



October 15, 2021

Kathy Davis Howatt
Hydropower Coordinator
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: *Shawmut Hydroelectric Project FERC No. 2322-060*
Section 401 Water Quality Certification – Certification Request

Dear Ms. Howatt:

Brookfield White Pine Hydro LLC ("Brookfield") is submitting to the Maine Department of Environmental Protection ("Department") an Application for Water Quality Certification (WQC) for the Shawmut Hydroelectric Project ("2021 WQC Application"), which is undergoing relicensing by the Federal Energy Regulatory Commission ("Commission") as FERC Project No. 2322 (the "Project"). Brookfield is the project proponent for certification under Section 401 of the Clean Water Act ("CWA"), the Commission is the federal agency, and the Department is the certifying agency. The Project is in the state of Maine on the Kennebec River within the towns of Skowhegan, Fairfield, Clinton, and Benton. The Project is located in Kennebec and Somerset counties.

On January 31, 2020, Brookfield filed its Final License Application for the Shawmut Hydroelectric Project with the Commission, which issued its Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions (REA Notice) on July 1, 2020.

On August 28, 2020 Brookfield filed a WQC application under Section 401 of the CWA with the Department ("2020 WQC Application"). The Department provided Brookfield a draft order on the WQC on August 11, 2021 (the "Draft Order"), and in light of the issues and concerns raised in the draft order, on August 18, 2021 Brookfield withdrew that application in order to prepare a new application with additional information that, while part of the FERC record for the Project's relicensing, was not considered by the Department in its evaluation of the 2020 WQC Application. On August 26, 2021 the Department acknowledged the withdrawal.

The Environmental Protection Agency (EPA) issued a final rule to streamline CWA Section 401 reviews, which went into effect on September 11, 2020 (the "Final Rule"). The Final Rule requires, among other things, an applicant to request a pre-filing meeting with the applicable State agency at least 30 days prior to filing for certification (40 CFR § 121.4). Brookfield submitted a request for a pre-filing meeting with the Department on August 26, 2021 regarding its intent to file the 2021 WQC Application.

The Department met with Brookfield on September 20, 2021, for the pre-filing meeting via teleconference to discuss the WQC application process and verify the application content. Brookfield reiterated that the goal of the 2021 WQC Application is to provide the Department with a clear fish passage proposal consistent with the FERC record, and to respond to concerns/issues raised in the Draft Order. Department staff confirmed that, because the 2021 WQC Application would include significant additional information beyond the license application, Brookfield would not be able to file electronically, and committed to providing information regarding specific filing procedures and application/permit fees.

Brookfield hereby files the enclosed 2021 WQC Application for the Project in support of the FERC relicensing of the Shawmut Hydroelectric Project for continued operation under the terms of a new FERC license. As required, Brookfield is also sending by certified mail a duplicate of the 2021 WQC Application to the town clerks of Skowhegan, Fairfield, Clinton, and Benton.

Further, in accordance with the Final Rule, Brookfield provides the below information in connection with this Certification request (See Final Rule, at 40 CFR § 121.5):

a) A certification request shall be submitted to the certifying authority and to the Federal agency concurrently.

The application is being filed with the Commission concurrently.

b) A certification request for an individual license or permit shall:

(1) Identify the project proponent(s) and a point of contact;

Brookfield is the project proponent, and the point of contact is:

Thomas Uncher
Vice President
Brookfield White Pine Hydro, LLC
399 Big Bay Road
Queensbury, NY 12804

(2) Identify the proposed project;

Shawmut Hydroelectric Project

(3) Identify the applicable federal license or permit;

Application for New License for a Major Water Power Project – Existing Dam, Shawmut Hydroelectric Project (FERC No. 2322)

(4) Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;

The discharge would be water associated with the hydroelectric project, which would discharge through hydroelectric turbines, gates, and over the dam into the Kennebec River in the Towns of Fairfield of Benton.

(5) Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;

The hydroelectric station monitors flows and adjusts hydroelectric units, gates, and other conveyances based on flow.

(6) Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;

The project requires a license from the Commission.

(7) Include documentation that a prefiling meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;

A copy of the request is attached to this cover letter.

(8) and (9) Statement

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

Brookfield respectfully requests that the Department provide a draft of the WQC for review 30 days before issuing the final WQC. If there are any questions or comments regarding this filing, please feel free to contact me by phone at (207) 755-5605 or by email at Randy.Dorman@BrookfieldRenewable.com.

Sincerely,



Randall Dorman
Licensing Manager
Brookfield Renewable

Enclosures: Request for Pre-Filing Meeting
Water Quality Certification Application

From: [Dorman, Randy](#)
To: [Howatt, Kathy](#)
Cc: [Wendy Bley](#); [Maloney, Kelly](#)
Subject: P-2322-060 Shawmut WQC Pre-Filing Mtg Request
Date: August-26-21 4:58:00 PM
Attachments: [P-2322-060 Shawmut WQC Pre-Filing Mtg Request 08262021.pdf](#)

Kathy,

As mentioned this morning, attached is a request for a pre-filing meeting for the Shawmut Water Quality Certification Application.

Best,

Randy

Randall Dorman
Licensing Manager

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August 26, 2021

Kathy Davis Howatt
Hydropower Coordinator
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Shawmut Hydroelectric Project FERC No. 2322-060 (the "Project")
Section 401 Water Quality Certification Request for Pre-Filing Meeting

Dear Ms. Howatt:

On January 31, 2020, Brookfield White Pine Hydro LLC ("Brookfield"), filed its Final License Application for the Shawmut Hydroelectric Project (P-2322) with the Federal Energy Regulatory Commission. On August 28, 2020 Brookfield filed an application for Water Quality Certification (WQC) under Section 401 of the Clean Water Act (CWA) with the Department. On August 18, 2021 Brookfield withdrew this application and on August 26, 2021 the Department acknowledged the withdrawal. BWPH is now preparing to file with the Department a new WQC application on or before October 17, 2021.

On June 1, 2020 the U.S. Environmental Protection Agency (EPA) released its Final Rule to streamline CWA Section 401 review. The Final Rule became effective September 11, 2020. The Final Rule requires an applicant to request a pre-filing meeting with the Department at least 30 days prior to filing for certification (40 CFR § 121.4). Accordingly, we are hereby requesting a pre-filing meeting for the Shawmut Project.

I will follow up by phone or email to discuss a possible meeting date. In the meantime, if you have any questions, please contact me by phone at (207) 755-5605 or by email at Randy.Dorman@BrookfieldRenewable.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Dorman", written over a horizontal line.

Randall Dorman
Licensing Manager
Brookfield Renewable

cc: Ms. Kelly Maloney, Brookfield Renewable
Ms. Wendy Bley, Kleinschmidt Associates