix 17), submitted by Sappi, Senator Brad Farrin, Representatives Bruce White, Colleen Madigan, and Jack Ducharme, and United Steelworkers all noted the important relationship between the Somerset mill and the Shawmut Project (Appendix 18.)
- Two popular boat launch facilities are located on the impoundment that provide trailered boats, recreational boaters and anglers access to the river between Skowhegan and Shawmut (Appendix 1, FERC license Application, Exhibit E).
- In support of resident and migratory fish species (see FERC license application (Appendix 1)), BWPH is proposing to continue to operate the Project as a run-of-river hydroelectric facility, install new upstream fish passage and enhance existing downstream fish passage facilities and related measures to support the restoration of diadromous fish species to the lower Kennebec River. A complete description of BWPH's updated fish passage proposals for the Shawmut Project is provided in Appendix 2.
- BWPH has been an active participant in state of Maine and federal fishery agency efforts to restore diadromous fish species to the Kennebec River, as outlined in existing state and federal fishery management plans for the lower Kennebec River (Appendix 3). Since the 1980s, the federal agencies, the state of Maine and the lower Kennebec River hydropower project owners have worked together to restore migratory fish species to the Kennebec basin. The cooperation between agencies and hydropower owners was initially established in a comprehensive fish-passage agreement ("KHDG Agreement") executed by MDMR among other state and federal agencies that is still in effect today (Appendix 4). The KHDG Agreement has provided the basis for most of the anadromous fish passage measures undertaken on the Kennebec and Sebasticook River (a tributary to the Kennebec) to date, including the removal of the Edwards and Fort Halifax (Sebasticook River) dams, the installation of fish lifts at the Benton Falls and Burnham projects (Sebasticook River), the installation of the existing fish lift at the Lockwood Project, provision of fish trap/sort/transport facilities at Lockwood (that have supported MDMR's stocking efforts), the installation of downstream passage facilities at all of the lower Kennebec River projects, and a mechanism/ process for annual agency consultation, meetings, and reporting. Further, pursuant to the KHDG Agreement, annual funding was specifically earmarked for the support of anadromous fish restoration efforts on the Kennebec. To this day, BWPH continues to meet its obligations in accordance with the terms of, the KHDG Agreement. Appendix 5 provides a status summary of the KHDG Agreement obligations. As set forth in the KHDG Agreement, all

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<sup>1</sup> At the end of 2020 and into 2021, the Maine Department of Marine Resources attempted to rewrite the 1983 Kennebec Management Plan via rulemaking. The proposed rule, which was never promulgated, is referred herein as the "Plan Amendment."

disagreements between the parties, including MDMR, must be resolved through the FERC process.

3. **PROJECT DESCRIPTION.** Provide a detailed description of the existing project. A hydropower project includes all powerhouses, dams, water conduits, transmission lines, water impoundments, roads, and other appurtenant works and structures that are part of the development. This description must include:
- A. The physical composition, dimensions, and general configuration of all project structures;
  - B. The normal maximum surface area and elevation, gross storage capacity, and usable storage capacity of any impoundments;
  - C. The number, type, and rated capacity of any turbines or generators; and
  - D. The number, length, and voltage of any primary transmission lines.

REFERENCE: FERC EXHIBIT(S) FERC License Application Exhibit A

In addition, the following information is critical to understanding proposed Project facilities and considerations of water quality from the Project discharge.

- BWPH is proposing to continue to operate the existing Project, which generally consists of a dam, two powerhouses and an impoundment as a run-of-river hydroelectric facility as shown in Appendix 1. BWPH is proposing no modifications to the basic Project features, other than fish passage facilities discussed below.
- Appendix 2 summarizes BWPH's proposed protection, mitigation and enhancement measures for upstream and downstream fish passage to be implemented at the Shawmut Project. BWPH's proposals combine elements contained in each of the following documents: the January 31, 2020 Final License Application submitted to FERC (Appendix 1); the Draft Environmental Assessment (DEA), dated July 1, 2021 (Appendix 16) and draft license conditions recommended by FERC Staff (Appendix E of the DEA); and the mandatory fish passage prescriptions issued on August 28, 2020 by the Department of Commerce (National Marine Fisheries Service) and on August 27, 2020 by the Department of the Interior (US Fish and Wildlife Service) (Appendix 11) under Section 18 of the Federal Power Act. These measures, the effects of which were analyzed in FERC's DEA (Appendix 16), also comprise the entirety of the actions that the Department should consider in evaluating the compliance of the Project discharge with state water quality standards pursuant to Section 401 of the Clean Water Act.
- BWPH is proposing to install new upstream fish passage facilities at the Shawmut Project. The proposed facilities (fish lift and fish flume) are designed to accommodate 1,540,000 blueback herring, 134,000 alewife, 177,000 American shad, and 12,000 Atlantic salmon annually, as per the MDMR's design populations for the Shawmut Project. The proposed upstream fishway was originally designed and submitted for approval under Shawmut's existing FERC license pursuant to the 1998 FERC License Amendment and 1998 Section 401 Water Quality Certification Amendment (WQC #L-

19751-33-A-M dated August 4, 1998), both of which incorporated the terms of the 1998 KHDG Agreement, which requires upstream passage facilities and downstream passage improvements in a phased approach, and under the 2013 Interim Species Protection Plan (ISPP) and Biological Opinion (BO) (Appendix 6), which accelerated the timeline for implementation of the upstream passage facilities and downstream passage improvements. Final design plans detailing the proposed upstream fishway were filed with FERC on December 31, 2019 (Appendix 7) and with the Department as part of a Condition Compliance application on December 31, 2019 (Appendix 8). The final design plans were developed consistent with the KHDG Agreement and in close consultation with state of Maine and federal fishery agencies, and the consultation on the plans was documented and previously filed with FERC (Appendix 7) and with the Department as part of the December 31, 2019 Condition Compliance application. These same plans were again filed with the Department as part of a fishway construction MWDCA permit package that was submitted May 27, 2020; and as part of the USACE Joint Permit Application (JPA 401/404) package submitted May 20, 2020 (Appendix 8). The final design plans were developed using the latest technology and 3-D hydraulic modeling (CFD modeling) to evaluate tailrace hydraulic conditions and the fish passage approach between the two tailraces to ensure that the proposed design would work effectively and efficiently for the target species over a full range of Project operating conditions during the upstream fish passage season (see Appendix 7). The state and federal fishery agencies were consulted and reviewed all study plans and reports.

- BWPH is proposing certain modifications to the downstream passage facilities at the Project (Appendix 2). Plans for proposed modifications to the existing downstream fish passage facilities were developed in consultation with state of Maine and federal fishery agencies. In addition, there will be some changes to the operation of the downstream passage facilities once construction of the new upstream fish lift is completed and operational. These modifications to the operation of downstream passage facilities are described in Appendix 2.
- BWPH is proposing to continue to provide upstream and downstream passage for American eel (Appendix 2). BWPH currently provides interim eel passage at the Project. Once construction of the new upstream fish lift is completed and operational, BWPH will provide permanent eel passage facilities and measures, as detailed in Appendix 2.
- BWPH's fish passage plans for the Shawmut Project include certain measures recommended by FERC staff in the Shawmut DEA and/or as prescribed by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) in their preliminary Section 18 prescriptions provided to FERC in letters dated August 28, 2020 and August 27, 2021, respectively (Appendix 11). These additional measures include the installation of 1 or 1.5 inch trash racks (or overlays), night-time shut downs, and performance standards. All of these measures are included in BWPH's revised fish passage proposals included in Appendix 2.

4. **PROJECT OPERATION.** Provide a description of project operation, to include:

- A. The mode of project operation during low, mean, and high water years, including extent and duration of flow release and impoundment fluctuations;



- B. An estimate of the dependable capacity and average annual energy production, in kilowatt hours, of the project;
- C. An estimate of minimum, mean, and maximum flows, in cubic feet per second, at the project site, including a flow duration curve;
- D. An estimate of the maximum and minimum hydraulic capacities, in cubic feet per second, of any powerplant; and
- E. A statement of the manner in which the power generated at the project is utilized.

REFERENCE: FERC EXHIBIT(S) FERC License Application, Exhibit B

In addition, the following information is critical to understanding the proposed operation of the Shawmut Project and discharges from the Project.

- The Shawmut Project is currently operated as run-of-river (ROR) and BWPH is proposing to continue to operate the Project as run-of-river. Under this proposal, discharge from the Project will essentially match Project inflows, with minimal routine fluctuation (< 1 ft) of the Project impoundment. The proposed run-of-river operation will ensure that river flows downstream of the dam are continually passed through the Project, and that river flows and habitat downstream of the dam will remain natural and unimpaired by the operation of the Project or Project discharge (Appendix 1, Exhibit B and Exhibit E).
  - In their August 18, 2021 comments on the Department's draft WQC order, the Kennebec Coalition suggested that the Shawmut Project is not operated as ROR. A similar claim was made at the outset of the FERC relicensing process. At that time, BWPH provided to FERC detailed information regarding impoundment levels and Project discharges that clearly demonstrated that the Project is operated as ROR. This information has been updated and is provided in Appendix 19(c).
  - In conjunction with the operation of proposed upstream and downstream fish passage facilities, BWPH proposes to make adjustments to the operation of the Project so as to optimize fish passage at the Project. These proposals include generating unit prioritization during periods of upstream and downstream passage facility operations and are described in the updated fish passage proposal (Appendix 2). To summarize, once all upstream and downstream structural modifications are fully installed, BWPH will prioritize operation of the generating units in the 1912 Powerhouse such that Unit 1 is first on and last off, followed consecutively by Units 2 through 6, from April 1 through December 31. BWPH also proposes to revise and implement a Fish Passage Operation and Maintenance Plan (FPOMP) for the Shawmut Project (Appendix 2).
5. **PROJECT PLANS.** Provide general design drawings showing all major project structures in sufficient detail to provide a full understanding of the project, including:
- A. Plans (overhead view);
  - B. Elevations (front view); and
  - C. Sections (side view).



REFERENCE: FERC EXHIBIT(S) FERC License Exhibit F

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In addition, the following information is critical to understanding proposed Project plans:

- In February 2013, the Shawmut Project licensee (then FPL Energy) filed with FERC an Interim Species Protection Plan (ISPP) for the four lower Kennebec River projects, including Shawmut (Appendix 6(a)). As part of that ISPP, and in compliance with the terms of the 1998 KHDG Agreement, BWPH proposed installing a new upstream fish passage facility for Atlantic salmon, American shad and river herring at the Shawmut Project under the current FERC license. In July 2013, NMFS issued its Biological Opinion (BO) and Incidental Take Statement (ITS) for the projects included in the ISPP, including the proposed upstream and downstream fish passage facilities at Shawmut (Appendix 6(b)). In May 2016, FERC issued a license amendment Order for the Shawmut Project which incorporated the ISPP fish passage measures and the terms of the ITS into the Shawmut Project FERC license (Appendix 6(c)).
- Consistent with the terms of the 1998 FERC License Amendment and Amended Section 401 Water Quality Certification incorporating the terms of the 1998 KHDG Agreement, the 2013 ISPP, and the 2016 FERC License Amendment for the Shawmut Project, on December 31, 2019, BWPH filed final design plans for the proposed upstream fish lift for the Shawmut Project with FERC and the Department (Appendix 7). The final designs were developed consistent with the KHDG Agreement and in close consultation with state and federal fishery agencies, and conceptual plans, as well as 30%, 60%, 90% and final designs, were all reviewed with the agencies at a series of meetings held between 2017 and 2019. Appendix 7 provides the details of the consultation and plan design review that was conducted between BWPH and the fishery agencies on these plans and this documentation of agency consultation was remitted to the Department as part of the December 31, 2019 Condition Compliance application for the Shawmut fishway.
- At no time during the development of the 2013 ISPP or the consultation process that led to the design of a proposed upstream fish lift at the Shawmut Project did any state of Maine or federal fishery management agency suggest, claim, or demonstrate that the fish lift design that was collaboratively developed and ultimately filed with FERC and the Department in December 2019 would not perform sufficiently to support agency management plans and anadromous fish restoration efforts for the Kennebec River. No alternative design, whether in lieu of or in conjunction with the fish lift, was suggested or discussed by any state or federal fishery agency during the three years of collaborative design efforts for the Shawmut upstream fishway.
- In December 2019, BWPH filed with FERC a final Species Protection Plan (SPP) for the lower Kennebec River projects – Lockwood, Weston, Hydro Kennebec and Shawmut. Included in the 2019 SPP were provisions for further enhancement of upstream and downstream fish passage at the Shawmut Project, including the adoption of certain performance standards for fish passage effectiveness. At the same time, a draft Biological Assessment (BA) was submitted to FERC which included a complete assessment of the effectiveness of the proposed upstream and downstream fish passage facilities and related operational measures for anadromous fish species at the Shawmut Project (Appendix 9). On July 13, 2020 FERC issued a letter indicating that any fish passage measures and requisite Section 7 ESA consultation for the Shawmut Project would be considered under relicensing rather

than through the SPP process as part of a single federal action. Although the Shawmut Project is no longer part of the SPP, much of the analysis contained in the draft BA that accompanied the December 2019 SPP is still applicable since most of the fish passage measures that were proposed for Shawmut in the SPP are now part of BWPH's relicensing proposals for Shawmut.

