

UNITED STATES OF AMERICA 106 FERC ¶ 62,017
FEDERAL ENERGY REGULATORY COMMISSION

FPL Energy Maine Hydro LLC

Project No. 2519-045

ORDER APPROVING RECREATION MONITORING REPORT
PURSUANT TO ARTICLE 407

(Issued January 13, 2004)

On September 30, 2003, FPL Energy Maine Hydro LLC (licensee or FPL) filed a Recreation Monitoring Report (report) pursuant to article 407 of the license for the North Gorham Hydroelectric Project¹, FERC Project No. 2519. The project is located on the Presumpscot River, in Cumberland County, Maine.

BACKGROUND

Article 407 of the project license requires that within six years of the effective date of the license, the licensee shall monitor recreational use of the project area and file a report for the North Gorham Hydroelectric Project. The report is to be filed in conjunction and in the same time frame as the FERC Form 80. An *Order Amending Articles to Change Reporting Schedule* issued August 12, 2003², changed the filing date for the monitoring report to six months after the due date of the FERC Form 80. The monitoring report should include the following information: (1) annual recreation use figures; (2) an evaluation of the fisheries program and status reports of the vandalism, theft, and loitering problems in the Towns of Gorham and Windham; (3) a discussion of the adequacy of the recreation facilities, relative to the evaluation and status reports in item (2); (4) any plans to control or accommodate visitation in the project area; and (5) documentation of consultation with specific description of how the agencies' comments are accommodated by the report.

The licensee shall prepare the report after consultation with the U.S. Fish and Wildlife Service (FWS), the Maine Department of Conservation (MDOC), the Maine Department of Inland Fisheries and Wildlife (MDIFW), and the Towns of Gorham and Windham. The licensee shall include with the plan documentation of consultation, copies of comments and recommendations, and specific descriptions of how the agencies' comments are accommodated by the plan. A minimum of 30 days is required for the

¹ 65 FERC 62,154 (1993)

² 79 FERC 62,093 (2003)

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agencies to comment and to make recommendations before filing the plan with the Commission.

DESCRIPTION OF REPORT

The recreation plan update includes recreational use figures, methodology of data collection, a discussion on facilities' adequacy, a discussion on efforts to decrease vandalism, theft, and loitering at the project, a report of the fish program, and documentation of consultation.

Data was collected using three methods. Spot counts were conducted during the recreation season (March through October) at least twice during the week and once each weekend. Spot counts recorded number of vehicles, boats, and people at a facility. Calibration counts occurred at the same places as spot counts, but for time periods ranging from one to three hours. An employee recorded number of people, observed activities, number of vehicles, time in and time out. Nighttime use was estimated from camping data only. Finally, the licensee interviewed a biologist familiar with the area and an area resident/FLP employee concerning percent capacity use as observed by those individuals.

The data revealed that summer is the most popular time for recreation use at the project. Swimming and fishing are the most popular activities. The fishing area downstream is used at around 50% of capacity, the day use area at the dam is used at 50% of capacity, the headpond is reaching 40% of user capacity, and the carry-in boat launch downstream of the dam is used at 40% of capacity.

The licensee reports that in an effort to reduce vandalism and like problems, fences at the project have been mended, windows were boarded up, and other safety devices were installed. Police patrols have increased at the site, and the public recreational areas have been cleaned up in general.

MDIFW stocks the North Gorham Pond Tailrace/Bypass yearly with spring yearling brown trout. A total of 500 are added each spring. The program has been successful in providing a better trout population for anglers. The North Gorham Pond is not stocked; however, brook trout, brown trout, and salmon from the Eel Weir bypass enter the pond. The Eel Weir bypass is stocked by MDIFW. All fish eventually end up in the North Gorham tailwater.

