

1 FEDERAL ENERGY REGULATORY COMMISSION

2 PEJEPSCOT HYDROELECTRIC PROJECT

3 DOCKET P-4784-095

4

5 SCOPING MEETING

6 Tuesday, November 28, 2017

7 9:00 a.m. - 1:00 p.m.

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10 Brunswick Hotel and Tavern

11 4 Nobel Street

12 Brunswick, ME 04011

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1 P R O C E E D I N G S

2 (9:05 a.m.)

3 MR. HANSEN: All right so anyhow, as
4 the slide says, this is a Scoping Meeting for the Pejepscot
5 Project Relicensing. I think everybody knows why they are here.
6 If this isn't why you are here I apologize, you should probably
7 go because you are going to be very bored.

8 So this is going to be kind of the road
9 map for today's meeting. We'll start with some introductions.
10 My name
11 is Ryan Hansen. I'm a Fisheries Biologist with the Federal
12 Energy Regulatory Commission. I'm the Project Coordinator for
13 the Relicensing of this project and I'll let my colleague
14 introduce herself.

15 MS. NOVAK: Suzanne Novak, I work at FERC as well.
16 I'm on the project, I will be working on recreation issues,
17 cultural resources, socio-economic and aesthetics which would
18 include visual and noise impacts.

19 MR. HANSEN: So you old folks have worked on
20 licensing or relicensing prior, you might not have seen us
21 before. We actually work in the northwest branch of licensing
22 so we're normally in Washington, Oregon, Alaska, Montana.

23 However, the northeast has a ton of relicenses coming
24 up and they couldn't handle it all so they've split them up
25 amongst some other branches and you've probably met some of our

1 southern folks and now you have got some northwest folks.

2 So this is the first time that you've seen us but
3 we'll be back quite a bit for relicenses for a number of
4 projects. So we are glad to be here, we're glad to check out a
5 new part of the country and summarize the fish, some east coast
6 fish, it's pretty exciting.

7 So a couple of housekeeping items, let's see -- so we
8 have, I'll get to that in a minute -- a sign-up sheet up front.
9 Please make sure that before you leave you sign-in the name and
10 affiliation because we need to have a record of everyone who
11 comes because this is part of FERC's public record.

12 Actually I'll do those in a second, yes there
13 we go. I want to make everyone aware that we have a court
14 reporter over here. This is Gaynell. As you probably know all
15 of this is going to be part of the FERC record so it has to be
16 transcribed and put on FERC e-library so we have to make certain
17 that he can understand everything that we say.

18 So that's going to involve number one -- when you
19 speak, we're going to pass this microphone around and it's
20 partially so everyone can hear you but it's really even more
21 importantly so he can hear you. So I'll have you speak into the
22 microphone and please at least the first few times that you
23 speak, identify -- give me your name and your affiliation so he
24 will know who you are.

25 After you have spoken a few times you may not have to

1 do it again and again but at least the first few times please.
2 If you use any acronyms when you speak, go ahead and even if you
3 think everyone in the room knows what they are, it would be
4 worthwhile to just say what they actually stand for, for his
5 sake because we use a lot of them as you know and he can get
6 real confused and we want those recorded properly.

7 Be considerate of time -- I don't think we're going
8 to have an issue there. We don't have enough folks, I don't
9 think we're going to run out of time so that shouldn't be an
10 issue.

11 If you don't feel like speaking today or something
12 comes up afterwards, obviously we're soliciting written comments
13 and this is a big date and we'll talk about it again before the
14 end of the meeting -- by December 28th of this year is the
15 deadline for filing written comments on the pre-application
16 document for this project, the scoping document 1 which we have
17 copies of in the back if you need one and also for any study
18 requests and we'll talk about those at the end as well.

19 And I think you all are probably aware of our
20 e-library, e-filing system which is how we would prefer
21 everything come to us but if you really want to go old school
22 and mail it we have an address. You don't have to scribble it
23 down, if you really would like to use that method then just come
24 see me afterwards and I can give it to you.

25 So the first few slides are probably old hat for you

1 folks if you've worked with us before. There are a lot of folks
2 especially in the public meetings in the evening that haven't
3 heard of us so I'll just give you a quick overview of what it is
4 that we do and why we are here.

5 FERC does a lot of things that are fairly important.
6 We regulate the interstate transmission of natural gas, oil,
7 electricity. We also regulate the wholesale electricity markets
8 in the country and work on grid stability and reliability. So
9 those are the really important things I think FERC does and then
10 there's a floor that does less important things like us with
11 just hydropower licensing which I think is important and I love
12 it.

13 But in the grand scheme of FERC we're kind of small
14 -- a small section of it. We work in the Division of Hydropower
15 Licensing, Suzanne and I, and so we're the folks that work on
16 projects when they come in to get a license or a relicense.
17 Once that license is granted then we really don't have much to
18 do with the project any longer. It will get moved over to our
19 Division of Hydropower Administration Compliance or DHAC as we
20 call it.

21 And those are the folks that will make certain that
22 any license that's issued -- the licensee will comply with the
23 times.

24 We also have a division of Dam Safety and Inspections
25 and these folks are mostly regional offices and they are folks

1 who have come out, they come off projects and do inspections on
2 a semi-regular basis.