- BWPH has updated an important component of the draft BA's assessment of fish passage effectiveness—estimated whole station survival for Atlantic salmon smolts—based on BWPH's updated fish passage proposals, Section 18 prescriptions, and FERC staff recommendations, as outlined in Appendix 2, including higher performance standards for Atlantic salmon. The updated analysis of downstream fish passage effectiveness for downstream migrating Atlantic salmon smolts is provided in Appendix 12. That analysis demonstrates that with all the fish passage measures installed and implemented at Shawmut downstream survival for salmon smolts is anticipated to be 97-98%. With respect to upstream passage, FERC, in its DEA (Appendix 15) states "Both Shawmut and Milford are low head dams on large mainstem rivers with long sections of overflow spillway and no bypassed reaches. In both cases, the fish lift design included installing the fish lift adjacent to a powerhouse. Two years of radio telemetry studies in 2014 and 2015 at Milford Dam showed that the fish lift was 95.5% effective in the first year (21 of 22 tagged adults) and 100% effective in the second year (50 of 50 tagged adults) at passing salmon that approached within 200 meters of the project." NMFS, in its letter dated August 25, 2021 providing comments on FERC's DEA (Appendix 16) concurs with FERC's comparative assessment stating "In that analysis, you imply that Milford and Shawmut are similar projects and that the passage rates should therefore be similar. Therefore, based on your own analysis, it seems reasonable to expect that Brookfield can operate the Shawmut project to pass 96%, or even 99%, of motivated Atlantic salmon."
- In late 2020 and early 2021, MDMR attempted to rewrite the 1993 Kennebec River Resource Management Plan (1993 Kennebec Plan) via rulemaking. This proposed rule, which was never promulgated is referred to here as the "Plan Amendment" (Appendix 13). BWPH and others provided extensive comments in response to the Plan Amendment (Appendix 14). Although MDMR was ultimately forced to abandon the Plan Amendment, BWPH's objections remain. In its draft WQC order on BWPH's previous application for water quality certification of the Shawmut Project, the Department wrote that "The July 2021 comments reflect MDMR's professional assessment separate and apart from the draft [Kennebec Plan]." However, a careful review of both the Kennebec Plan and the July 2021 comments reveals that the July 2021 comments closely mirror the abandoned plan, and as such BWPH asserts that its objections to the plan are relevant to MDMR's July 2021 comments.
- BWPH's primary objections to the Plan Amendment, the July 2021 comments and the supporting analyses presented therein include the unsubstantiated conclusions that 1) fish passage provided at Shawmut would have to be 99% effective in order to meet restoration objectives for Atlantic salmon; and 2) only dam removal would provide 99% effective fish passage. In addition, BWPH has numerous objections to other aspects of the Plan Amendment and the July 2021 comments, including extensive misinformation and erroneous conclusions drawn with respect to shad and river herring. BWPH filed detailed technical comments on the Plan Amendment to highlight MDMR's mischaracterizations and flawed analyses designed to force the

removal of Brookfield's dams on the lower Kennebec River, including the Shawmut Project dam (Appendix 14). In addition, the fish passage standards recommended by MDMR in the Plan Amendment and the July 2021 comments were not developed in accordance with state law requirements set forth in 12 M.R.S. §§ 6121 & 12760. Furthermore, any concerns MDMR has regarding fish passage standards for the Shawmut Project are required to be resolved through the FERC process, not through state WQC, under the 1998 KHDG Agreement.

- The 1993 Kennebec Plan, which recognizes the critical public benefits afforded by the Shawmut Project and its affiliated hydroelectric projects on the lower Kennebec River, remains in force and is *the* comprehensive river resource management plan for the lower Kennebec River. This means that this plan “must provide a basis for state agency comments, recommendations and permitting decisions,” including the Department’s WQC for the Shawmut Project. 12 M.R.S. § 407. In other words, the Department’s determination with respect to Shawmut’s WQC application must be consistent with the 1993 Kennebec Plan.
- The Gulf of Maine Distinct Population Segment (GOM DPS) of Atlantic salmon is a federally listed endangered species under the Endangered Species Act (ESA). Atlantic salmon are not listed as threatened nor endangered under Maine’s Endangered Species Act. Accordingly, NMFS is exclusively charged with determining whether a federal action, such as the relicensing of the Shawmut Project, would jeopardize the survival or recovery of the federal ESA-listed Atlantic salmon. Yet, MDMR’s previous analyses (in the Kennebec River Factual Background document, included with their August 16, 2021 comments (Appendix 16), and July 17, 2021 letter providing comments on the Shawmut 401 application (Appendix 18)) outline what MDMR believes is necessary to achieve recovery of the species and delisting. MDMR has no authority to make a determination regarding a federally listed species. Further, the Department has no authority to accept such conclusions from its sister agency regarding a federally listed species, as the basis for determining whether the Shawmut Project meets state water quality standards. FERC has initiated Section 7 consultation with NMFS for the Shawmut relicensing, the outcome of which will result in the issuance of a Biological Opinion with Reasonable and Prudent Measures (or Alternative) necessary to avoid, minimize and mitigate effects to Atlantic salmon. BWPH anticipates that the Biological Opinion issued will be consistent with NMFS Section 18 prescriptions (Appendix 11) which have been outlined as part of the fish passage proposed actions (Appendix 2) that the Department should consider in the certification of the Shawmut Project.

6. **PROJECT MAPS.** Provide maps of the project showing:

- A. The location of the project, including principal project structures and features, with reference to local geographic features; and
- B. A project boundary enclosing all principal project structures and features proposed to be licensed.

REFERENCE: FERC EXHIBIT(S) FERC License Application, Exhibit G

7. **TITLE, RIGHT OR INTEREST.** The Department's Regulations require that any applicant must possess sufficient title, right or interest in all project lands and waters in order to have standing to seek a permit, license, or certification. Please complete the appropriate item(s) below establishing title, right or interest and attach a copy of the indicated document(s):

\_\_\_\_\_ Deed.  
\_\_\_\_\_ Option to buy.  
\_\_\_\_\_ Lease.  
  X   Valid FERC License (including all amendments/modifications).  
\_\_\_\_\_ Exercise of flowage rights through operation of the Mill Act (12 MRSA Section 651).  
\_\_\_\_\_ Exercise of eminent domain under FERC License.

8. **WATER QUALITY.** Provide a description of the impact of the project on water quality, including:

- A. A description of the applicable water quality standards and stream segment classification for the project impoundment and downstream waters, including a description of designated uses;
- B. A description of existing water quality in the project impoundment and downstream waters affected by the project, including a description of existing instream water uses;
- C. A statement of the existing measures to be continued and new measures proposed for the purpose of protecting and improving water quality, including measures for the mitigation of project impacts on the designated uses of project waters; and
- D. A description of any anticipated continuing impact on water quality from the continued operation of the project, including impacts on the designated uses of project waters.

REFERENCE: FERC EXHIBIT(S) Exhibit E, Section 4.5.1.2

In addition, the following information is critical to understanding the impact of the Project discharge on water quality.

- A. *A description of applicable water quality standards and stream segment classification for the project impoundment and downstream waters, including a description of designated uses*

The classification of the Shawmut Project waters are Class B and C. While the waters of the impoundment are Class C, the Shawmut Project discharges exclusively to Class B waters.

- Water quality standards for Class B waters, including designated uses are as follows:

Designated uses: Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. 38 M.R.S. § 465(3)(A); 38 M.R.S. § 465(4)(A). Additionally, habitat in Class B waters must be characterized as unimpaired. 38 M.R.S. § 465(3)(A). “Unimpaired” means without a diminished capacity to support aquatic life. 38 M.R.S. § 466(11).

Numeric Standards: The dissolved oxygen (DO) content of the Class B waters of the Kennebec River, as established in 38 M.R.S. § 465(3)(B), may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1 to May 14, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas.

Narrative Standards for Aquatic Life: Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community. The habitat must be characterized as unimpaired. 38 M.R.S. § 465(3)(C). “Without detrimental changes in the resident biological community” means no significant loss of species or excessive dominance by any species or group of species attributable to human activity. 38 M.R.S. § 466(12). ). “Unimpaired” means without a diminished capacity to support aquatic life. 38 M.R.S. § 466(11).

*B. A description of existing water quality in the project impoundment and downstream waters affected by the project, including a description of existing instream water uses;*

- BWPB conducted water quality studies as requested by the Department, and consistent with the Department’s protocols, as part of the FERC relicensing effort. Results of those studies demonstrate that the continued operation of the Shawmut Project, as proposed, will meet the applicable designated uses and water quality standards. In its draft WQC order, the Department confirmed that the applicable numeric and narrative aquatic life standards are met at the Shawmut Project (Appendix 17). Specifically, regarding numeric standards for dissolved oxygen in the Project impoundment, the Department found that there was “a single DO excursion below the Class B criterion of 7 ppm, but exceeding 5 ppm, in unstratified waters subject to Class C criterion and that all impoundment DO measurements met the percent saturation standard.” BWPB notes the Project discharges exclusively into Class B waters. In the Project tailwaters, the Department found that DO data collected downstream of the Project showed DO excursions below the class B criterion during the nights of August 9-11, 2016. The Department concluded that the operations of the Project “do not cause or contribute to the DO excursions but, rather, they DO excursions result from conditions related to discharge of nutrients at a non-Project upstream facility or nighttime respiration of plants.”