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AGENCY CONSULTATION

The licensee submitted a draft of the report to the FWS, MDOC, MDIFW, and the Towns of Windham and Gorham. FWS provided comments on how the study should be carried out for the FERC Form 80, which the licensee believes, is very close to their methodology. FWS also disagreed with the estimates of capacity use at the project recreation areas, given that an interviewee gave higher estimates of use. The licensee explained how estimates were derived from taking an average. FWS remarked that MDIFW and the Chief of Police from the Town of Gorham both comment on the high use of facilities, particularly on weekends during peak season. Therefore, FWS would like the licensee to propose a plan for accommodating more people. The licensee agrees that the area near the dam is very crowded on hot days; however, the area is only 300-foot-long by 50-foot-wide, bordered by a public highway. There is very little extra area to expand the facility, and in fact, the Chief of Police commented that expansion would be near impossible. Based on this information the licensee does not propose to make plans to expand the facility.

Telephone consultation occurred between the licensee and the Recreation Director for the Town of Windham. The Town of Windham leases and operates the carry-in boat launch. The Recreation Director would like the licensee to consider opening the carry-in site at the tailrace to trailer launching. The licensee commented that to expand parking for trailers wetlands would need to be paved. The Recreation Director asked the licensee to be more flexible in lease arrangements at the carry-in site so that local management would be more involved in decision making. The licensee has agreed to address lease concerns on a case-by-case basis, and reminds the town that FERC requires the licensee to be ultimately responsible for the land management at the project facilities.

Telephone consultation occurred between the licensee and the Recreation Director for the Town of Gorham. She commented that social behavior problems have decreased in the area, and disagreed with the suggestion that expansion of the current recreation facilities was needed. She is opposed to opening the river to motor boating because it is a small area, and conflicts could arise with non-motorized boaters as well as disrupt other uses.

The Chief of Police from the Town of Gorham commented via telephone that most of the serious social behavior problems have diminished although during the peak recreation season problems are expected and continue to occur. He also commented that facilities near capacity on hot days but expansion would attract more people where space is limited to accommodate them.

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MDIFW reported that they have received many comments over the past several years from anglers requesting that the carry-in site at the tailrace be converted to accommodate small trailer boat access. This would allow more access to the impoundment of the Dundee Project, which is located downstream of the North Gorham tailrace and owned by a different licensee. The licensee responded that it is not its responsibility to provide access to another project; however, they will not object to the conversion if the towns of Windham and Gorham agree to the plan, and if the towns and MDIFW would be responsible for all improvements, operation, and maintenance. The licensee notes that research into why the site was not originally constructed for trailer access show that the tailrace area is not conducive or deep enough for safe motorized boating. Also, the use of jet skis could become a problem, and an increase in parking for trailers could not be accommodated due to the limited space available near the site.

DISCUSSION AND CONCLUSION

The tailrace carry-in boat access was required by license article 408, which required the licensee to file a plan for providing access to the tailrace. The approved plan³ included a boat-carry in and a parking lot with 7 spaces. According to an email provided by a FLP employee, the concrete ramp at the carry-in access was provided "to improve footing and to prevent erosion, to facilitate public carry-in access and occasional emergency access to the river.... The ramp does not extend into the water far enough to support this type of use [trailered boats] and is not wide enough to accommodate most boat trailers." The land surrounding the carry-in is composed of wetlands, and therefore would not be suitable for use in expanding the parking lot for trailered boats. Finally, the tailrace for the project is not large, and a boat launch would cause increased traffic in a small area. Jet skiers would be attracted and could cause safety problems. The MDIFW is interested in improving access to the Dundee Hydroelectric Project FERC No. 2942, but this project is operated by a different licensee and it is not the responsibility of FPL to provide access to the Dundee impoundment. Also, the average capacity reported by the licensee for this site is 40%, which does not demonstrate a need for expanding access.

The Dundee Project was recently issued a new license⁴ and the licensee is required to develop a Recreational Facilities Enhancement Plan within one year of issuance. The MDIFW and the Towns of Windham and Gorham will have an opportunity to comment on the plan and make recommendations for developing boat access to the Dundee impoundment.