3 So that's FERC. I don't think you need or probably
4 want to know that much more about us but that's why we're here.
5 We are going to do scoping on this project and before we start
6 the actual scoping process which I'll explain a little bit in a
7 second -- I think the best thing to do is start with an
8 explanation of this project, how it works and so I'm going to
9 turn the floor over to Mr. Dunlap here and let him tell us about
10 this project. When you're ready for the slides to change just
11 give me a signal.

12 MR. DUNLAP: Good morning all. Welcome to Pejeps Scot.
13 It's good to see everybody again and I'll do a little
14 introduction here myself. Again I'm Frank Dunlap at Brookfield.
15 I'll be the Project Manager for this relicense.

16 And also we have Tim Sullivan from Gomez --
17 Tim Sullivan from Gomez also here, Curt Smith from Gomez and
18 Drew Fester from Normandale. They are consultants for the
19 relicensing for Pejaps Scot so it's good to have them on board.

20 The project is set in the lower
21 Androscoggin -- I have that slide here showing the overall
22 watershed and it flows out of, obviously out of Umbagog in New
23 Hampshire and Maine and south through Berlin and Jay Little
24 Moore, Lewis and Auburn to the Lizben area where the project is
25 located.

1 These areas, -- 3,470 square miles at the
2 project, 3,420 square miles to the lower most end of the
3 watershed capturing most of the drainage.

4 Pejepscot's located in the town of Pejepscot, the
5 town of Topsham. The second dam is just above Brunswick -- a
6 few miles, 4 and miles. The next one upstream is Worumbo
7 which is not owned by us. I think it -- is Worumbo Eagle Creek
8 now, and Brunswick is ours also.

9 So, next slide. The project boundary runs from just
10 below the dam by a couple of hundred feet up to the tail water
11 of Worumbo so they're right adjacent to each other. The project
12 boundaries are in essence to a terminus at the bridge in the
13 village.

14 Impoundments covering 266 acres, linear and not very
15 lake-like at all, the project features consist of the
16 impoundment. Dam and spillways has vascular 5 gates on it, the
17 power house and intake -- there are two powerhouses with
18 associated intakes.

19 The original powerhouse is an old paper mill. It had
20 multiple units in it, now it has got three small units that are
21 still active and the new powerhouse has a single vertical unit
22 in it that takes the bulk of the generation -- the bulk of the
23 flow.

24 There is an upstream fish lift located at the new
25 powerhouse, downstream fish passage which has two intakes with

1 two pipes on either side of the fold intake section and that
2 discharges to the tail ways.

3 The switch yard and several small recreation
4 facilities -- the canoe port is at the far end of the dam and a
5 recreation access, a boat launch, upstream almost to Worumbo
6 with a fishing area at Worumbo.

7 On the slide you'll see the Grimmel Industries which
8 is a metal recycling facility -- a non-project facility
9 obviously but as we go in tomorrow we'll need to the skirt that
10 area, we'll give you directions if anybody is going on the site
11 visit tomorrow to get around that.

12 Our substations are located within that industrial
13 yard and next slide -- like I said the impoundment is about
14 three miles long. Normal full pond elevation is 67.5 -- it
15 generally runs as a run of river following the flows out of
16 Worumbo so we don't have much pond management there.

17 The surface area it's a type that needs to be
18 corrected, it is 266 acres, minimal storage capacity and all
19 totaled about 6 and miles of shoreline.

20 More details on the dam and spillway -- a 560 long
21 topped by bascula gates as I mentioned they are a foot and a
22 half high, 3 feet high bascula gates. So they're hydraulically
23 operated. We use those past flows above and beyond the capacity
24 of the powerhouses. There is a sheet pile cut-off wall between
25 the -- along the dam there's also a cut-off wall, a sheet pile

1 wall between Grimmel Industries and the river -- actually the
2 bulkhead basically.

3 The maximum spillway capacity is 95,000 CFS that's
4 again with the gates down, you have the gates open and that
5 would be flood flows and obviously we don't get that high very
6 often if at all.

7 Again, two project powerhouses -- new powerhouses
8 built in '87, that's got a single cape on with about 12 and
9 mixed capacity on that unit. The other three units in the old
10 powerhouse are about half a meg each.

11 The trash rack spacing of interest is an inch and a
12 half on the old powerhouse and an inch and a half on the top of
13 the new powerhouse and two and a half at depth. So no grizzly
14 racks but fairly, fairly wide spacing on the trash racks.

15 Atrium fish passage facility has been in operation
16 for a while now. It came about as part of the initial
17 relicensing. 30 foot hoist, traction flow by 4 pumps located
18 within the powerhouse operating mid-April to mid-November and
19 it's automated with 5 lifts a day basically on that.

20 Downstream as I described earlier you can see on the
21 slide -- the far end of the slide by the yellow structure there
22 one of the intakes for downstream fish passage. Again a 30 inch
23 pipe, a 24 inch pipe discharging to the tail water -- that runs
24 April through December.

25 Current proposed operations -- we are not proposing

1 at this point to make any significant changes. If we come up
2 with something in the studies we'll certainly consider that but
3 the proposal now is to continue operation as we currently do
4 which is the run of river by taking outflow from Worumbo
5 basically.

6 Hydraulic capacity of the units -- 7,500 CFS, we
7 spill in excess of that. The gates are operated importantly on
8 pond level control to maintain the pond level within about a
9 foot on that so those are automated gates.