*C. A statement of the existing measures to be continued and new measures proposed for the purpose of protecting and improving water quality, including measures for the mitigation of project impacts on the designated uses of project waters; and*

- As described in Section 3 of this application, BWPH is proposing to continue to operate the existing Project, which generally consists of a dam, two powerhouses and an impoundment as a run-of-river hydroelectric facility, as shown in Appendix 1. BWPH is proposing no modifications to the basic Project features, but is proposing to install new upstream passage facilities and make modifications to existing downstream passage facilities for diadromous fish including Atlantic salmon, American shad, river herring (blueback herring and alewife), and American eel at the Shawmut Project (see Appendix 2).
- In its draft WQC order denying BWPH's application, the Department did not consider the changes to BWPH's proposals with respect to fish passage that would be made to accommodate the mandatory Section 18 fish passage prescriptions made by NMFS and/or USFWS nor the Staff Recommended Measures included in the DEA. In letters dated August 27, 2020 and August 28, 2020, respectively, USFWS and NMFS provided FERC with their Section 18 fish passage preliminary prescriptions for the Shawmut Project. One of the NMFS prescriptions calls for the installation of 1 or 1.5 inch clear space trash racks or overlay screens at the Project intakes for the Francis (Units 1-6) and propeller units (Units 7 and 8). Because Section 18 prescriptions are mandatory and must be incorporated by FERC into the Project license, BWPH, in anticipation of this requirement, is planning to install 1 or 1.5 inch racks or overlays at the Project. A design for the rack/overlay installation will be prepared in consultation with the fishery agencies and it is anticipated that the racks/overlays will be installed during construction of the proposed upstream fishway. NMFS' estimate of the improvement in the survival rate for downstream migrating Atlantic salmon kelts and smolts is provided in the prescription letter (Appendix 11). BWPH estimates that the whole station survival rate for Atlantic salmon smolts will increase to 97–98% with the installation of the 1 inch racks or overlays. Details of this estimate are provided in Appendix 12. BWPH is also planning to comply with the other Section 18 prescriptions, as outlined in Appendix 2.

*D. A description of any anticipated continuing impact on water quality from the continued operation of the project, including impacts on the designated uses of project waters.*

- BWPH proposes to continue to operate the Shawmut Project as run-of-river, with minimal fluctuations in impoundment levels, and minimal effects to downstream river flows. Operation of the Project in this manner will ensure that the Project continues to meet applicable water quality standards for Class B waters. Continued operation of the Project, as proposed, will also ensure that the designated use of Class B waters for hydroelectric generation continue to be met.
- BWPH's proposals to install, enhance, and operate upstream and downstream fish passage facilities at the Shawmut Project, will have no impact on existing Project water quality other than short-term effects associated with construction activities which will be addressed through the construction permitting process, as shown in Appendix 8. Discharges from the Project will continue to meet all state water quality standards for Class B waters, as it does today. The Department erroneously concluded in the draft WQC order that the Project, as proposed, does not meet water quality standards because "the applicant has not demonstrated that under its proposed operation the Project will meet the narrative classification standards for Class B and Class C waters of

the designated use of habitat for fish and other aquatic life because the dam and its discharge do not allow species of indigenous fish to pass upstream or downstream in a safe, time, and effective manner.” BWPH notes the Project discharges exclusively into Class B waters. BWPH’s proposals for fish passage at Shawmut will allow fish to pass in a safe, timely, and effective manner. Moreover, discharges from the Project will continue to meet all state water quality standards.

- The aquatic life standard for Class B waters specifies that “discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community. The habitat must be characterized as unimpaired.” As BWPH is proposing to provide substantial fish passage facilities at the Project to allow indigenous fish to pass upstream and downstream of the Project at the high rates specified herein, the Project waters will be of such quality to support fish species indigenous to the Kennebec River, including both resident and migratory fish species, without detrimental changes in the resident biological community, and the habitat will not be impaired.
- The Department included fish passage performance standards and requirements in its draft WQC order. The fish passage performance standards and requirements were created by MDMR but, as explained in BWPH’s legal complaint against MDMR and the Department, not through the process required under Maine law. To the extent the Department can include fish passage performance standards and requirements in a WQC, these standards and requirements must be created through the process mandated by the Legislature. Furthermore, MDMR’s efforts to impose standards outside of the FERC process violates the KHDG Agreement.
- The Department based its draft WQC order on wholesale acceptance of the results of MDMR’s analyses and conclusions regarding fish passage performance standards, including the reported results of MDMR’s anadromous fish restoration model(s), without conducting any further analysis of either the MDMR model(s) or the model results. Nor did the Department consider others’ evaluations of the MDMR model(s) or model results, including the comprehensive analysis provided by FERC in the DEA (Appendix 15). BWPH has previously filed comments on MDMR’s faulty analysis and model results in its comments on the Plan Amendment (Appendix 14). In response to MDMR’s comments on the FERC DEA (July 2021), and the Department’s draft WQC order (August 2021) for Shawmut, BWPH has updated its review of MDMR’s analysis and modeling. BWPH’s substantial questions, comments, and critique of MDMR’s methods and analysis are provided in Appendix 19(a).
- In its recent comments on the Shawmut DEA, MDMR now suggests that a nature-like fishway (NLF) installed at the Shawmut Project would achieve MDMR’s fish passage objectives for anadromous fish. Although MDMR went so far as to commission conceptual designs for an NLF, MDMR failed to provide any supporting information demonstrating that an NLF, either alone or in conjunction with the proposed lift, would improve fish passage effectiveness over the lift alone. An NLF at Shawmut had been considered among the fish passage alternatives initially discussed between BWPH and the fishery agencies, including MDMR, but was dismissed early in the planning process as not feasible due to site constraints at the Project and as a result of siting studies indicating the greatest attraction in the vicinity of the Unit 1–6 powerhouse. In response to MDMR’s suggestion to FERC that an NLF be considered at the Shawmut Project, BWPH carefully reviewed MDMR’s proposed NLF concept, and provided its comments and assessment of feasibility and performance (Appendix 19(b)). Based on these



assessments, BWPH concludes that an NLF is not feasible at Shawmut and is unaware of any information demonstrating an NLF would improve passage over the planned upstream fish lift and downstream facility improvements.

9. **PUBLIC NOTICE.** The Department requires that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that apply to this application are described in the Certification of Publication below, which must be signed and dated by the applicant or authorized agent.

The following information must be submitted with this form:

- A copy of a completed Notice of Intent to File.
- A list of abutters to whom notice was provided. [For the purposes of public notice of this application, an "abutter" is any person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.]

#### CERTIFICATION OF PUBLICATION

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located, within 30 days prior to filing the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other means, within 30 days prior to filing the application; and
3. Sent a copy of the Notice of Intent to File by certified mail or Certificate of Mailing and filed a duplicate of this application with the town clerk of the municipality(ies) where the project is located, within 30 days prior to filing the application.

TJ Under 10/15/21  
Signature of Applicant Date  
Thomas Under, Vice President  
Name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by the applicant.

## **Certificate of Good Standing**

# State of Maine



## Department of the Secretary of State

*I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and of the reports of qualification of foreign limited liability companies in this State and annual reports filed by the same.*

*I further certify that BROOKFIELD WHITE PINE HYDRO LLC, formerly FPL ENERGY MAINE HYDRO LLC, a DELAWARE limited liability company, is a duly qualified foreign limited liability company under the laws of the State of Maine and that the application for authority to transact business in this State was filed on April 27, 1998.*

*I further certify that said foreign limited liability company has filed annual reports due to this Department, and that no action is now pending by or on behalf of the State of Maine to forfeit the authority to transact business in this State and that according to the records in the Department of the Secretary of State, said foreign limited liability company is a legally existing limited liability company in good standing under the laws of the State of Maine at the present time.*

*In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-seventh day of May 2015.*

A handwritten signature in black ink, appearing to read "Matthew Dunlap".  
Matthew Dunlap  
Secretary of State



# MAINE

Department of the Secretary of State  
Bureau of Corporations, Elections and Commissions

[Corporate Name Search](#)

## Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Tue Oct 05 2021 10:06:41. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
BROOKFIELD WHITE PINE HYDRO LLC	19980126FC	LIMITED LIABILITY COMPANY (FOREIGN)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
04/27/1998	N/A	DELAWARE

Other Names	(A=Assumed ; F=Former)
FPL ENERGY MAINE HYDRO LLC	F

### Clerk/Registered Agent

CORPORATION SERVICE COMPANY  
45 MEMORIAL CIRCLE  
AUGUSTA, ME 04330

[Back to previous screen](#)

[New Search](#)

**Click on a link to obtain additional information.**

List of Filings

[View list of filings](#)

**Obtain additional information:**

Certificate of Existence ([more info](#))

[Short Form without amendments \(\\$30.00\)](#)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.  
If you encounter problems, visit the [troubleshooting page](#).



If you encounter technical difficulties while using these services, please contact the [Webmaster](#). If you are unable to find the information you need through the resources provided on this web site, please contact the Bureau's Reporting and Information Section at 207-624-7752 or [e-mail](#) or visit

our [Feedback](#) page.

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## **MS Newspaper Publication**



# CLASSIFIED

**INSIDE**  
Legal Ads  
Garage Sales  
Antiques & Auctions

Friday, October 8, 2021

SECTION D

## Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many more, as required by law. In addition, parties to some court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contractual jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States.

State and local notices are published in Maine newspapers and are also recorded at mainenotices.com, where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.

## ANNOUNCEMENTS

## Public Notices

### Public Notice

#### City of Augusta Notice of Public Hearing

Will hold a Public Hearing during the Business Council Meeting to be held on October 21, 2021 in the City Council Chambers at 16 Cony Street, Augusta, ME 04330 for the following:

A new liquor license for Pinto Thai To Go, LLC located at 294 State Street, Augusta, ME.

More information may be obtained by calling Augusta City Center at 207-626-2310 or email treasury@augustamaine.gov

### Public Notice

#### City of Waterville Ordinance 207-2021 Amendment to Marijuana Ordinance

This amendment will reduce the buffer area where marijuana licenses are prohibited from 500 feet to 400 feet from an area designated as a municipal safe zone.  
Effective: 10/26/21

## Public Notices

### Public Notice

#### City of Waterville Ordinance 208-2021 Amendment to Zoning Ordinance

This amendment will rezone a portion of the Waterville Junior HS property at 100 W. River Rd. from Resource Protection to Residential-B to allow for the construction of a 10,000 s.f. storage building.  
Effective: 10/26/21

### Public Notice

#### City of Waterville Ordinance 209-2021

Amendment to Zoning Ordinance  
This amendment will allow Solar Farms to be an allowed use in the Airport District.  
Effective: 10/26/21

### Public Notice

#### "Notice Crooker Construction, LLC, intends to blast ledge at their Alna Quarry on October 19th, 2021, weather permitting or on the next available good day between the hours of 9am and 4pm."

### Public Notice

#### Notice of Intent to File Maine Water Quality Certification Application

Please take notice that Brookfield White Pine Hydro LLC of 150 Main Street, Lewiston, Maine 04240, 207-755-5605, is intending to file an application with the Maine Department of Environmental Protection (MDEP) for Water Quality Certification pursuant to the provisions of the Federal Clean Water Act, Section 401. The application is for the Federal Energy Regulatory Commission (FERC) relicensing of the continued operation of the Shawmut Hydroelectric Project (FERC No. 2322) located on the Kennebec River in the towns of Skowhegan,

Please take notice that Brookfield White Pine Hydro LLC of 150 Main Street, Lewiston, Maine 04240, 207-755-5605, is intending to file an application with the Maine Department of Environmental Protection (MDEP) for Water Quality Certification pursuant to the provisions of the Federal Clean Water Act, Section 401. The application is for the Federal Energy Regulatory Commission (FERC) relicensing of the continued operation of the Shawmut Hydroelectric Project (FERC No. 2322) located on the Kennebec River in the towns of Skowhegan,

## Public Notices

Fairfield, Clinton, and Benton Maine under the terms of a new license from the Federal Energy Regulatory Commission.

The application will be filed on or about October 15, 2021, and will be available for public inspection at the MDEP's offices in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in Fairfield, Skowhegan, Clinton, and Benton, Maine.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is filed with the Department. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the Federal Coastal Zone Management Act.

## Public Notices

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333.

### Public Notice

#### NOTICE OF INTENT TO FILE

Please take notice that the Travis Mills Foundation, 1002 Watson Pond Road, Rome, ME 04963 (207-480-3490) is intending to file a Stormwater Law permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 440-D on or about October 5, 2021.

The application is for the construction of a paved parking lot at the following location: Corner of Watson Pond and Castle Island Roads.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for

## Public Notices

processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

The application has been filed for public inspection at the Department of Environmental Protection office in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in Rome & Mt. Vernon, Maine.