³ 74 FERC 62,078 (1996)

⁴ 105 FERC 61,009 (2003)

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The monitoring report fulfills the requirements of article 407. The project is located in a relatively urban area of Maine and therefore receives a lot of use during peak summer weekends because of its prime location. However, average usage is moderate and expansion of the current facilities is not necessary at this time. The small project area and surrounding topography also limit where the licensee could expand facilities such as parking. Vandalism and deviant social behavior at the project has decreased due to efforts by the licensee and local law enforcement. The fishing program continues to provide excellent fishing opportunities at and near the project. The recreation monitoring report should be approved. The next recreation monitoring report is due on or before April 1, 2009.

The Director orders:

(A) The recreation monitoring report, filed September 30, 2003, pursuant to article 407 of the North Gorham project license is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of this order, pursuant to 18 C.F.R. 385-713.

John E. Estep
Division of Hydropower
Administration and Compliance



For Public Information

Recreation Monitoring Report for the North Gorham Project

**North Gorham Project
FERC No. 2519**

Prepared for:
FPL Energy Maine Hydro LLC

Prepared by:
E/PRO Engineering & Environmental Consulting, LLC

September 29, 2003

APPROVED: JAN. 13, 2004

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Recreation Monitoring Report for the North Gorham Project

I. Introduction

a. Background

As part of the new license for the North Gorham Project, issued on November 22, 1993, License Article 407 was included to continue the monitoring of recreational needs and facilities at the Project every six years in conjunction with and on the same time frame as the FERC Form 80 license compliance issue.

Article 407 stated that:

"The Licensee, after consultation with the U.S. Fish and Wildlife Service, the Maine Department of Inland Fisheries and Wildlife, the Maine Department of Conservation, and the Towns of Gorham and Windham, shall monitor recreational use of the project area to determine whether existing recreation facilities are meeting recreation needs. Monitoring studies shall begin from the effective date of the license and be filed according to the Commission's schedule for the FERC Form 80."

"Every 6 years during the term of the license, the Licensee shall file a report with the Commission on the monitoring results. The report shall include: (1) annual recreation use figures; (2) an evaluation of the fisheries program and status reports of the vandalism, theft, and loitering problems in the Towns of Gorham and Windham; (3) a discussion of the adequacy of the Licensee's recreational access and facilities relative to the evaluation and status reports in item (2); (4) any plans to control or accommodate visitation in the project area; (5) documentation of agency consultation agency comments on the report after it has been prepared and provided to the agencies; and (6) specific descriptions of how the agencies' comments are accommodated by the report."

"The Licensee shall allow a minimum of 30 days for the agencies to comment and to make recommendations before filing the report with the Commission."

On May 7, 1997, FERC issued an order granting extensions of time and amending licenses. The Director ordered:

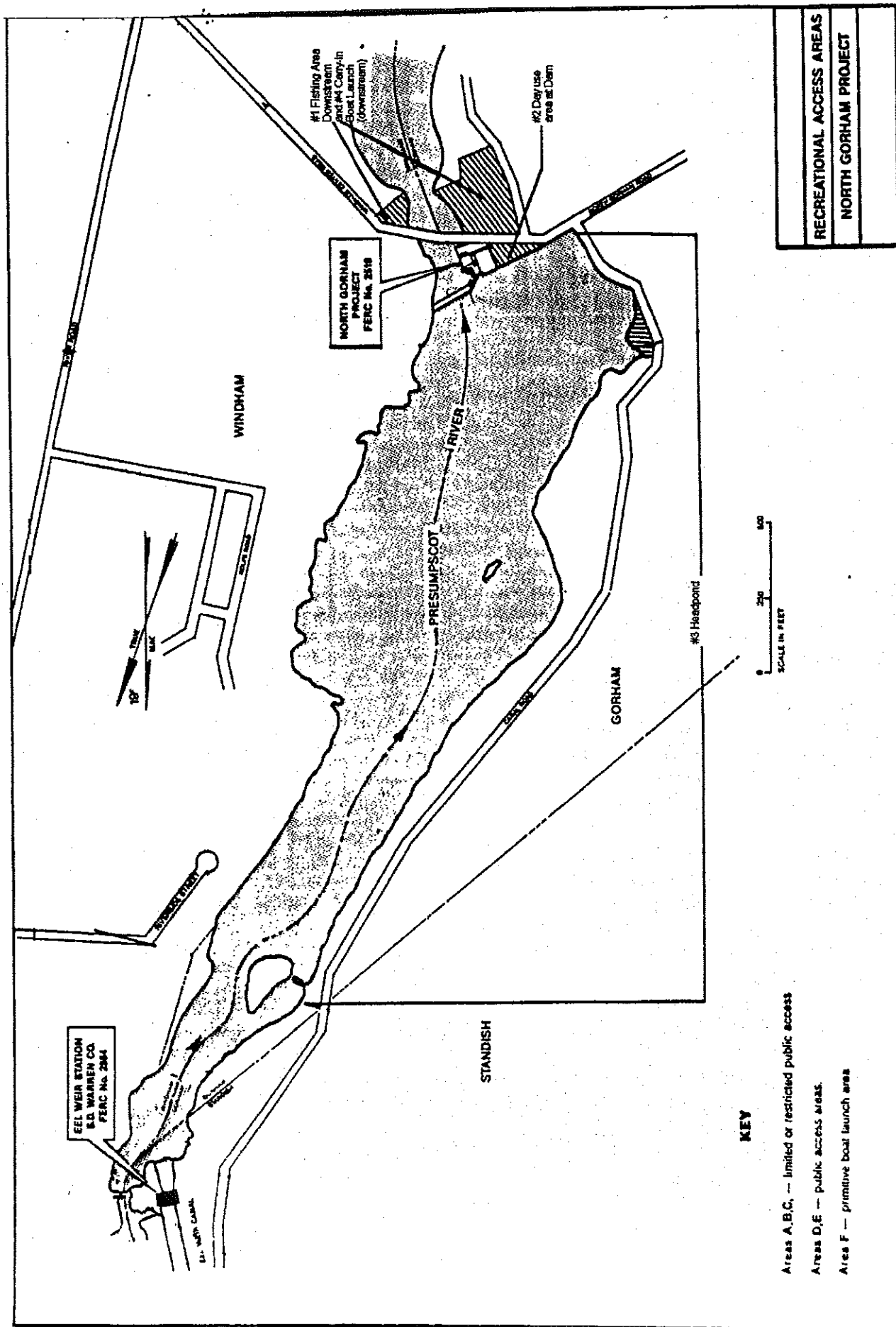
- "(C) The deadline for filing the first recreation report required by article 407 of the license for the North Gorham Project No. 2519 is extended until June 15, 1997.*
- (D) Article 407 of the license for the North Gorham Project No. 2519 is amended to require filing of the recreation report by June 15 of each year in which FERC Form No. 80 is due, under Part 8 of the Commission's regulations (18 C.F.R. §8.11 (1996))."*

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b. Project Description

The North Gorham Project (FERC No. 2519) is located on the Presumpscot River in the towns of Gorham, Windham, and Standish, Maine. The hydroelectric development was originally constructed in 1900-1901. The Project consists of a 24-foot-high stone masonry and concrete dam, powerhouse, transformer house, switch house, and an impoundment extending approximately 1.1 miles upstream. The powerhouse contains two turbines and generators which were installed in 1925-1926. The two generators have an aggregate nameplate rating of 2,250 kW. The powerhouse has a gross head of 34.4 feet available at normal pond level, elevation 221.8 feet (USGS).

A map of the Project and its recreation sites is included on the following page.



Recreation Monitoring Report for the North Gorham Project

II. Methodology

a. Data Collection

Licensee owns and operates 29 hydro-electric facilities that require FERC Form 80 filing and 9 projects with 11 developments which required a report on recreational usage during the same time period. The reporting format for each submission starts with a common template, which is then customized for the specific facility being reported on. As such, some of the references in the text that follows refers to protocols and practices that are used across all the Licensee's facilities falling in this reporting period.