10 The plant is operated -- controlled out of our
11 Marlboro, Massachusetts North American System Control Center, so
12 that's the primary operation. We have local operation also
13 there. This station, unlike many of ours, is still manned full
14 time at the moment and so that's the operation, is there
15 another?

16 Next slide recreation facilities -- so any questions
17 on those that you want to ask, this is all -- I'm just running
18 through it quickly. It's all on the pad and the scoping
19 document but those are the -- that's basically out of the
20 project.

21 We do have three or four recreation facilities along
22 the impoundment. The Upshaw boat ramp as I mentioned earlier is
23 a formal, formal ramp, concrete planks parking area associated.
24 There's a fishing park on the western shore which is actually
25 right with the canoe port -- the same area, so there's fishing

1 access on the upstream and downstream of the dam itself.

2 There's a Lisbon Falls Fishing Park which is on the
3 upper reach, basically in essence shared with the Worumbo
4 facility. It's part on Worumbo and part on us but there is
5 access at the upper end at the Little River basically that
6 provides access there.

7 Thoughts or questions at the moment on the basic
8 layout -- again two project powerhouses, four units? The three
9 are vertical or horizontal fences separating and the single cap
10 in the new powerhouse. Upstream passage by lift -- downstream
11 passage by some diversion pipes and that summarizes that then.

12 MR. HANSON: Great, well done Frank. No questions at
13 all, thanks. All right so the purpose of scoping -- why are we
14 here? This is also one of the slides that you all have done
15 this before know all of this but it's important that I go
16 through it for anyone who isn't aware.

17 But FERC's regulations and the National Environmental
18 Policy Act require that any federal action that could have a
19 significant effect on the health of the human environment go
20 through an evaluation of the environmental effects of that
21 action.

22 And part of that process is scoping and we use
23 scoping to identify the issues and concerns that we need to
24 address in our environmental assessment document that we will be
25 producing. We take a look at the pre-application document when

1 it comes in and we are able to discern, you know, certain
2 resource issues that are fairly obvious that we know we're going
3 to need to address.

4 With that said, you know, we don't live here, we're
5 not intimately familiar with this area like you all are so we
6 really need your help. We need your input. You know agencies,
7 tribes, NGO's, anyone who knows, you know, things that we may
8 have missed, things we may not be aware of or can help steer our
9 analyses -- that's why we're here to get that input.

10 You know today we can discuss the existing
11 environmental conditions in the area, what potential information
12 needs there may be and we'll get into the resource issues as
13 FERC sees them and then solicit input from you all orally as to
14 what we got right, what we got wrong and what we need to add.

15 So if you look in the SD1, the scoping document 1,
16 Section 4.2 we list the resource issues that we've preliminarily
17 identified as those of importance in our opinion. We are going
18 to go through each of these one at a time but as you can see
19 here we found some aquatic issues, terrestrial, threatened and
20 endangered species, recreation, cultural and developmental.

21 So we are going to go through these one by one and
22 I'll basically explain or just read off to you exactly what it
23 is that we've determined we think is important and we'll open up
24 the floor for each resource issue and turn to the folks to help
25 us out here.

1 So we'll start with my favorite -- aquatics. And if
2 you have ever read a FERC scoping document or if you have looked
3 at this one, you'll realize these bullets are pretty vague
4 because at this point there's really no utility in making them
5 incredibly specific.

6 So a lot of issues could fall under these and it's
7 meant to be that way but we're certainly looking for any way to
8 improve upon what we have here. But we have preliminarily
9 identified -- we need to look at the effects of the continued
10 project operation on water quality from the project headwaters.

11 So that's 3 miles upstream of the dam, downstream to
12 where the river flows into Merrymeeting Bay, so that's what
13 we've determined will be the area where water quality could be
14 affected by the project operations.

15 We are going to look at the effects of continued
16 project operation on aquatic habitat in the project area that's
17 used by both migratory and resident fish species. And we are
18 going to look at the effects of continued project operation on
19 the passage of migratory fish species in the Androscoggin River.

20 That does include the upstream passage of adult fish
21 and the downstream passage of smolts, juveniles, kelts and so
22 from our, you know, reading of the pad these are the three broad
23 areas that we think we certainly need to focus on.

24 So I'd like to open up the floor on terrestrial
25 issues -- I'm sorry, aquatic issues, and see if anyone has

1 anything that they would like to add or some information that
2 they would like to provide to us at this point. And I'm going
3 to have to bring the mic around and please don't forget name and
4 affiliation the first few times so that we know who everybody
5 is, thanks.

6 MR. TIERNEY: I'm Dan Tierney with the National
7 Fishery Service and I'm actually standing in for Matt Bioff from
8 our agency who is going to be representing us in this
9 relicensing.

10 But I did want to mention that the Androscoggin River
11 is critical habitat for Atlantic Salmon and every year -- most
12 years, there are Atlantic Salmon passing this project. So
13 that's something that we're going to be focusing on through the
14 relicensing process.

15 We'll be submitting our comments by the December 28th
16 deadline so I don't have much more to add to that. One thing I
17 should say is that we did just -- and Brookfield proposed a
18 Species Protection Plan with us which and I don't think the
19 license has been amended yet to cover take over the next 5 years
20 but our biological opinion was issued three months ago,
21 something like that, so it's out there if people were wondering
22 where we were on that, so that's it.