Written public comments may be sent to the regional office in Augusta where the application is filed for public inspection: MDEP, Central Maine Regional Office, 17 State House Station, Augusta, ME 04333

## Public Notices

Maine. The meeting is open to the public. The meeting room is accessible to persons with physical disabilities, and upon sufficient notice, appropriate communication auxiliary aids and services will be provided. To attend virtually, please contact Gerrylynn Ricker no later than 5:00 p.m. on Friday, October 15, 2021, at MaineHousing, 26 Edison Drive, Augusta, Maine 04330-6046; (207) 626-4600 (voice); 1-800-452-4668 (voice in state only); or 711 (Maine Relay) or via e-mail: gricker@mainehousing.org.

### Public Notice

#### State of Maine

Department of Defense, Veterans and Emergency Management  
RFP# 202109140  
Snowplowing and Sanding Services - Regional Training Institute, Bangor

The State of Maine is seeking proposals for Snowplowing and Sanding Services for the Regional Training Institute (RTI) located at 289 Hildreth Street in Bangor, ME.

A copy of the RFP, as well as the Question

## Public Notices

& Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

A Mandatory Bidders' Conference will be held on Monday, October 18, 2021 at 10:00 a.m. at the following location: 289 Hildreth Street, Bangor, ME.

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m. local time, on Friday, October 29, 2021. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services' aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

### Public Notice

#### State of Maine Department of Marine Resources RFP# 202109131 23 Foot Law Enforcement Patrol Boats

The State of Maine is

## Public Notices

seeking proposals for two aluminum 23-foot law enforcement patrol boats. The vessels shall be production vessels of successful design meeting or exceeding the specifications outlined in this RFP.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m. local time, on October 29, 2021. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services' aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

### Public Notice

#### State of Maine Department of Public Safety RFA#202109149

## KIDS Regional School Unit #2

DRESDEN \* FARMINGDALE \* HALLOWELL \*  
MONMOUTH \* RICHMOND

## IMMEDIATE OPENINGS IN RSU 2

### CUSTODIAN SUBSTITUTES

**SALARY:** \$16.50 per hour

For information about these positions please contact Facilities Director Gordon Murray at [gmurray@kidsrsu.org](mailto:gmurray@kidsrsu.org).

### FOOD SERVICE WORKER

#### SUBSTITUTES

**SALARY:** \$14.50 per hour

For information about these positions please contact Food Service Director Chrissy Michaud at [cmichaud@kidsrsu.org](mailto:cmichaud@kidsrsu.org).

### BUS DRIVER SUBSTITUTES

**SALARY:** \$19.00 per hour

### VAN DRIVER SUBSTITUTES

**SALARY:** \$16.50 per hour

For information about driver positions please contact Transportation Director Katie Spear at [kspear@kidsrsu.org](mailto:kspear@kidsrsu.org).

The "Substitute" application form is available on the KIDS RSU website in the Employee Applications folder located under the Menu/Documents/District Forms section. **In order to be considered for this position a completed RSU 2 application form must accompany your packet.**

Please submit the completed application form and Maine DOE CHRC certificate to:

**KIDS RSU #2  
Attn: Sue Corbett  
7 Reed Street  
Hallowell, Maine 04347  
Tel. (207) 622-6351**

Thank you for your interest in our schools.

EOE

## KIDS Regional School Unit #2

DRESDEN \* FARMINGDALE \* HALLOWELL \*  
MONMOUTH \* RICHMOND

## CUSTODIANS IN RSU 2

**SUMMARY: Daytime & 2nd Shift openings / Full time / Year Round**

Keeps the district's buildings in such a state of cleanliness and operating excellence that they present no problems or interruptions to the educational program. [2nd shift 2:30-11:00, daytime shift 6:00-2:30]

**EDUCATION and/or EXPERIENCE:** High school diploma or GED

### CERTIFICATION:

- State of Maine Criminal History Records Check
- Certification of good health by a licensed physician
- Valid Maine Driver's License

**START DATE:** TBD

**SALARY** 2021-2022 wage scale: \$16.50 (step 1) - \$19 (step 14) based on experience  
Benefits include sick leave, holidays, vacation, and insurance.

The complete Food Service, Driver, Custodian Bargaining Agreement (currently in negotiations) is available on the RSU website (Menu / Employment / Employment Contracts). For information about this position please contact Director of Buildings and Grounds Gordon Murray at [gmurray@kidsrsu.org](mailto:gmurray@kidsrsu.org).

The "Support Staff" application form is available on the KIDS RSU website (Menu / Employment / Applications). **In order to be considered for this position a completed RSU 2 application form must accompany your packet.**

Please submit the completed and signed application form, resume and Maine DOE CHRC certificate to:

**KIDS RSU #2  
Attn. Susan Corbett  
7 Reed Street  
Hallowell, ME 04347  
Scanned application packets can be sent to [scorbett@kidsrsu.org](mailto:scorbett@kidsrsu.org).  
Tel. (207) 622-6351**

EOE

## KIDS Regional School Unit #2

DRESDEN \* FARMINGDALE \* HALLOWELL \*  
MONMOUTH \* RICHMOND

## HEAD CUSTODIANS IN RSU 2

**SUMMARY:** Full time / Full year

Keeps assigned buildings in such a state of operating excellence that they present no problems or interruptions to the educational program. Hands on cleaner and lead custodian and maintains records of building projects.

### EDUCATION and/or EXPERIENCE:

High school diploma or GED; boiler, mechanical and maintenance experience

### CERTIFICATION:

- State of Maine Criminal History Records Check
- Certification of good health by a licensed physician
- Valid Maine driver's license

**START DATE:** TBD

**SALARY:** 21-22 contract \$19.00 per hour (step 1) - \$21.50 per hour (step 14)

Benefits include sick leave, holidays, vacation and insurance.

The complete Food Service, Driver and Custodian Bargaining Agreement is available on the RSU website in the Employment Contracts folder under the Menu/Documents/Employment Contracts section. For information about this position please contact Director of Buildings and Grounds Gordon Murray at [gmurray@kidsrsu.org](mailto:gmurray@kidsrsu.org).

The "Support Staff" application form is available on the KIDS RSU website in the Employee Applications folder located under the Menu/Documents/District Forms section. **In order to be considered for this position a completed RSU 2 application form must accompany your packet.**

Please submit the completed and signed application form, resume and Maine DOE CHRC certificate to:

**KIDS RSU #2  
Attn. Susan Corbett  
7 Reed Street  
Hallowell, ME 04347  
Scanned application packets can be sent to [scorbett@kidsrsu.org](mailto:scorbett@kidsrsu.org).  
Tel. (207) 622-6351**

EOE

## Public Notices

## OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION BOARD MEETINGS SCHEDULED FOR THE PERIOD 10/18/2021 THROUGH 10/31/2021

All regular meetings are open to members of the public for observation but not for participation. Public Hearings for rule making are open for public comment. If you plan to attend a meeting, please contact the office 24 hours in advance to confirm the meeting will take place as scheduled. For additional information or a copy of the agenda, please call (207) 624-8603 or go to the Board's web site noted below.

The Department of Professional and Financial Regulation does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. Individuals who need auxiliary aid for effective communication in programs and services of the Department are invited to make their needs and preferences known to the Department's ADA Compliance Coordinator.

**Please Note:** As of August 1, 2021, all meetings will be held in person at the Department of Professional and Financial Regulation located at 76 Northern Avenue, Gardiner, Maine, unless an emergency or urgent issue requires a board or commission to meet by entirely remote methods pursuant to 1 M.R.S. § 403-B. Please visit the board or commission webpage for date-specific meeting information. HOWEVER, please note that regardless of whether a board or commission meets in-person or via entirely remote methods, all members of the public have the option to attend and observe the meeting remotely using Zoom meeting links which will be provided for each meeting listed below on a board or commission's respective webpage.

Tuesday, October 19, 2021 9:00 a.m.  
Board of Licensure for Professional Land Surveyors – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/board-licensure-professional-land-surveyors/home/board-meeting-information>

Wednesday, October 20, 2021 9:00 a.m.  
Board of Chiropractic Licensure – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/chiropractic-licensure/home/board-meeting-information>

Thursday, October 21, 2021 9:00 a.m.  
Maine Real Estate Commission – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission/home/board-meeting-information>

Thursday, October 21, 2021 9:00 a.m.  
Radiologic Technology Board of Examiners – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/radiologic-technology-board-examiners/home/board-meeting-information>

Monday, October 25, 2021 9:00 a.m.  
Board of Counseling Professionals Licensure – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/board-of-counseling-professionals-licensure/home/board-meeting-information>

Wednesday, October 27, 2021 9:00 a.m.  
Nursing Home Administrators Licensing Board – Regular Meeting  
<https://www.maine.gov/pfr/professionallicensing/professions/nursing-home-administrators-licensing-board/home/board-meeting-information>

Mailing Address: 35 State House Station, Augusta, ME 04333  
Physical Location: 76 Northern Avenue, Gardiner, ME 04345  
Telephone: Office (207) 624-8603 TTY users call Maine relay 711  
Days/Hours Available: Monday-Friday, 8:00 a.m. - 5:00 p.m.

## MOVE YOUR MERCHANDISE

## BEST BUY

**\$10<sup>50</sup>**

3 lines\* for (7) days

1 item only per ad • \$1.25 ea. additional line

## GREAT BUY

**\$15<sup>50</sup>**

3 lines\* for (9) days

1 item only per ad • \$1.50 ea. additional line

## SMART BUY

**\$19<sup>50</sup>**

3 lines\* for (12) days

1 item only per ad • \$2.50 ea. additional line

Private party ONLY. Limited time offer. \*Excludes all real estate categories, firearms, and yard sales. \*\*Excludes renewable resources.

### SELL IT IN THE CLASSIFIEDS

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Ad Copy \_\_\_\_\_

Include phone number and price in ad copy. \*One line is approximately 22 characters.

**MAIL TO:** Morning Sentinel  
Classified Depart  
31 Front Street  
Waterville, ME 04901

**KENNEBEC JOURNAL**  
Morning Sentinel  
Classifieds  
1-800-366-5601

☐ Visa ☐ MasterCard ☐ Discover

Card #: \_\_\_\_\_

3-Digit Code: \_\_\_\_\_

Exp. Date: \_\_\_\_\_

USE THIS COUPON



Public Notices

STOP Violence Against Women Formula Grant

The State of Maine is seeking proposals from eligible applicants for grant projects under the STOP (Services • Training • Officers • Prosecutors) Violence Against Women Formula Grant Program (STOP Program) to support Maine communities in their efforts to develop and strengthen effective law enforcement and prosecution strategies to respond to violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. Violence against women crimes includes sexual assault, domestic violence, dating violence, and stalking. Eligible applicants are state and units of local government; Indian tribal governments; courts, tribal courts, the Administrative Office of the Courts; public or private nonprofit organizations; victim services programs; community-based organizations; and, faith-based organizations in Maine. A copy of the RFA, as well as the Question & Answer Summary and all amendments related to this RFA, can be obtained at the following website: <https://www.maine.gov/dafs/bbm/procurement/services/vendors/rfps> Applications are to be submitted to the State of Maine Division of Procurement Services, via email, to [Proposals@maine.gov](mailto:Proposals@maine.gov). Applications must be received by November 4, 2021, at 11:59 p.m. local time. Applications received after the 11:59 p.m. deadline will be ineligible for award consideration for that annual application enrollment period.

