

Peter Drown  
Application Reviewer  
Low Impact Hydropower Institute  
2665 Prosperity Avenue, #320  
Fairfax, VA 22031  
Friday, November 07, 2014

Dr. Michael J. Sale  
Executive Director  
Low Impact Hydropower Institute

Subject: Recertification Recommendation for the Rumford Falls Hydroelectric Project

Mike:

This letter contains my recommendation for recertification of the Rumford Falls Hydroelectric Project (the "Project").

### **I. Recertification Standards**

The Low-Impact Hydropower Institute Standards for Recertification provide that a "request for renewal of a previously-issued LIHI certification ("re-certification") will be granted at the conclusion of the term of the existing certification if re-certification is desired by the certificate holder, and so long as (1) there have been no "material changes" at the facility that would affect the certification and (2) LIHI's certification criteria have not been revised since the previous certification was issued by LIHI."

The Recertification review criteria also provide that "If the Application Reviewer can definitively determine from the submitted application materials, a review of the LIHI file containing the past certification decision(s), any public comments received during the application process, and any limited reviewer-initiated questioning by LIHI of the applicant and/or third parties, that the answer to both questions above is "no," the Application Reviewer will recommend re-certification approval to LIHI's Executive Director, and there will be no further application review.

### **II. No further application review is recommended.**

The Rumford Falls Hydroelectric Project (the "Project") received a license (FERC #2333) from the Federal Energy Regulatory Commission on October 18<sup>th</sup>, 1994. The project was initially certified by LIHI as "Low Impact" on May 6<sup>th</sup>, 2009, with the following non-standard condition:

"The Applicant will complete the Obermeyer Gate Structure by December 31, 2009. Failure to complete the gate structure by December 31, 2009 could lead to suspension of the LIHI certification of the Rumford Falls."

After higher than normal flows in the Androscoggin River in 2009 forced Brookfield to delay the gate installation, the LIHI board replaced the condition compliance deadline to December 31, 2010<sup>1</sup>. Brookfield completed these improvements in September 30, 2010, meeting the LIHI condition, according to the Final Construction Report filed with FERC<sup>2</sup>.

I have reviewed the materials submitted for recertification of the Project by Brookfield Renewable Energy Group in support of its October 2013 recertification application, the LIHI file containing the past certification decision and FERC's e-library public information file on the Project. After reviewing this information, I contacted four agencies and the Town of Rumford listed in the Regulatory Contacts sheet provided in the recertification application.

### **III. There have been no "material changes" at the facility that would affect the certification.**

In accordance with the Recertification Standards, "material changes" mean non-compliance and/or new or renewed issues of concern that are relevant to LIHI's criteria. Since 2009 LIHI Certification, Brookfield has modified the facility in several ways. As mentioned above, Brookfield installed Obermeyer inflatable flashboards in compliance

with LIHI condition in the original certification. In addition, Brookfield completed several capital upgrades to the facility, including a 1,600 KW and 50 cfs increase in generating and hydraulic capacities at the Upper Station and 2,400 KW and 196 cfs increase in generating and hydraulic capacities at the Lower Station. After undergoing consultation with state and federal agencies, and receiving no objection, these improvements received an approved Water Quality Certificate on July 13, 2009, and a license amendment from FERC on July 23, 2010<sup>3</sup>. John Perry and Francis Brautigam from the Maine Department of Inland Fish and Wildlife reviewed this WQC along with the original FERC license during this recertification review, and as recorded in the attached email there are no issues of concern.

One issue that was identified during FERC filings review is the repeated flow excursions as a result of various planned and unplanned outages at Rumford Falls. The applicant acknowledges the excursions taking place in 2011 and 2012 during their November 2013 questionnaire, but according to their Minimum Flow and Reservoir Operation Certification for 2013, dated January 20, 2014, three more excursions occurred during 2013<sup>4</sup>:

Date of Excursion	Reason
07/23/13	Lock-out of Upper Development’s inflatable flashboard system for safety during dive inspection – FERC determined not to be violation
08/12/13	Scheduled dam maintenance – FERC determined not to be violation
12/05/13	Cold weather and icing conditions

In all three instances, Brookfield notified the Commission within 10 days of the excursion taking place, in compliance with Article 401 in the license. Given that FERC has acknowledged two of the above excursions to not be license violations, and the December 05, 2013 was a result of cold weather/icing conditions outside of typical conditions, these excursions do not represent a factor affecting LIHI eligibility under the Flows criteria requirement.

In addition, Brookfield appears to be proactive in maintaining the recreational and cultural resources within and around the project boundaries. The Cultural Resources Plan continues to be maintained up to date, with the most recent plan submitted January 30, 2014. In addition, LIHI recently permitted a local ATV riders club to use trails in the project boundaries, consistent with resource agency recommendations. Further, conversations with Town of Rumford Code Enforcement Officer Dave Arrington revealed the project remains in good standing.