23 MR. HANSEN: Great and yes the Division of Hydropower
24 Administration Compliance they will be doing the amendment of
25 the current license but being obviously the coordinator for the

1 relicensing, yes I'm familiar with BO and yeah so it will
2 certainly have an effect on the final new license if issued.

3 MR. BROWN: Thank you, my name is Michael Brown and I
4 work for the Maine Department of Marine Resources. I have quite
5 the experience on the Androscoggin River from 2000 on to present
6 and one thing that we would certainly like included is not only
7 the upstream passage of adults but certainly downstream passage
8 of juveniles.

9 Now we have an annual meeting with Pejepscot and
10 Worumbo to talk about these issues and certainly the downstream
11 passage for those juvenile local pads is important to us. It is
12 certainly as important as upstream passage so we want to make
13 sure that's included as well.

14 If there are some technical issues in terms of
15 tagging, tagging technology, but those may or may not be
16 addressed in the future -- better, more efficient ways to tag
17 and assess these fish but certainly something that's important
18 that we want to see included.

19 MR. HANSEN: Thank you. That would be great, thank
20 you for passing that around for me. It turned off on you,
21 there's a button there and I think the little green light pops
22 on, did that work?

23 MS. HOWATT: Yes, I'm Kathy Howatt with the
24 Department of Environmental Protection and I just had a quick
25 question about the extent of downstream effect because this is

1 the second dam on the river and so what's the -- what's the
2 point where the -- is there free flowing river between the tail
3 race of Pejepscot and the impoundment effect from Brunswick?

4 MR. DUNLAP: Frank Dunlap, yes there's a short reach
5 of free flowing but basically the Brunswick impoundment backs up
6 to nearly the tail race of Pejepscot, a very short distance in
7 the pond level actually but it's within -- it's only about a
8 foot differential as I recall.

9 MR. HANSEN: And Kathy, you'll see it here in a
10 moment when we discuss cumulative effects analysis and water
11 quality is one of the issues that we've identified as probably
12 likely to be cumulatively affected so we will cover that here in
13 a moment.

14 Any more fish or water quality comments? Nothing --
15 all right, well thank you for that. So we'll then move to
16 terrestrial resources and you can see this is a pretty vague
17 bullet, probably even more vague than our aquatic ones.

18 But in our environmental analysis we will be looking
19 at the effects of continued project operation and maintenance on
20 riparian, litoral and wet habitats as well as the associated
21 wildlife that utilizes them. So an awful lot can fall
22 underneath that umbrella. Is there any information that anyone
23 here can provide today that would help us focus on that at this
24 point? I mean we still have plenty of time to focus that
25 section as we progress but at this point is there anything

1 anyone would like to bring up?

2 All right, thank you very much. We'll move then next
3 to threatened and endangered species. So we will be looking at
4 the effects of continued project operation on the two federally
5 listed species in the area -- the endangered Atlantic Salmon and
6 the Northern Long-eared Bat.

7 Also, we will be looking now obviously at the effects
8 on the critical habitat for the Atlantic Salmon since it is
9 designated at the entire river basin, so that will be part of
10 our analysis as well.

11 We -- in the pad we see there's a number of state's
12 species of concern you know that we will, if we see effects that
13 need to be -- that you know, will need to be brought up in the
14 EA we certainly will do so.

15 Are there any comments on T&E species or
16 habitat-related measures that anyone would like to bring up at
17 this point -- I'm sorry T&E, threatened and endangered, I'm
18 sorry.

19 MR. TIERNEY: This is Dan Tierney with Atlantic
20 Fisheries Service again. I would just clarify the critical
21 habitat and the Androscoggin River goes up as far as the
22 Lewiston Falls dams, not the entire drainage -- not too far
23 above the Worumbo Project.

24 MR. HANSEN: The entire project area though is
25 critical habitat so for this relicensing that's definitely the

1 most important thing, thank you very much for the clarification.
2 I think that's in the pad but my memory isn't as good as it
3 should be sometimes so thank you very much.

4 Any other threatened and endangered species issues
5 that we should focus on at this point? All right, thank you, we
6 will move on to recreation which is Suzanne's favorite thing.
7 We will be looking at the effects of continued project operation
8 on recreational use in the project area and that will include
9 the adequacy of existing recreational access, some of which
10 Frank showed us in his presentation.

11 Are there any recreational issues that anyone wants
12 to bring up at this point in time to make us aware of? All
13 right, thank you very much.

14 Cultural resources -- we will be looking at the
15 effects of the continued project operation on historic
16 properties and any archeological resources. We will be working
17 with the SHPO as this goes along but are there any cultural or
18 historic resource issues that anyone has for us at this point
19 that we have yet to identify that would be helpful, very good.

20 That's the nice thing about having a project in an
21 area that's been occupied for a long time that a lot of this
22 stuff has already been kind of worked out. Sometimes in the
23 Northwest these are in the middle of nowhere so it's a little
24 bit more nebulous.

25 And then finally FERC -- we're going to look at the

1 developmental resources. The Federal Power Act, which is the
2 law that requires FERC to license non-federal hydropower
3 requires that we give equal balance to the resources of an area
4 along with the effects of any sort of mitigation on the project
5 cost and economics, so we will be doing that.