Merchandise

Garage Sales

**ANSON**  
684 Horseback Rd.  
EPIC GARAGE SALE  
FRI-SUN 9-5  
halloween costumes for all ages, xmas stuff, crafts, winter clothes half off great gifts for all

Garage Sales

**AUGUSTA**  
22nd Annual Diddos For Kiddos and Teens Consignment Sale  
Augusta Armory  
Sat. 9-5, Sun. 9 to 4,  
Fall & Winter clothing, furniture, baby items, books, toys & more

**FAIRFIELD**  
208 A Main St.  
HUGE YARD SALE  
SAT/SUN/MON 8-3  
All furniture \$15 each, small items \$5 and down

**GARDINER**  
384 Highland Ave.  
Fri 10-3, Sat. 9-4, Sun. 9-12  
YARD SALE  
furniture, kids clothing, quilting items and more

**MANCHESTER**  
244 PRESCOTT RD  
GARAGE SALE  
FRI & SAT 9-3  
VARIETY OF ITEMS FOR EVERYONE

**SHAWMUT**  
13 PAMADOR DR.  
ESTATE SALE  
SUN. & MON. 7-4  
Household goods, tools, all must go!

**WATERVILLE**  
24 MORRILL AVE.  
MEGA YARD SALE  
SAT, OCT 9-8  
SUN, OCT. 10  
9am-4pm

**WATERVILLE**  
39 May St  
Fri. & Sat. 9-2  
Records, TVs, leaf blower, westerns, tools, clothes, lots more.

**WEST GARDENER**  
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YARD SALE  
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SUN 9-12  
furniture, quilting fabrics, toys, clothing

**WINTHROP**  
31 Charles St.  
Rotary Yard Sale  
Sat Oct 9-8  
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**ALL NIGHTER WOOD STOVE** good condition \$650. 649-0040 or 692-6979 after 5pm

**BRIDGESTONE** Blizzard, snow tires, 4, 225/45/R18, \$350. 445-5863

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Service Directory

Carpentry & Remodeling

**B. RODERICK** Free Estimates. Call 680-0647 [roderickcontracting.com](mailto:roderickcontracting.com)

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**A.W. ALLEN FIREWOOD** Cut-Split-Delivered 623-6002

**CUT**, Split, Delivered, State certified, body. Guaranteed Quality/Quantity 495-3412

**FIREWOOD** 11 cord, seasoned, 4ft long, \$150/cord, U-Haul. 582-2515

**FIREWOOD** Cut/Split/Delivered (Fuel Assistance Vouchers) Visa, MC, Discover accepted. J & M Logging, Inc. Call 622-3353

**HARDWOOD** slabs stove length 4-6 cord load \$100/cord. 685-4568

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**TONY CAN DO IT** remodeling, roofs, decks. Call Tony 313-3258

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**THE HOUSE PAINTERS** Husband & wife team 20 yrs. experience free estimates. 377-3302

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Rubbish Hauling

**ANY TRASH REMOVAL** of apartments, estates, garages, demo, debris, etc., moving/hauling services. 485-0064

**DUMP GUY** Basement, attic, garage, and apartment clean outs. Fully insured. 450-5858 [www.thedumpguy.com](http://www.thedumpguy.com)

Tree Services

**ARBORMORE** Tree Service, free estimates, licensed, insured. Rome 397-4527

**AYS STUMP GRINDING** Free estimates, insured. 207-431-3116

**RH TREE SPECIALIST** Tree Removal, Trimming, Insured. 654-3281

HELP WANTED

General Help

**CDH MAINTENANCE AND CONSTRUCTION** hiring Carpenters, Carpenters Helpers and Laborers, experience preferred but on job training is available. Competitive wages. Call 873-2176

CITY OF WATERVILLE DEPARTMENT OF PARKS RECREATION LABORER

The City of Waterville is accepting applications for a LABORER position that will work with the Parks and Recreation Department. This is a semi-skilled position. Work involves the maintenance of park areas and grounds and includes operation of various light equipment operation, and other manual duties such as shoveling, digging, mowing, and construction work. High school diploma, valid State of Maine driver's license (Class B – CDL preferred) and ability to perform work in all types of inclement weather required. Successful candidate must live within 30 road mile radius of Parks and Recreation facility. Previous experience in construction and equipment operations preferred. Applications will be accepted at the Public Works/Parks & Recreation Administration Building 6 Wentworth Court, Waterville, ME 04901 until 3:00pm on Friday, October 29, 2021. The City of Waterville is an Equal Opportunity Employer

General Help

**FUEL DELIVERY DRIVER** full/part time, immediate, highly competitive wages, CDL-B license plus endorsements. Benefits. Will train. Call Jodi @ 872-5526 at Spring Brook Ice & Fuel, Waterville

**JD CAYFORD TRUCKING INC.** Hiring Class A Driver. Call Jim 207-399-4597

**PROPERTY MANAGER** PT/FT, flexible hours, Madison, filling rental vacancies, tenant screening, cleaning units, collecting rent, computer skills, some office work, drivers license required, pay negotiable with experience, 207-509-9927

**TEMP WORK** full & part time until December, outdoors. Work independently, good pay (\$200-\$300/day), call Mark at 207-460-6469

**TEMP WORK:** need someone to sand and stain 3000 sq. ft. of wood flooring. Must have experience. \$20-\$25 hr. depending on experience, Call Mark 207-460-6469

REAL ESTATE FOR RENT

Apartments

**AUGUSTA** 22 Amherst St, exclusive, heated efficiency/laundry facility, Lease/Dep. 623-9164 [rblaisapartments.com](mailto:rblaisapartments.com)

**\*AUGUSTA\*** LAMBARDE PARK, TOWN & COUNTRY, MEADOW PARK. new carpet, appliances, call 207-623-6476

**WINSLOW** 2 large rooms + bath, all utilities incl. \$900/dep. 877-5581

Houses For Rent

**SIDNEY** 55+ community, new house, bedroom, bath, office, garage, heat included. \$1800 mo. 207-547-3349

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**ALLEN'S SELF STORAGE:** 185 climate & reg. units **5x5 - 10x30** IND DR (off Civic Ctr Dr) Augusta (207)623-3877 After Hrs (207) 557-5561

**EARN EXTRA CASH.**  
Deliver this Newspaper.  
Call 207-791-6001

REAL ESTATE FOR SALE

Homes for Sale

**FAIRFIELD** 7 room home, 4 bdrms, 3 full baths, fireplace, walk-out basement, deck, in-town with a country atmosphere, totally remodeled. Was \$300,000 now \$250,000. Call Francis 873-9013 or Keller Williams 879-9800

TRANSPORTATION

Autos For Sale

**FORD** Explorer SUV, 2013, limited 97k miles, 4wd, leather interior GPS, Sirius Radio, clean, 23mpg, Silver, \$15,000 OBO. 207-431-1898 Madison

Vehicles Wanted

**ABANDONED/UNWANTED VEHICLES** Paying up to \$500 Cash! Free pick up. Call 873-1881

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**State of Maine  
Land for Maine’s Future Program  
Department of Agriculture, Conservation  
and Forestry  
Call for Proposals**

The Land for Maine’s Future (LMF) Board is seeking proposals for land conservation projects using funds from \$40 million in Land for Maine’s Future (LMF) funding contained in the FY 2022-23 budget. The Board is soliciting the following types of projects: Conservation and Recreational lands and Water Access.

A copy of the LMF Workbook, which includes all information necessary to apply for LMF funds can be obtained at the following website: <http://www.maine.gov/dacf/lmf/index.shtml>

Eligible applicants include non-profit land conservation organizations, counties, cities, towns and state agencies. Contact Sarah Demers, LMF Director, 207-287-7576 with any questions.

Proposals must be submitted to the Land for Maine’s Future Program, 22 SHS, 18 Elkins Lane, Augusta, ME 04333-0022. Proposals for Water Access projects will be accepted on a rolling basis. Two rounds of proposals for Conservation and Recreation projects will be accepted. The first round is open to proposals of Statewide Significance only. Proposals for the first round must be received no later than 5:00 PM local time on December 30, 2021. The second round is open to all eligible projects. Proposals for the second round must be received no later than 5:00 PM local time on April 1, 2022. Proposals not received at the Land for Maine’s Future aforementioned address by the aforementioned deadlines will not be considered for an award.

**DUR COMMITTEE AGENDA**

Date: Tuesday, October 12, 2021  
Time: 1:00PM to 2:30PM Closed Session, 2:30PM to 5:30PM Public Session  
Location: Virtual: Microsoft Teams Meeting  
Call in (audio only): 1-207-209-4724 Conference ID: 644404396#

1) Closed Session ( 1pm- 2:30pm)  
• Drug Financial Information Review

2) MaineCare Updates

3) Public Comments

4) Old Business

- Approve June Meeting Minutes
- Approve September Meeting Minutes
- Vote on September New Drug Reviews:
  - o Exservan (riluzole oral film)- ALS Drugs
  - o Aduhelm (aducanumab-awwa)- Alzheimer- Cholinomimetics/ Other
  - o Elepsia XR (levetiracetam extended-release tablets)- Anticonvulsants
  - o Jemperli (dostarlimab-gxly)- Cancer
  - o Lumakras (sotorasib)- Cancer
  - o Rybrevant (amivantamab-vmjw)- Cancer
  - o Rylaze (asparaginase erwinia chrysanthemi(recombinant)- rywn)- Cancer
  - o Truseltiq (infigratinib)- Cancer
  - o Zynlonta (loncastuximab tesirine)- Cancer
  - o Kerendia (finerenone)- Diuretics
  - o Zegalogue (dasiglucagon)- Glucose Elevating Agents
  - o Empaveli (pegcetacoplan)- Monoclonal Antibody
  - o Ozobax (baclofen oral solution)- Muscle Relaxants
  - o Kloxxado (naloxone hydrochloride)- Narcotic- Antagonists
  - o Myfembree (relugolix, estradiol, and norethindrone acetate)- Pituitary Suppressive Agents, LHRH
  - o Brexafemme (ibrexafungerp)- Antifungals- Assorted
- Present Retro-DUR Results: Use of Long-acting Injectable Antipsychotics

5) Revised clinical criteria

- None at this time

6) New Business (open session)

- Present 2022 Meeting Schedule
- Open session to review and vote categories subject to potential changes

**Alzheimer/Antidementia Agents**  
**Analgesics, Narcotics, Short- Acting Analgesics/Anesthetics (Topical)**  
**Angiotensin Modulators**  
**Antihypertensive - Antiinflammatory Agents**  
**Antibiotic- Cystic Fibrosis**  
**Anticoagulants**  
**Anticonvulsants**  
**Antihyperlipidemic/PCSK 9 Inhibitors**  
**Antineoplastics**  
**Antipsychotics**  
**Antiretrovirals**  
**Beta-Blockers**  
**Bronchodilators, Beta Agonists**  
**Colony Stimulating Factors**  
**Contraceptives**  
**COPD Agents**  
**Cytokine and CAM Antagonists**  
**Dermatologic- Scabicides/Ped/Atopic/Corticosteroids**  
**DME- Diabetic Supplies**  
**Endometriosis**  
**Erythropoiesis Stimulating Proteins**  
**GI- IBS/ OIC/CIC/ Antiemetics**  
**Growth Hormones**  
**Hematopoietics**  
**Hemophilia**  
**Hepatitis C Agents**  
**Hyperuricemia and Gout**  
**Hypoglycemics, Incretin Memetics**  
**Hypoglycemics, Insulins & Related Agents**  
**Hypoglycemics, Misc Agents**  
**Idiopathic Pulmonary Fibrosis**  
**Migraine**  
**Movement Disorders**  
**Multiple Sclerosis Agents**  
**Neurotoxins**  
**Ophthalmic Antibiotics**  
**Ophthalmic Anti-inflammatories**  
**Ophthalmic Modulators**  
**Ophthalmic Allergies**  
**Opiate Dependence & Overdose Treatments**  
**Otic Anti Infections**  
**Pancreatic Enzymes**  
**Platelet Aggregation Inhibitors**  
**Platelet Stimulating Agents**  
**Resp. Steriod/Anticholinergic/Misc**  
**Sickle Cell Disease Agents**  
**Neurologics-Spinal Muscular Atrophy (SMA) Agents**  
**Stimulants & Related Agents**  
**Urinary Antispasmodic**  
**Vaginal Anti-Infectives**

7) FDA Safety Alerts  
8) Next Meeting (Tuesday, December 14, 2021 (from 5:30pm to 8:30pm)  
9) Adjournment: 5:30PM

**NOTICE OF PUBLIC HEARING  
MAINE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
CENTRAL MAINE POWER COMPANY  
AND  
NECEC TRANSMISSION, LLC  
NEW ENGLAND CLEAN ENERGY CONNECT  
PROJECT  
LICENSE SUSPENSION PROCEEDING**

On October 19, 2021, the Maine Department of Environmental Protection (Department) is holding a public hearing to receive evidence on whether the license issued by the Department to Central Maine Power Company (CMP) and NECEC Transmission, LLC (NECEC, LLC), authorizing construction of the New England Clean Energy Connect project (the NECEC Project), should be suspended in light of the recent Superior Court decision, dated August 10, 2021, in *Black v. Cutko*, No. BCD-CV-2020-29. On August 12, 2021, the Commissioner determined that the Superior Court’s decision represents a change in circumstance that may warrant suspension of the license for the NECEC Project. That Superior Court decision has since been appealed to the Maine Law Court. The Commissioner may suspend a license if there has been a change in condition or circumstance that requires suspension of a license. The Department will receive evidence on whether, because of the Superior Court’s decision, suspension of the license for the NECEC Project is required.