**IV. LIHI's criteria have been revised since last recertification, but none of the changes affect this project.**

- In the Questionnaire, the question pertaining fish passage criteria has been modified with the addition of an initial question that will allow applicants to bypass subsequent questions about migratory fish passage where migratory fish have never been present. **(not applicable)**
- In the Questionnaire, regarding the Watershed Protection criteria, Question D.4 pertaining to a shoreland management plan has been reordered so as not to be bypassed in situations where D.1, 2, or 3 are met. **(Question D.4 was completed satisfactorily)**

**V. Conclusion – Recommendation for Recertification**

In light of the above, I recommend recertification of the Rumford Falls Hydroelectric Project. Please contact me if you have any questions.

Sincerely,



Peter R. Drown  
LIHI Application Reviewer

**Attachment 1**  
**Agency Communications**

The following individuals were contacted to discuss recertification of the Rumford Falls Project:

John Spain, FERC

Nathaniel Sy, FERC

John Perry, Environmental Coordinator, Maine Department of Inland Fish and Wildlife

Dana DeGraaf, Fisheries Biologist, Maine Department of Inland Fisheries and Wildlife

John Warner, U.S. Fish and Wildlife Service

Rick Kent, Code Enforcement Officer, Town of Rumford

Dawn Hallowell, License and Compliance, Maine Department of Environmental Protection

Kathy Howatt, Hydropower Coordinator, Maine Department of Environmental Protection

Francis Brautigam, Regional Fish Biologist, Maine Department of Inland Fisheries and Wildlife

**Contact Person:** Kathy Howatt

**Agency:** Maine Department of Environmental Protection

**Title:** Hydropower Coordinator

**Date:** October 28, 2014

Phone Conversation – Kathy and I had trouble connecting via phone but she left a message October 28<sup>th</sup> stating she is not aware of any problems with the operations of the project.

**Contact Person:** Gerald Cross

**Agency:** FERC

**Date:** October 24, 2014

**Title:** Regional Engineer

Office of Energy Projects

Division of Dam Safety and Inspections

New York Regional Office

Phone Conversation – Gerald mentioned as far as he knows the project is in good standing and no issues of concern.

**Contact Person:** David Arrington

**Agency:** Town of Rumford

**Date:** October 24, 2014

**Title:** Code Enforcement Officer

Phone Conversation – David indicated there are no issues of concern or violations with the Rumford Falls project.

**Contact Person:** Steven Shepard  
**Agency:** U.S. Fish and Wildlife Service  
**Date:** October 22, 2014  
**Title:** Hydropower License and Fish Passage

Shepard, Steven <[steven\\_shepard@fws.gov](mailto:steven_shepard@fws.gov)>

Oct 22 (2 days ago)

to me

The Service currently does not have the resources to respond to this request.

~~~~~  
Steven Shepard, C.F.P.  
U.S. Fish & Wildlife Service  
17 Godfrey Drive, Suite 2  
Orono, Maine 04473  
Voice: [207-866-3344](tel:207-866-3344) x116  
Cell: [207-949-1288](tel:207-949-1288)  
[steven\\_shepard@fws.gov](mailto:steven_shepard@fws.gov)  
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**Contact Person:** John Perry  
**Agency:** Maine Department of Inland Fish and Wildlife  
**Date:** November 5, 2014  
**Title:** Environmental Review Coordinator

**Prior to this email several emails and phone calls were exchanged between Francis Brautigam, John Perry and myself as they requested additional documentation (original FERC license and original WQC,) to make the below determination.**

Perry, John

9:29 AM (4 hours ago)

to Francis, me

Hi Peter,

Thank you for providing the information. Based on our review of the State Water Quality Certificate and the FERC license, we are not aware of any issues of noncompliance or renewed issues of concern affecting the operation of the Rumford Falls Project.

John

**John Perry**  
Environmental Review Coordinator  
Maine Department of Inland Fisheries and Wildlife  
284 State Street, 41 SHS  
Augusta, Maine 04333-0041  
Tel [\(207\) 287-5254](tel:(207)287-5254); Cell [\(207\) 446-5145](tel:(207)446-5145)  
Fax [\(207\) 287-6395](tel:(207)287-6395)  
[www.mefishwildlife.com](http://www.mefishwildlife.com)

*Correspondence to and from this office is considered a public record and may be subject to a request under the*

*Maine Freedom of Access Act. Information that you wish to keep confidential should not be included in email correspondence.*

### **References**

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<sup>1</sup> Ayer, Fred. "Rumford Falls Hydroelectric Project LIHI Certificate No. 38 -ME Request for Extension of Time." Letter to Sean Faulds. 8 Oct. 2009. MS. Low Impact Hydropower Institute, Portland, Maine.

<sup>2</sup> Kirk, Clare S. "Re: Obermeyer Inflatable Flashboards Project - Final Report." Letter to Mr. Peter Valeri. 22 Dec. 2010.

<sup>3</sup> Order Amending License, 132 F.E.R.C. ¶ 62,076 52, Issued July 28, 2010

<sup>4</sup> Wynn, Todd. "Rumford Falls Project, FERC No. 2333; Minimum Flow and Reservoir Operation Certificate." Letter to Gerald L. Cross, P.E. 20 Jan. 2014. Brookfield Renewable Energy Group, Rumford, Maine.