6 So you are probably familiar with how we do this but
7 we will be looking at any recommended mitigation efforts and
8 what they would cost and how they would affect the economics of
9 the project because we have to take both into account equally.
10 That's just FERC's mandate by law so that's important to bring
11 up.

12 And if you have ever read one of our EA's or EIS's
13 you'll see we'll have a table that will explain basically every
14 single recommended mitigated measure, whether FERC recommends it
15 or not and the associated costs. And we will explain in the
16 back if we don't go with anything -- if costs are a part of that
17 reasoning we'll certainly explain in the final chapter why
18 that's the case.

19 So just keep that in mind that FERC has a bit of a
20 different mission than a lot of different resource agencies in
21 that project and that economics is something that we strongly do
22 have to consider.

23 All right, so we're also going to in the EA discuss
24 some cumulative effects and I think you'll all probably aware of
25 what those are but they're defined by I guess the CEQ is an

1 effect on the environment basically that could be compounded by
2 additional affects nearby that are not actually caused or in any
3 way associated with the project.

4 These things can be additive or cumulative, which I
5 guess may be synonymous. But we initially have decided that we
6 thought water quality and migratory fisheries were the two
7 resource issues that we thought could be affected by the
8 cumulative properties of the effects of this project along with
9 other projects in the vicinity.

10 Water quality, in particular, because we know that
11 there are some other uses of the water in this area, there's
12 some treatment plants I believe and I know there's some combined
13 two overflows I think upstream, so we're going to take a look at
14 water quality.

15 Now, NEPA requires that for every resource area that
16 you do a cumulative affects analysis, you have to define both
17 the geographic and the temporal scope. And the geographic scope
18 is usually different dependent on what the resource is and that
19 is the case here.

20 We have at this point decided if the water quality --
21 we think it is appropriate to analyze from the upstream extent
22 of the Pejepscot Reservoir which is 3 miles upstream of the dam
23 to where the river flows into the bay, which I think I put as
24 approximately 10 miles, I'm not sure if that's exactly right --
25 somewhere in that neighborhood at least.

1 But we figure that that's the area where we believe
2 this project could have affects that may compound with the
3 effects of other projects in the area to cause water quality
4 issues.

5 For migratory fisheries we have expanded that scope a
6 little bit to include the entire Androscoggin River Basin. The
7 temporal scope that we are going to be looking at is for 30 to
8 50 years into the future for any foreseeable actions that may
9 happen in that timeframe, we'll include in our analysis.

10 You know anything that we know may -- upcoming
11 developments or land area use changes, anything. The reason
12 that we have chosen that timeframe is because those are the
13 basic times that a FERC license is usually issued.

14 Our standard is 40 years now. We used to have a more
15 complicated way that we do it but just recently we have changed
16 -- 40 years is the standard FERC license now but it can go as
17 low as 30 or as high as 50 depending upon circumstance.

18 So we figure that that is an appropriate temporal
19 scope for the cumulative affects analysis. Are there any issues
20 with what we've initially identified here as far as geographic
21 scope, temporal scope or the resource areas themselves?

22 Would anyone like to talk about are there additional
23 resources that we think may be cumulatively affected, if so what
24 are they and how? How do you feel about these geographic
25 scopes? I'd like to open it up to the floor and see if we have

1 any input from the local experts -- great, thank you very much.

2 MR. DUNLAP: Actually licensing -- we comment on the
3 geographic scope for both.

4 MR. HANSEN: Okay.

5 MR. DUNLAP: For water quality -- it may be simpler
6 to define that as to the Brunswick Dam, downstream to the
7 Brunswick Dam, below Brunswick Dam is Tidewater and I think it
8 would be more appropriate to define that from the upper end of
9 the Pejepscot to the Brunswick Dam.

10 On the geographic scale for migratory fisheries, back
11 to Dan Tierney's comment earlier the critical habitat listed for
12 salmon is to the -- up to the base of the Lewiston Falls
13 Project, two projects above Pejepscot -- that may be an
14 appropriate upwards trend for migratory. It's also the same
15 location that would have limited shad and Alewife and other
16 migratory fishes, anadromous fishes would be to the base of
17 Lewiston Falls in Lewiston, so just some thoughts on that.

18 MR. BROWN: I guess -- I'm sorry, Mike Brown for the
19 Maine Property Resources. I guess I have one comment that I
20 think that the geographic scope proposed here with the
21 appropriate -- when you look at American Eel, Lamprey Eel and
22 even Atlantic Salmon, they do go above -- traverse going above
23 Lewiston Falls.

24 So certainly we would like to see that taken into
25 consideration.

1 MR. HANSEN: Okay.

2 MR. DUNLAP: Frank Dunlap again -- a question.
3 Historically salmon, historic salmon range is up to the base of
4 Rumford Falls, is that correct? On the Androscoggin it's up to
5 the base of Rumford Falls so which is considerably shy of the
6 entire basin.

7 MR. HANSEN: Okay, so the historical range of Lamprey
8 Eel you said up to Rumford --

9 MR. DUNLAP: Salmon, Atlantic Salmon is the Rumford
10 Falls.

11 MR. HANSEN: But Lamprey and eel have historically
12 had the entire basin as a possible range if there were no
13 blockages? But further than Lewiston Falls and Rumford, okay.
14 Okay, I really would urge both Brookfield as well as any of the
15 Agency folks that want to chime in on this to also file a little
16 bit more evidentiary type information with FERC just to help us
17 make our decision.