**LEGAL AUTHORITY:** The hearing is governed by the Maine Administrative Procedures Act (5 M.R.S. §§ 9051-9064), the Department’s Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), and the Department’s Rules Concerning the Conduct of Licensing Hearings (Chapter 3). The Commissioner’s authority to suspend a license is established in 38 M.R.S. § 342(11-B) and Chapter 2, § 25(A). The Commissioner may revoke or suspend a license upon finding that: “There has been a change in any condition or circumstance that requires revocation or suspension of a license.” 38 M.R.S. § 342(11-B)(E); Ch. 2, § 27(E). On August 12, 2021, the Commissioner notified CMP and NECEC, LLC that she was exercising her authority and initiating a proceeding to evaluate whether suspension is required pursuant to 38 M.R.S. § 342(11-B)(E) and Ch. 2, § 27(E). CMP and NECEC, LLC requested a hearing.

**PARTICIPATION:** The hearing will include both a daytime and evening session. The daytime session will be devoted to evidence from parties granted intervenor status and questioning of the parties’ witnesses. An individual does not have to intervene to participate. Members of the public may attend, but not participate in, the daytime session. The evening session will be devoted to receiving evidence from members of the public. Members of the public are invited to offer testimony relevant to the hearing topic at the evening session. To accommodate all who wish to speak, the Presiding Officer may limit the amount of time a party or member of the public may speak. Members of the public also may submit written comments until the close of the record, which is anticipated to be at the close of the public hearing on October 19, 2021.

Persons seeking to intervene in the proceeding must file a petition for leave to intervene with the Department by September 13, 2021. Petitions to intervene are governed by 5 M.R.S. § 9053 and Chapter 3, § 11(A). The petition must include: identification of the petitioner, a description of the effect a decision to suspend or not to suspend the permit would have on the petitioner; specific contentions regarding the possibility of a suspension and the relevant statutory criteria; the name and contact information of the spokesperson for the petitioner; and a statement regarding ability of the petitioner to participate in the proceeding. The petition also must list the topics proposed to be addressed through testimony. Petitions may be filed electronically at [NECEC.DEP@maine.gov](mailto:NECEC.DEP@maine.gov) or by mail at Maine DEP, 106 Hogan Road, Suite 6, Bangor, ME 04401 attn: James Beyer.

**Disabilities:** Any person with a disability who plans to participate in the hearing and requires specific accommodations should contact Ruth Ann Burke at the Department at 207-287-2811 or at [Ruth.A.Burke@maine.gov](mailto:Ruth.A.Burke@maine.gov).

**TIME & PLACE:** The hearing will be held on Tuesday, October 19, 2021. It will be conducted remotely, via the Zoom platform, due to Covid-19 public health concerns. The daytime session of the hearing will begin at 9:00 a.m. This session will be devoted to evidence from parties granted intervenor status and questioning of the parties’ witnesses. Interested members of the public will be able to watch this session. The evening session of the hearing will begin at 5:30 p.m. This session will be devoted to receiving evidence from members of the public. Members of the public wishing to testify are asked to register to speak by contacting Ruth Ann Burke at [Ruth.A.Burke@maine.gov](mailto:Ruth.A.Burke@maine.gov) by 5:00 p.m. on October 12, 2021. Individuals who do not register to speak in advance will be allowed to testify, time permitting.

Information on how to participate in or to watch the hearing via the Zoom platform will be made available on the Department’s webpage at: <https://www.maine.gov/dep/land/projects/necec/index.html>.

The hearing may be continued after October 19 for reasonable cause and reconvened by the Presiding Officer. The Presiding Officer would notify the parties, interested persons, and the public of the time and place of a reconvened hearing in a manner appropriate to ensure that reasonable notice is provided.

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**\$22,995**

## **Abutter Cover Letter Notice**



October 8, 2021

**VIA USPS**

Re: Notice of Water Quality Certification Application to Owners of Property Adjoining the Shawmut Hydroelectric Project (FERC No. 2322)

Dear Recipient:

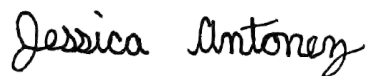
Brookfield White Pine Hydro LLC (Brookfield) holds a license issued by the Federal Energy Regulatory Commission (FERC) for the Shawmut Hydroelectric Project (FERC No. 2322), located on the Kennebec River in the towns of Skowhegan, Fairfield, Clinton and Benton, Maine. Brookfield is in the process of obtaining a new license from FERC.

In order for FERC to issue a new license, Brookfield must also apply for and obtain a Water Quality Certification (WQC) from the State of Maine Department of Environmental Protection (MDEP) under the provisions of Section 401 of the Clean Water Act. The MDEP WQC application process requires that Brookfield provide notice of the WQC application to those landowners whose property abuts the Shawmut Hydroelectric Project, which is why you are receiving this letter. Notice of the WQC application is attached.

If you have any questions regarding this notice, please contact Randall Dorman at 207-755-5605 or at [Randy.Dorman@Brookfieldrenewable.com](mailto:Randy.Dorman@Brookfieldrenewable.com).

Sincerely,

**KLEINSCHMIDT ASSOCIATES**



Jessica Antonez  
Associate Licensing Coordinator

Attachment: Notice

## **ABUTTER NOTICE**

## **Notice of Intent to File**

### **Maine Water Quality Certification Application**

Please take notice that Brookfield White Pine Hydro LLC of 150 Main Street, Lewiston, Maine 04240, 207-755-5605, is intending to file an application with the Maine Department of Environmental Protection (MDEP) for Water Quality Certification pursuant to the provisions of the Federal Clean Water Act, Section 401. The application is for the Federal Energy Regulatory Commission (FERC) relicensing of the continued operation of the Shawmut Hydroelectric Project (FERC No. 2322) located on the Kennebec River in the towns of Skowhegan, Fairfield, Clinton, and Benton Maine under the terms of a new license from the Federal Energy Regulatory Commission.

The application will be filed on or about October 15, 2021, and will be available for public inspection at the MDEP's offices in Augusta during normal working hours. A copy of the application may also be seen at the municipal offices in Fairfield, Skowhegan, Clinton, and Benton, Maine.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is filed with the Department. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the Federal Coastal Zone Management Act.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333.

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 City, State Skowhegan ME, 04976

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Postage

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Total Postage and Fees

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Sent To

Joanne M and Charles E Jr. Crosby  
 Street at 191 River Rd  
 City, State Topsham ME, 04086

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PO Box 224  
Shawmut ME, 04975

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City, State

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☐ Adult Signature Restricted Delivery \$
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Sent To  
Town of Fairfield  
Michelle Flewelling - Town Manager  
PO Box 149  
Fairfield ME, 04937-0149

Street  
City, State

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☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$
Postage  
\$ .53Total Postage and Fees  
\$ 4.28

Sent To  
Merton Richards Jr  
Meca Richards  
19 Trask Road  
Benton ME, 04901

Street  
City, State

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☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$
Postage  
\$ .53Total Postage and Fees  
\$ 4.28

Sent To  
State of Maine Dept. of Inland Fisheries &  
Wildlife  
41 State House Station  
Augusta ME, 04333-0041

Street  
City, State

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☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$
Postage  
\$ .53Total Postage and Fees  
\$ 4.28

Sent To  
Maine Central Railroad  
c/o Gullford Transportation  
High Street - Iron Horse Park  
North Billerica MA, 01862

Street  
City, State

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☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$
Postage  
\$ .53Total Postage and Fees  
\$ 4.28

Sent To  
Sarah Flood  
Dana Flood, Tim Flood and Laura Flood  
839 River Rd  
Clinton ME, 04927

Street  
City, State

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 \$ 3.75  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 Douglas D Ryder  
 11 Brightside Avenue  
 Gloucester MA, 01930  
 Street and  
 City, State

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Certified Mail Fee  
 \$ 3.75  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 James Horace Goodwin  
 524 River Rd  
 Benton ME, 04901  
 Street and  
 City, State

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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Certified Mail Fee  
 \$ 3.75  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 Dean A Davis  
 PO Box 257  
 Shawmut ME, 04975  
 Street and  
 City, State

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 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 George Steven Goodwin Sr, Trust/CH  
 c/o Tamara G Smith  
 829 Alexander Reed Rd  
 Richmond ME, 04357  
 Street and  
 City, State

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Certified Mail Fee  
 \$ 3.75  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 Central Maine Power Co  
 c/o Avangrid Mgmt Co - Local Tax  
 One City Center, 5th Floor  
 Portland ME, 04101  
 Street and  
 City, State

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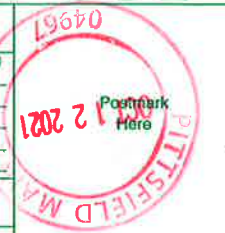
**OFFICIAL USE**

Certified Mail Fee  
 \$ 3.75  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage  
 \$ .53  
 Total Postage and Fees  
 \$ 4.28

Sent To  
 Flood Farm Properties, LLC  
 Flood Brothers Farm  
 839 River Rd  
 Clinton ME, 04927  
 Street and  
 City, State

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Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.53
Total Postage and Fees	\$ 4.28
Sent To	
Town of Benton	
Street and	1279 Clinton Avenue
City, State	Benton ME, 04901

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Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.53
Total Postage and Fees	\$ 4.28
Sent To	
Town of Clinton	
Street and	27 Baker Street
City, State	Clinton ME, 04927

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Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.53
Total Postage and Fees	\$ 4.28
Sent To	
Brookfield White Pine Hydro, LLC	
Street and	75 State St, Ste 2701
City, State	Boston MA, 02109

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Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.53
Total Postage and Fees	\$ 4.28
Sent To	
Billy D May	
Street and	Wanda May
City, State	8028 Birch Dr Chattanooga TN, 37421

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Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 1.53
Total Postage and Fees	\$ 4.28
Sent To	
Armory Road, LLC	
Street and	68 Armory Rd
City, State	Waterville ME, 04901

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## **WQC Distribution List**

## Abutter Distribution List

Adele Priestley  
P.O. Box 494  
Brewer, ME 04412

Armory Road, LLC  
68 Armory Rd  
Waterville, ME 04901

Billy D May  
Wanda May  
8028 Birch Dr  
Chattanooga, TN 37421

Brookfield White Pine  
Hydro, LLC  
75 State St, Ste 2701  
Boston, MA 02109

Central Maine Power Co  
c/o Avangrid Mgmt Co -  
Local Tax  
One City Center, 5th  
Floor  
Portland, ME 04101

Dean A Davis  
PO Box 257  
Shawmut, ME 04975

Douglas D Ryder  
11 Brightside Avenue  
Gloucester, MA 01930

Flood Farm Properties,  
LLC  
Flood Brothers Farm  
839 River Rd  
Clinton, ME 04927

Frank K. Bennett  
320 Skowhegan Rd  
Fairfield ME 04937

George Steven Goodwin  
Sr. Trust/CH  
c/o Tamara G Smith  
829 Alexander Reed Rd  
Richmond, ME 04357  
James Horace & Tara L  
Goodwin  
524 River Rd  
Benton, ME 04901

Joanne M and Charles E.  
Jr. Crosby  
191 River Rd  
Topsham ME 04086

Maine Central Railroad  
c/o Guilford  
Transportation  
High Street - Iron Horse  
Park  
North Billerica, MA  
01862

Manuel Gimod  
1529 Benton Avenue  
Benton, ME 04901

Merton Richards Jr  
Meca Richards  
19 Trask Road  
Benton, ME 04901

Rebecca Clifford  
PO Box 224  
Shawmut, ME 04975

Sarah Flood  
Dana Flood, Tim Flood  
and Laura Flood  
839 River Rd  
Clinton, ME 04927

State of Maine Dept. of  
Inland Fisheries &  
Wildlife  
41 State House Station  
Augusta, ME 04333-  
0041

Town of Fairfield  
Michelle Flewelling -  
Town Manager  
PO Box 149  
Fairfield, ME 04937-  
0149

## **Municipalities Distribution List**

## Abutter Distribution List

Town of Benton  
1279 Clinton Avenue  
Benton ME 04901

Town of Clinton  
27 Baker Street  
Clinton ME 04927

Town of Fairfield  
19 Lawrence Avenue  
PO Box 149  
Fairfield ME 04937

Town of Skowhegan  
225 Water Street  
Skowhegan ME 04976

**Project No. 2322**

**Order Amending License and Issuing New Major License**

**(Issued January 5, 1981)**



Central Maine Power Company

Project No. 2322

Order Amending License and Issuing New Major License  
(Issued January 5, 1981)

\***63004** William W. Lindsay, Director, Office of Electric Power Regulations.

Central Maine Power Company filed two applications on August 11, 1980, relating to the Shawmut Project No. 2322. One application seeks to amend the license for Project No. 2322 by accelerating its expiration date. The other application seeks a new license for the project under Part I of the Federal Power Act (Act), including the installation of 3.44 MW of additional capacity.

In view of the additional capacity proposed to be installed, the Applicant has requested a new 50-year license term. Applicant requested that the expiration date of its original license coincide with the effective date of a new license.

The project is located on the Kennebec River, a navigable waterway of the United States, in Kennebec and Somerset Counties, Maine.<sup>1</sup>

Notice of the application has been published and comments have been received from interested federal, state and local agencies. No protests or petitions to intervene have been received, and none of the agencies objected to issuance of the license.

*Project Description and History*

The existing Shawmut Project, originally built approximately 67 years ago, was licensed by the Commission on March 5, 1964, with an effective date of June 1, 1954. The existing project consists of: (1) a 23-foot high, 1,135-foot long concrete gravity dam; (2) a 1,310-acre reservoir extending upstream for approximately 12 miles; (3) a forebay; (4) a powerhouse containing six generating units with a total capacity of 4,650 kW; and (5) appurtenant facilities.

Applicant proposes to construct an additional powerhouse, utilizing the existing forebay, adjacent to the existing powerhouse, that would contain two generating units with a total rated capacity of 3,440 kW. The proposed construction would increase the project's total generating capacity to 8,090 kW and would necessitate the excavation of a new tailrace. The project would continue to be operated as a run-of-the-river facility and the reservoir elevation and river flows would not be affected.<sup>2</sup>

A more detailed project description is contained in Ordering Paragraph (C).

*Safety and Adequacy*

The staff of the New York Regional Office recently inspected the project and, in its report submitted August 28, 1980, concluded that no conditions were observed that would adversely affect the safety of the project.

Independent consultant inspection reports of the project submitted under Part 12 of the Commission's regulations were made during 1968, 1973, and 1978. The reports concluded that the project structures are generally sound and in a satisfactory condition and that the project spillway is adequate. The consultants also concluded that the structures are safe under standard project flood, ice, and earthquake loading conditions. Our staff's analyses confirm the consultants' conclusions.

The Shawmut Project dam is intermediate size and has a low hazard classification. Should the dam fail during a flood in excess of the standard project flood, it would not significantly increase flood flows sufficiently to endanger downstream life and property.

\*\*2 In accordance with standard Commission practice, this license includes conditions that require the maintenance of an emergency action plan for the project and the installation of any necessary safety devices to protect the public in its use of project lands and waters. It is concluded that the project, under the conditions of this license, is safe and adequate.

*Project Economics*

The staff has analyzed the economic feasibility of the installation of additional equipment at the Shawmut Project. The cost of energy produced at the project, in its first year of full operation, will be less than equivalent oil-fired generation. It is concluded that the proposed project redevelopment is economical and in the public interest.

### *Comprehensive Development*

The “Planning Status Report, Water Resources Appraisals for Hydroelectric Licensing, Kennebec River Basin” published in 1964 and revised in 1980, discusses existing **\*63005** water resources developments and reconnaissance level plans and studies of possible future development within the Kennebec River Basin. None of the potential developments in the basin would effect the Shawmut Project. It is concluded that, as conditioned in this license, Project No. 2322 is best adapted to a comprehensive plan for development for the Kennebec River basin for beneficial public uses and that issuance of this license is in the public interest.

### *License Term*

Along with the application for new license, Applicant has filed an application to amend its existing license for the Shawmut Project to advance the expiration date to coincide with the relicensing of the project. Applicant has requested a new 50-year license term.

If total redevelopment was proposed to take place, including complete replacement of project works, a 50-year term would be appropriate, as was done with the Applicant’s Brunswick-Topsham Project No. 2284.<sup>3</sup> However, in this application, two additional turbine-generator units are proposed to be installed adjacent to the existing powerhouse utilizing the existing dam and forebay. The proposed scale of development is considerably less than that which would warrant a full 50-year term. Therefore, pursuant to the Commission’s policy for relicensing projects involving moderate redevelopment,<sup>4</sup> this license term will be for a period of 40 years. It is concluded that it is in the public interest and consistent with the provisions of the Federal Power Act to amend the license for Project No. 2322 by advancing its expiration date as described above.

### *Recreation*

Recreational opportunities at the project include fishing, waterfowl hunting, and a minimal amount of recreational boating. The State of Maine operates a boat-launching ramp and picnic area at the project, located on non-project lands. Several private campgrounds are also found along the shoreline. Applicant does not propose any future recreational development.

The U.S. Department of the Interior (Interior) concluded that present recreational development at the project, which is operated by the State, is sufficient to handle current demand and that there is no need to develop additional recreational facilities at this time. Interior recommended that provisions be included in any license issued that would require periodic review of the need for additional recreational development.

**\*\*3** Article 17 of Standard Form L-3 (October 1975) would require Applicant to provide additional project recreational facilities, if future needs are identified. Applicant will be required to file, biennially, a Licensed Project Recreational Report (Form 80), which will require the Applicant to assess changing needs.

### *Other Environmental Impacts*

The excavation of the tailrace and construction of an additional powerhouse would result in short-term adverse environmental impacts such as erosion and sedimentation from disturbance of land surfaces, and noise and air pollution from construction activities. There are no architectural, archeological, or historical sites or structures listed on the National Register of Historic Places (1979 and 1980, as amended) within the vicinity of the project. In addition, no archeological resources were found at the proposed construction site during a field study conducted by the Maine Historic Preservation Commission.

In accordance with standard Commission practice,<sup>5</sup> Article 31 of this license also requires cultural resources protection measures in the event of any future construction or development at the project.

The Main Department of Inland Fisheries and Wildlife (IFW) issued a Stream Alteration Permit on August 29, 1980. A Water Quality Certificate was issued on October 14, 1980, by the Maine Department of Environmental Protection in accordance with Section 401 of the Federal Water Pollution Control Act.

Approximately 300 feet of streambed would be permanently rip-rapped. The Streambank Alteration Permit requires that

Applicant: implement appropriate erosion and sedimentation control measures to minimize impacts on water quality; and stabilize all disturbed areas. No long-term adverse impacts to the terrestrial and aquatic environments would result.

The proposed increase in the project's generating capacity would have no effect on reservoir elevation or river flows. Therefore, continued operation of the project would not have an adverse impact on the environment.

Issuance of this license will permit continued project operation, which began over 67 years ago. The impacts of continued operation are discussed earlier in this order. On the basis of the record, including agency comments and our staff's independent analysis, it is found that issuance of a license for this project, as conditioned, is not a major **\*63006** federal action significantly affecting the quality of the human environment.

#### *Federal Takeover*

Section 14 of the Federal Power Act reserves to the United States the right to take over a non-publicly owned project upon expiration of the license, after paying the licensee's net investment in the project, not to exceed the fair value of the property taken, plus any severance damages. No federal department or agency, state, or municipality has recommended takeover or redevelopment of the project by the United States or any other entity. The project is not in conflict with any project that has been authorized or is under study by the United States. There appears to be no reason why federal takeover of the project would better serve the public interest than would issuance of this license. Thus, federal takeover will not be recommended.

#### *It is ordered:*

**\*\*4** (A) The current license for the Shawmut Project No. 2322 is amended by changing its expiration date from December 31, 1993, to the last day of the month in which this order is issued.

(B) A new license is issued to Central Maine Power Company (Licensee) of Augusta, Maine, under Part I of the Federal Power Act (Act), for a period of 40 years effective the first day of the month following the month in which this license is issued, for the redevelopment and continued operation and maintenance of the Shawmut Project No. 2322, located in Kennebec and Somerset Counties, Maine, on the Kennebec River, a navigable water of the United States. This license is subject to the terms and conditions of the Act, which is incorporated by reference as part of this license, and subject to the regulations the Commission issues under the provisions of the Act.

(C) The Shawmut Project No. 2322 consists of:

(1) All lands, to the extent of the Licensee's interests in those lands, constituting the project area and enclosed by the project boundary. The project area and boundary are shown and described by certain exhibits that form part of the application for license and that are designated and described as:

*Superseding*

*Exhibit G*

*FERC No. 2322-*

*FERC No. 2322—*

Sheet 1

Sheet 2

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Sheet 3

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Sheet 4

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Sheet 5

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Sheet 6

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Sheet 7

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Sheet 8

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(2) Project works consisting of: (a) a fixed crest concrete gravity type overflow section about 1,135 feet in length, including a 25-foot gated log sluice, with 4 foot flashboards; (b) a headworks section; (c) concrete retaining walls and a short earthen dike; (d) a reservoir having an area of about 1,310 acres at normal full pool elevation 112.0 (USGS), extending upstream about 12 miles; (e) a forebay; (f) a powerhouse containing six 1,200 hp turbines connected to five 750-kW generators and one 900-kW generator; (g) a second powerhouse containing two 1,720-kW turbine-generator units; (h) the 4.16 kV generator leads, the 4.<sup>16</sup>/<sub>34</sub>.51 kV, 5 MA step-up transformer; and (i) appurtenant facilities.

The location, nature, and character of these project works are generally shown and described by the exhibits cited above and more specifically shown and described by certain other exhibits that also form a part of the application for license and that are designated and described as:

*Superseding*

*Exhibit F*

*FERC No. 2322-*

*FERC No. 2322-*

Sheet 1

13

1

Sheet 2

14

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Sheet 3

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Sheet 4

Sheet 5

Sheet 6

Exhibit A (Section 1.5); six typewritten pages, "General Description and Specifications of Equipment and Appurtenances."  
 Exhibit A (Section 2.4); one typewritten page, "General Descriptions of Mechanical, Electrical and Transmission Equipment and Appurtenances—New Development."  
 Exhibit E (Section 3); three typewritten pages, "Report on Fish, Wildlife, and Botanical Resources."  
 Exhibit E (Section 5); two typewritten pages, "Recreational Resources."