18 Because this -- when it comes down to it is going to
19 be a FERC analysis so we are going to choose whatever scope we
20 think is the most appropriate. We're not exactly sure what that
21 scope is at this point. This is our initial scope
22 geographically that we think is appropriate -- it doesn't mean
23 it can't change, it doesn't mean that it will change.

24 You know, we really just would like to have -- this
25 oral input is certainly very valuable. Anything written that's

1 further as far as reasoning as to why the scope should get
2 larger or smaller is of great help and also it's of great help
3 to anyone whose reading the proceeding online to understand why
4 we may have changed something.

5 So you are certainly not required to file any of that
6 but if you have some information that you think would be useful
7 to us in determining that scope then please do -- so, any more
8 on the scope, geographically or temporally for these two issues?

9 MR. CHRISTMAN: This is Paul Christman with the Maine
10 Department of Marine Resources. I just want to -- Christman,
11 Paul Christman.

12 COURT REPORTER: Can you spell that?

13 MR. CHRISTMAN: C-h-r-i-s-t-m-a-n.

14 COURT REPORTER: Thank you.

15 MR. CHRISTMAN: I just want to mention as far as
16 evidence is concerned and I'm sure that you're already aware of
17 this and I just wanted to mention that sometimes we don't have a
18 terrible amount of evidence. A lot of the sites have been
19 highly modified. We have a difficult time determining -- unless
20 it's something specific and sometimes it can be anecdotal but
21 we're never really 100% sure, so I just wanted to at least
22 mention that we don't always have the evidence that we would
23 like, sometimes we have to infer.

24 MR. HANSEN: Yeah and that's not uncommon in highly
25 dammed systems so we have received quite a lot of different

1 types of evidence at FERC for, you know, historical ranges of
2 fish. You know a lot of tribal knowledge obviously comes in
3 handy so we're used to seeing that sort of thing.

4 And when I say filing evidence -- that may be too
5 strict a term -- you know evidence is certainly one thing, your
6 hard scientific evidence but nothing -- if you feel like the
7 scope should be expanded or contracted, you know, just the
8 argument as to why you think so.

9 And maybe if there isn't, you know, the hard evidence
10 so to speak, you know, maybe you simply think that an area that
11 you are not certain, you know, was a historical range for fish
12 could provide an incredible amount of spawning habitat for
13 example.

14 I mean whatever reason you think for expanding or
15 contracting that range is fine, so we just want to understand
16 what everyone's position is so that we can make the best choice
17 of the area that we are going to use for our analysis.

18 Anything else on cumulative effects or shall I move
19 on -- all right. All right so these are the important upcoming
20 dates for this proceeding. For those of you who have worked
21 with FERC before we have a couple of different licensing
22 processes, you may be familiar with them.

23 I'm not going to get into them because there's really
24 no point in understanding them because they are pretty complex
25 at time. Brookfield has chosen to use what we can an integrated

1 licensing process for this relicensing. All three of our
2 processes have pros and cons. This one that we call the ILP,
3 the integrated licensing process -- it's biggest strength is
4 that it's very regimented and we know exactly what steps are
5 coming and when they are coming.

6 So everyone knows -- you know, is on the same page
7 when things are due and it allows the proceeding to move, you
8 know, very orderly, you know, so that everyone is aware. Some
9 of the other processes can get bogged down and you kind of get
10 stuck and no one knows exactly where we are in the process and
11 ILP doesn't have that issue, as you can see.

12 So these are the upcoming dates for what -- yes,
13 Kathy, I'm sorry we need the mic.

14 MS. HOWATT: Kathy Howatt with the DEP. So earlier
15 in the initial presentation you said that the comments on the
16 pad were due on December 28th and this chart says December 29th
17 and I'd like clarification on that.

18 MR. HANSEN: Okay, let's see. Is the 28th -- what
19 day is the 28th? That might be it, I'm sorry I should really
20 look at my phone I might have pushed this forward to a -- okay,
21 let's do this. Whatever it says in the scoping document will be
22 the one that we will use.

23 So it's November 28th so this is what -- so yeah
24 December 28th does seem to make more sense.

25 MS. HOWATT: It's 2 days from the issuance of the

1 scoping.

2 MR. HANSEN: 60 days -- October 30th so -- yeah. I
3 apologize for this confusion on that day, that's my bad. What
4 we'll do is I have a day calculator and I'll go ahead and double
5 check that. Let's go with -- let's go with the 29th for now
6 simply because if I misinformed everyone by one day then that's
7 my bad, I'm not certainly going to penalize anyone a day because
8 Ryan screwed up the calculation so we'll go with the 29th.

9 So yeah, so thank you, that's the next big step in
10 the process December 29th we would like to have all the comments
11 on the pre-application document as filed by Brookfield, the
12 scoping document 1 as well as any study requests.

13 If you would like Brookfield to entertain the
14 possibility of performing some studies that they are not
15 currently proposing and if you would like to see a list of the
16 studies they are currently proposing you can look in their
17 pre-application document.

18 If you would like to see something in addition to
19 what they are doing, you would need to request that specifically
20 to the FERC by December 29th. FERC has a very specific format
21 in which we need our said requests to be filed with us to help
22 us determine whether it's in the public interest to require them
23 to do that.

24 The actual criteria are laid out nicely. Thankfully
25 Brookfield went ahead and put that in their pad so if you would

1 like to do a certain request I would refer you to that pad
2 because you already have them. If you would like to see the
3 FERC regulations with the exact same requirements come see me
4 afterwards and I can provide those to you.

5 But if you would like to request any additional
6 studies, December 29th is also the date for that. Once all the
7 studies come in and the comments, Brookfield will take a look at
8 everything and they'll put together a proposed study plan and
9 that's basically their first shot in saying here's exactly what
10 we think we should do to collect information for the development
11 of our license application.

12 That will be due to be filed with FERC by February
13 12th of next year. On the same day we may issue a scoping
14 document 2, an SD2. If we have determined through the written
15 comments we received and what we've talked about today and
16 tonight that we need to adjust our scoping document 1 to reflect
17 changes that, you know, from the input we've received, we will
18 issue a scoping document 2 on that same day, February 12th,
19 2018.

20 And it will look exactly like scoping document 1 but
21 any changes that we make will be added in bold italicized text
22 so that you can see the difference between the two.

23 After that everyone will have about a month to take a
24 look at the proposed study plan and decide if it meets their
25 needs or what comments they have or questions and we can

1 reconvene up here on March 14th somewhere at Brookfield's
2 choosing if I have study plan meeting by that date.

3 And in that meeting we'll all sit around and we'll
4 talk about what they've proposed. They'll do a presentation on
5 each study perhaps and let us know exactly what they are trying
6 to do and we'll talk about it and we'll talk about any study
7 requests that came in so that's always a fun meeting.

8 And then you'll have a couple of months after that,
9 two months until May 13th of 2018 to provide comments on that
10 proposed study plan directly to the FERC. A month after that
11 Brookfield will then revise their proposed study plan into their
12 final study plan, file that with us a month later by June 12th
13 of 2018.

14 If there's any dispute over which studies are needed
15 -- you all may have involved or seen this process before but
16 FERC will step in and actually call balls and strikes and decide
17 which studies we think for FERC's needs that Brookfield should
18 do and which ones they shouldn't do.

19 And if we need to -- if there's not a full agreement
20 at the time of the final study plan, if there are disputes or
21 disagreements we will issue by July 12, 2018 a study plan
22 determination which will direct Brookfield exactly what studies
23 that we will be requiring them to do with reasoning for the ones
24 -- why we are requiring certain ones.

25 And any of them that we do not require we will have

1 reasoning in that as well explaining why we are not requiring
2 those as well.

3 So all of this is happening prior to the filing of a
4 license application so we call it the pre-filing period, after
5 the study plan determination comes out the next steps -- we are
6 not sure exactly what will happen, there could be a second year
7 of studies if we decide that the first year has not provided
8 enough information for us to do environmental analysis.

9 That may be required, that may not be required.
10 Hopefully the first year of studies will collect all of the
11 information that we need and we can move forward from there, but
12 we cannot make that determination at this time. We'll obviously
13 need to see what comes in at the end of the first year and see
14 if a second year would be something that, you know, FERC would
15 need to have and you all are obviously important on commenting
16 on that when we get to that point, whether you think it's
17 important or not.

18 But the other date that I can tell you for sure is
19 that before they file a final license application for this
20 project, they will need to file -- Brookfield will need to file
21 with the FERC a preliminary licensing proposal or a draft
22 license application.

23 And they are pretty much the same thing. If you want
24 to know the actual differences you can see me afterwards and
25 I'll get into the minutia, but they're pretty much the exact

1 same document and they have to do that 150 days prior to filing
2 the final license application so everyone has, you know, a
3 pretty good long time to take a look at it and make comments
4 that will hopefully end up in the final responses to those
5 comments will end up in the final.

6 So those are the days -- the upcoming days of
7 importance in this proceeding. For anyone who has never worked
8 on an ILP FERC process before, it's about a 5 year process -- it
9 can be.

10 So their license that they currently have I think
11 expires in August of 2022 so that's why this stretches out like
12 this. That doesn't mean that's, you know, how long this will
13 take but that's how long it could take but depending on if
14 there's not a second study or a particular, we can get through
15 this faster.

16 So certainly FERC is not trying to go any faster or
17 slower than necessary. FERC is trying to do the exact right
18 amount of time that's responsive to both the applicant's needs
19 to actually, you know, get this done along with making certain
20 that all resource needs and issues are identified and analyzed
21 and addressed.

22 So we will take the appropriate pace. All right so
23 once again, December 29th we're asking for information. These
24 are things that you can submit to us in writing if you would
25 like. Significant environmental issues that should be addressed

1 in the EA, I've solicited some of those orally today.

2 Likely you'll leave here and something will pop into
3 your head -- man I should have said that, so please put those in
4 any letters. If there's any information or data in the area
5 that you know of that describes past or present conditions,
6 please let us know because that's going to be really helpful for
7 Brookfield, in fact helpful for everybody because the more data
8 we have on hand for any resource area is going to be to the
9 benefit of all of us.

10 So if you have any of that, you know, stored at your
11 agencies that could be of us, you know, or it is publically
12 available through a website or whatnot, providing that to the
13 FERC is super helpful.