(3) All of the structures, fixtures, equipment, or facilities used or useful in the operation or maintenance of the project and located within the project boundary, all portable property that may be employed in connection with the project, located within or outside the project boundary, as approved by the Commission, and all riparian or other rights that are necessary or appropriate in the operation or maintenance of the project.

**\*\*5** (D) Exhibits A (Sections 1.5 and 2.4), E (Sections 3 and 5), F and G, designated in ordering paragraph (C) above, are approved and made a part of the license.

(E) This license is also subject to the terms and conditions set forth in Form L-3 (Revised **\*63007** October 1975), entitled "Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States," attached to (See 54 FPC 1817) and made a part of this license. The license is also subject to the following additional articles:

*Article 29:* The Licensee shall implement, and modify when appropriate, an emergency action plan designed to provide an early warning to upstream and downstream inhabitants, property owners, and recreational users if there should be an impending or sudden release of water caused by an accident to, or failure of, project works. That plan shall include: instructions to be provided on a continuing basis to operators and attendants for actions they are to take in the event of an emergency; detailed and documented plans for notifying law enforcement agents, appropriate federal, state, and local agencies, operators of water-related facilities, and those residents, owners of properties, and recreational users that could be endangered; actions that would be taken to reduce the inflow to the reservoir, if possible, by limiting the outflow from upstream dams or control structures; and actions to reduce downstream flows by controlling the outflow from dams located on tributaries to the stream on which the project is located. The Licensee shall also submit a summary of the study used as a basis for determining the areas that may be affected by an emergency, including criteria and assumptions used. The Licensee shall monitor any changes in upstream or downstream conditions which may influence possible flows or affect areas susceptible to damage, and shall promptly make and file with the Commission appropriate changes in the emergency action plan. The Commission reserves the right to require modifications to the plan.

*Article 30:* The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate any barriers, signs, lights, sirens, or other devices that may reasonably be needed to warn the public of fluctuations in flow from



the project and to protect the public in its recreational use of project lands and waters.

*Article 31:* Prior to commencement of any construction or development of any project works or other facilities at the project, other than the proposed redevelopment in this license, the Licensee shall consult and cooperate with the State Historic Preservation Officer (SHPO) to determine the need for, and extent of, any archeological or historic resource surveys and any mitigative measures that may be necessary. The Licensee shall provide funds in a reasonable amount for such activity. If any previously unrecorded archeological or historic sites are discovered during the course of construction, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigation plan for the protection of significant archeological and historic resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historic work related to the project, the Commission reserves the right to require the Licensee to conduct, at its own expense, any such work found necessary.

**\*\*6** *Article 32:* The Licensee shall pay the United States the following annual charge, effective the first day of the month in which this license is issued:

For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 10,800 horsepower.

*Article 33:* Pursuant to Section 10(d) of the Act, a specified reasonable rate of return upon the net investment in the project shall be used for determining surplus earnings of the project for the establishment and maintenance of amortization reserves. One-half of the project surplus earnings, if any, accumulated under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account at the end of each fiscal year. To the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year under the license, the amount of that deficiency shall be deducted from the amount of any surplus earnings subsequently accumulated, until absorbed. One-half of the remaining surplus earnings, if any, cumulatively computed, shall be set aside in the project amortization reserve account. The amounts established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the annual weighted costs of long-term debt, preferred stock, and common equity, as defined below. The annual weighted cost for each component of the reasonable rate of return is the product of its capital ratio and cost rate. the annual capital ratio for each component of the rate of return shall be calculated based on an average of 13 monthly balances of amounts properly **\*63008** includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for long-term debt and preferred stock shall be their respective weighted average costs for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10-year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

*Article 34. (a)* In accordance with the provisions of this article, the Licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain other types of use and occupancy, without prior Commission approval. The Licensee may exercise the authority only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the Licensee shall also have continuing responsibility to supervise and control the uses and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed, under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the Licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the Licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, cancelling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

**\*\*7** *(b)* The types of use and occupancy of project lands and waters for which the Licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the Licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The Licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the uses and occupancies for which it grants permission are maintained in good repair and comply with applicable State and local health

and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the Licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the Licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the Licensee's costs of administering the permit program. The Commission reserves the right to require the Licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modifications of those standards, guidelines, or procedures.

(c) The Licensee may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges and roads for which all necessary State and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir. No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph (c) during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The Licensee may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary State and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and State water quality certificates or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within ~~\*63009~~ the project boundary, for which all necessary Federal and State approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is five acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from the edge of the project reservoir at normal maximum surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year. At least 45 days before conveying any interest in project lands under this paragraph (d), the Licensee must file a letter to the Director, Office of Electric Power Regulation, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or State agency official consulted, and any Federal or State approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the Licensee to file an application for prior approval, the Licensee may convey the intended interest at the end of that period.

**\*\*8** (e) The following additional conditions apply to any intended conveyance under paragraphs (c) or (d) of this article:

(1) Before conveying the interest, the Licensee shall consult with Federal and State fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the Licensee shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include covenants running with the land adequate to ensure that: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; and (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project.

(4) The Commission reserves the right to require the Licensee to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundaries. The

project boundaries may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

(F) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, [as provided in §1.7(d) of the Commission's regulations, 18 C.F.R. 1.7(d) (1980)]. The filing of a petition appealing this order to the Commission or an application for rehearing does not operate as a stay of the effective date of this license or of any other date specified in this order, except as specifically ordered by the Commission. Failure of the Licensee to file a petition appealing this order to the Commission shall constitute acceptance of this license. In acknowledgment of acceptance of this license, the license shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

#### Federal Energy Regulatory Commission

#### Footnotes

- <sup>1</sup> Authority to act on this matter is delegated to the Director, Office of Electric Power Regulation, under §375.308 of the Commission's regulations, [45 Fed. Reg. 21216 \(1980\)](#), *amending* [44 Fed. Reg. 46449 \(1979\)](#) and 18 C.F.R. 3.5(g) (1979).
- <sup>2</sup> The redeveloped project would generate an additional 20 million kWh annually, saving the equivalent of 32,840 barrels of oil or 9,260 tons of coal. Energy generated at the project would continue to be distributed to the Applicant's customers.
- <sup>3</sup> *See* Central Maine Power Company, Brunswick-Topsham Project No. 2284, Order Amending License and Issuing New License (Major) (issued February 9, 1979).
- <sup>4</sup> *See* Montana Power Company, Mystic Lake Project No. 2301, Order Issuing New License (Major) (issued October 5, 1976).
- <sup>5</sup> *See* S.D. Warren, Project No. 2897, Order Denying Rehearing (issued February 19, 1980).

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- Appendix 1 Shawmut Project FERC License Application (January 31, 2019)
- Appendix 2 Updated Shawmut Project Fish Passage Measures (October 2021)
- Appendix 3 Kennebec River Fishery Management Plans
- a) 1993 Kennebec River Resource Management Plan
  - b) Atlantic States Marine Fisheries Commission (ASMFC) 1985 Fishery Management Plan for American Shad and River Herring
  - c) ASMFC 1999 Amendment 1 to the Fishery Management Plan for Shad & River Herring
  - d) ASMFC 2009 Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring
  - e) ASMFC 2010 Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring
  - f) Maine Department of Marine Resources (MDMR) 2014 American Shad Habitat Plan
  - g) MDMR 2020 Maine Sustainable Fisheries Management Plan for American Shad
  - h) 2019 Recovery Plan for the Gulf of Maine Distinct Population Segment of Atlantic Salmon (*Salmo salar*)
  - i) MDMR 1986 Strategic and Operational Plan for the Restoration of Shad and Alewives to the Kennebec River: Foreword
  - j) MDMR 1986 Strategic and Operational Plan for the Restoration of Shad and Alewives to the Kennebec River Above Augusta
  - k) 1986 Atlantic Salmon Management in the Kennebec River: A Status Report and Interim Management Plan
  - l) 1986 Appendix A Summary of Water Quality in the Kennebec River Basin
  - m) 1985 Lower Kennebec Inland Fisheries Overview
- Appendix 4 Kennebec Hydro Developers Group (KHDG) Agreement 1998
- a) 1998 FERC Amendment Order Incorporating the Terms of the 1998 KHDG Agreement
  - b) 1998 Water Quality Certification Amendment Incorporating the Terms of the 1998 KHDG Agreement
- Appendix 5 KHDG Status Summary
- Appendix 6 2013 ISPP and Biological Opinion Documents
- a) 2013 ISPP Filed with FERC (February 21, 2013)
  - b) Biological Opinion and ITS issued by NMFS for Terms of ISPP (June 23, 2013)
  - c) FERC Order Amending Licenses to Incorporate 2013 ISPP (May 19, 2016)
- Appendix 7 Proposed Upstream Fishway Final Design Plans submitted to FERC

- a) Initial Shawmut Fish Lift Design Submittal under 2013 ISPP (December 31, 2019)
- b) Re-submittal to FERC of Shawmut Fish Lift Final Design Plans as Relicensing Proposal (July 30, 2020)

Appendix 8 Upstream Fishway Construction Permit Applications

- a) Condition Compliance Permit Application for Shawmut Upstream Fishway Construction (December 31, 2019)
- b) MWDCA Permit Application for Shawmut Upstream Fishway Construction (May 27, 2020)
- c) USACE Joint Permit Application for Shawmut Upstream Fishway Construction (May 20, 2020)

Appendix 9 2019 Draft Biological Assessment (filed at FERC with Draft SPP; December 31, 2019)

Appendix 10 2021 Interim Species Protection Plan and Draft Biological Assessment for the Shawmut Project (May 31, 2021)

Appendix 11 Preliminary Terms and Conditions, Section 18 Preliminary Prescriptions

- a) USFWS Letter (August 27, 2020)
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Appendix 12 Technical Memo regarding Effectiveness of Fish Passage at Shawmut under Updated Proposed Fishways, Section 18 Prescriptions, and Proposed Measures

Appendix 13 MDMR Kennebec Plan Amendment (December 2020)

Appendix 14 Comments on MDMR Plan Amendment

- a) Brookfield Comments on MDMR Plan Amendment (March 26, 2021, filed with FERC April 4, 2021)
- b) Sappi Comments on MDMR Plan Amendment (March 31, 2021)

Appendix 15 Shawmut Project DEA (issued by FERC July 1, 2021)

Appendix 16 Comments on DEA

- a) Sappi (July 23, 2021)
- b) International Brotherhood Electrical Workers (August 12, 2021)
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Appendix 17 MDEP Draft WQC Order for Shawmut Project (L-19751-33-H-N) (August 11, 2021)

Appendix 18 Comments filed on the Draft WQC Order (August 2021)

- a) United Steelworkers (July 27, 2021)
- b) Senator Brad Farrin (August 2, 2021)
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- d) Christine Keller (August 13, 2021)
- e) MDMR (August 18, 2021)
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Appendix 19 Brookfield White Pine Hydro LLC, Responses to Comments on FERC DEA (July 2021) and MDEP's Draft WQC Order for Shawmut Project

- a) Review of MDMR Model Revisions
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Appendix 20 Complaint; Brookfield Power US Holding America, Co; The Merimil Limited Partnership; Hydro Kennebec LLC; and Brookfield White Pine Hydro, LLC v. Maine Department of Marine Resources; Patrick Keliher, in his official capacity as Commissioner of Maine Department of Environmental Protection; Melanie Loyzim, in her official capacity as Commissioner of Maine Department of Environmental Protection