14 If there are any resource plans, or future proposals
15 for development in the area that we would not be aware of that's
16 something we would like to have you comment on in your letters
17 as well. And FERC has a list of what we call comprehensive
18 plans that we have approved on our website and the comprehensive
19 plans are listed in the back of the pad and these are, you know,
20 all kinds of resource areas, specific plans usually that the
21 project will need to comply with.

22 And they have listed the ones that they have
23 determined are applicable to this project. FERC will take a
24 look at what they've said, will take a look at our list and make
25 certain that they match up. If there's any that they haven't

1 hit on or that we're not aware of, you know, please put those in
2 these letters as well.

3 And then also just any other information that you
4 want us to know about -- it's important because FERC cannot make
5 any decisions on anything with information that isn't publically
6 available to everyone -- so if it is not filed on the record we
7 can't use it in any sort of decision-making process on our end,
8 so keep that in mind.

9 Even if we were to know that there's -- I don't know
10 a huge development about to happen, you know, one mile
11 downstream of the dam, if that's not somewhere publically filed
12 on the record that really can't come into play in our analysis
13 or determinations.

14 So please get that stuff in by December 29th. Most
15 of you are all probably familiar with this. If you're not you
16 can come see me afterwards I can show you on my computer but on
17 FERC.gov we have something called e-library which is our online
18 depository of all of our documents that are filed with us or
19 issuances that we issue on any project.

20 This is our preferred way of receiving material.
21 This is our preferred way of disseminating material. From
22 e-library, you have a link for e-filing which is how you file
23 stuff with us. If you have never done it before and you haven't
24 and you'd like some help, you know, you can come and see me.

25 We also have something called quick comments so if

1 you just have a quick comment that pops into your head and you
2 don't want to go through the hassle of writing a formal letter
3 on letterhead, you can just do a -- this is really helpful for
4 citizens.

5 You can just jump it and it's almost like a long text
6 message but whatever, it gets to us and really it's very
7 helpful. If you want to be aware of everything that's happening
8 on this relicensing I highly recommend you go to the
9 e-subscription service if you haven't done so already.

10 You'll need an account to use all of these things but
11 it's free, it's easy to sign up. If you go to e-subscription
12 and enter the docket number in for this proceeding -- P-4784-095
13 and subscribe every single thing that gets filed on this project
14 or issued by FERC on this project will come to you in an email,
15 a link will.

16 If you sign up you will have everything you need.
17 You'll probably have way more emails than you would every want
18 but you certainly won't miss anything so I highly recommend if
19 you haven't done so already to do that.

20 If any of these things are giving you problems we
21 have a dedicated staff at FERC to doing e-library support. On
22 the main page you will see it circled here, that's the
23 information. But also, if you are on the e-library page or the
24 e-subscription page or the e-filing page on the right side of
25 that web page they have the phone number, the email address and

1 these folks do nothing but e-library all day long so they can
2 help you with any issues you have there with filing.

3 So that kind of ends, you know my proper scoping
4 spiel. One thing I want to mention as you are probably aware
5 tomorrow we are planning a site visit. We are going to go see
6 the project. A lot of you have probably been there. We have
7 not so we are excited to go check it out. It's going to be at 9
8 a.m. tomorrow and Frank may have some additional information for
9 us before we leave as to where to meet.

10 I think I just put meet at the project but I don't
11 know how possible that it. There may be fences or gates that we
12 will need to get through so he may have some additional
13 information but it will be tomorrow at 9, meeting right by the
14 project.

15 Frank, is there anything in particular that we need
16 to know before we all show up?

17 MR. DUNLAP: Actually a headcount -- this is Frank, a
18 headcount would be very important. So are any of you planning
19 to go? So we have two here, hard hats, safety shoes, safety
20 glasses required a normal. So meet at the powerhouse I guess is
21 the best way to do this so when you enter the site stay to the
22 left around Grimmel Industries and that will bring you to the
23 new powerhouse.

24 Do you know if Steve Shephard is planning on coming
25 or any other agencies? Okay, so we'll count on you two, thank

1 you.

2 MR. HANSEN: So that'll be four more so that will be
3 fun. And then also tonight there's a public meeting. You are
4 certainly welcome to come to that. I know as agency folks you
5 are off work by 6 p.m. and you don't want to come to both, you
6 are certainly welcome. I just want to extend the invitation if
7 you would like to hear this exact same thing again but even
8 dumbed down even more for folks in the public because this is
9 super confusing, please join us at 6 p.m. tonight.

10 There may be people here, there may be no one here, I
11 don't know, we'll see but you're welcome to come. If not I
12 thank you for coming today and I'll -- we'll be seeing everyone
13 around meeting for this project and I guess -- any comments or
14 questions before we end it?

15 Great, well thank you all for the input and I look
16 forward to the comment letters and study requests if there are
17 any and I guess that will do it so we will go ahead and
18 officially close the meeting. Thank you very much.

19 (Whereupon the meeting was adjourned at 10:00 a.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding: PEJEPSCOT HYDROELECTRIC
7 PROJECT

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14 Docket No.: P-4784--095

15 Place: Brunswick, ME

16 Date: Tuesday, Nobevenber 28, 2017

17 were held as herein appears, and that this is the original
18 transcript thereof for the file of the Federal Energy
19 Regulatory Commission, and is a full correct transcription
20 of the proceedings.

21

22

23 Gaynell Catherine

24 Official Reporter

25