At the beginning of the study, a Data Collection Protocol was issued to employees of the Licensee for each river system. The protocol briefly described the purpose for the data collection and the Form 80 process. The document then went on to describe the methods for data collection. The data collection process was based on the prescriptions put forward in this document. Data collection was performed as follows:

Spot Counts:

The Licensee performed numerous spot counts at all commonly used formal and informal recreation sites and points of public access to the Project. These counts were documented on a survey form (see Appendix C). In order to support statistical analysis, sampling was conducted in a random fashion. The sampling covered weekdays, weekends, and holiday-weekend days. Once days were selected, a daily circuit was laid out to allow visits to each recreation facility on each sampling day. The visits were started at a different location at a different time during each circuit to allow for random sampling. The spot counts recorded number of vehicles, boats, and people at a facility. The counts also recorded the activities that individuals were participating in. The Licensee conducted spot counts two weekdays per week and one weekend day per week during the standard family recreation season.

Calibration Counts:

Calibration counts were also performed at each Project recreation site and were documented on a survey form (see Appendix D). These counts were taken at the same sites where spot counts were performed, but for longer periods of time. The time spent on site for calibration counts varied by site. Typically a calibration count lasted from one hour to three hours. The calibration counts were performed randomly. When completing a calibration count, the individual performing counts would record number of people observed, observed activities, number of vehicles and trailers, time in and time out.

Personal Interviews to Determine Percent Capacity of Recreational Use:

With the exception of a few urban recreational sites, the majority of the Licensee's recreation sites located on the Saco, Presumpscot, Androscoggin, Kennebec, and Dead Rivers in Maine are designed to reflect a preference for primitive/low tech facilities. (This design criteria has been advised and promoted by State of Maine natural resource agencies.) As a result of the more primitive development, most facilities have gravel

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parking areas without defined parking spaces, unless there is a specific parking problem at a particular site.

This being the case, it would have required broad estimates of existing parking capacity to be able to do a statistical capacity evaluation at most of the monitored recreation sites.

Since there are few recreation sites consistently used over their capacity in the Licensee's hydro system, the identification of over capacity sites at the monitored projects was based on the judgement of professionals familiar with the projects.

In addition to spot and calibration counts, individuals familiar with the Project were contacted and asked to provide percentage estimates of public use at access sites, based on their personal observations. Persons contacted included state fish and game wardens, biologists, professionals working on the rivers or projects, as well as local residents and others, as they were most familiar with uses at the Project. Numbers were requested for weekday versus weekend and holiday use at each site. Responses from various individuals for each recreation site were evaluated and averaged to determine site percent recreation capacity use. If respondents reported widely varying percent capacity use, additional site users were contacted in order to provide additional insight and information on the site so an appropriate percent capacity of use could be determined. All interview data were documented in a table and are available in Appendix D.

b. Statistical Analysis

Assumptions

Average Number of Persons in Party:

For the North Gorham Project, calibrations serve as the basis of the estimated number of persons per group. The calibration data provide the most accurate picture of the average number of people per party. With calibration data, recreation parties are recorded individually, unlike spot count data, which counts the total number of people at the site, but does not provide details by party. To estimate the average number in a party, the calibrations for all recreation sites at a project were combined; averages were then calculated by season. At this project, summer and fall calibrations were available. For the spring, it was assumed that the number of persons per party was the same as the fall.

Days per Time of Use (Season and Type of Day):

Recreation use was developed for six periods of use:

- spring weekday (61 days, from March 1 through May 24),
- spring weekend (24 days, from March 2 through May 19),
- summer weekday (68 days, from May 28 through August 30),
- summer weekend/peak day (33 days, from May 25 through September 2),

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- fall weekday (43 days, from September 3 through October 31), and
- fall weekend (16 days, from September 7 through October 27).

No wintertime use was recorded at the North Gorham Project.

Development of Annual Daytime Use, by Data Types

Spot Counts

For the spot counts, the following steps were taken to develop estimates of recreational use:

1. Spot count data were compiled and sorted by season and then by type of day (either weekday or weekend/peak day) for each recreation site within the Project.
2. The number of persons counted at each spot count was adjusted, as necessary, based on the number of vehicles recorded during the spot count. If the number of cars recorded was greater than the number of people recorded, then an adjustment was required. The adjusted number of people was calculated by multiplying the average number of persons per party (calculated as described above) by the number of vehicles recorded.
3. The total number of persons/adjusted number of persons for each time of use (by season and day) was calculated for each recreation site.
4. The average use per spot count calculated for each time of use (by season and day type) for each site.
5. The estimated daily use (by season and day type) at each site was developed based on the number of recreation hours (16 hours: from 6AM to 10PM).
6. For sites that lacked data for one or more times of use (e.g., fall weekday), estimates were made of the expected use during these times based on the relationships between usage at other times. For example, average daily use during fall weekdays may be estimated by multiplying the average daily fall weekend use (if available) by the ratio of average daily summer weekday use to average daily summer weekend/peak day use.
7. Seasonal use for each day type was estimated by multiplying the total number of days (e.g., summer weekdays) by the estimated daily use for that time of use.
8. The total seasonal use for the Project by day type was calculated by summing the usage at all the recreation sites within the Project.
9. For the summer and fall, the seasonal use was averaged with the estimates derived from calibrations.
10. To estimate annual daytime use, the total seasonal use for spring, summer, and fall were added together.

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Calibrations

For the calibrations, the following steps were taken to develop estimates of recreational use:

1. As necessary, adjustments were made in the count of people. If there was a record of a vehicle, but no count of people, then an adjustment was required, using the average number of persons per party (calculated as described above).
2. The counts from individual calibration records were summed for each day to obtain the total number of individuals recreational activities during the three-hour period.
3. A summary table was developed for each recreation site, sorting data by type of day (either weekday or weekend/peak day). Summer and fall data were collected.
4. The total number of persons for each type of day was calculated for each recreation site.
5. The average use per three-hour calibration was calculated for each day type for each site.
6. The estimated daily use (by season and day type) at each site was developed based on the number of recreation hours (16 hours: from 6AM to 10PM—adjusted for the three-hour calibration period).
7. Seasonal use for each day type was estimated by multiplying the total number of days (e.g., summer weekdays) by the estimated daily use for that time of use.
8. The total seasonal use for the Project by day type was calculated by summing the usage at all the recreation sites within the Project.
9. The seasonal use was averaged with the summer and fall estimates derived from spot counts.

Development of Annual Nighttime Use

Nighttime use at the North Gorham Project was estimated strictly from camping data. The following steps were taken to develop estimates of nighttime use:

1. The number of campers recorded through spot counts and/or calibrations at each recreation site was totaled. Camping was recorded at the Headpond at the North Gorham Project.
2. Counts were divided according to time of use (season and type of day). Only summer use was recorded at the Project.
3. A calculation of camping use as a percentage of total use at the site was made.
4. The percentage of camping use was applied to the total summer use at the site to obtain an estimate of the total nighttime use.

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Development of Peak Use

Peak daytime use was calculated from the sum of daily weekend summer use at all of a Project's recreation sites. For the North Gorham Project, both spot counts and calibrations were available; therefore, the averages of the summer weekend figures are used. Since a peak weekend is considered to be a long weekend, the average weekend day figure is multiplied by three.

For peak nighttime use, the total summer weekend use was divided by the number of weekend days in the summer (33 days), to estimate daily weekend use. The daily use number was multiplied by three to compensate for a long weekend.

Development of Usage by Recreational Activity

Participation rates were developed for nine recreation activities: boating, fishing, picnicking, camping, swimming, hunting, snowmobiling, sight-seeing, and "other". To develop the participation rates, weighted averages were developed based on seasonal and site-specific recreational use (i.e., estimates were developed by activity for each site and time of use, such as summer weekday). The participation rates, in terms of percentages, were then applied to the total recreation usage (daytime and nighttime) to estimate use by activity type.

Recreation Monitoring Report for the North Gorham Project**III. Percent Capacity of Recreational Use**

To obtain information regarding the use and capacity at each recreational site within the Project, personal interviews were conducted. Individuals familiar with the area were questioned regarding the usage of each site within the development. They were asked to give a percent for which they believed the site was being utilized. Responses for each recreation site were evaluated and averaged to determine site percent recreation use. For sites with widely distributed percentages, additional interviews were conducted to obtain more accurate information. At some sites, the interviewees preferred to characterize use as light, moderate, or heavy. At those areas, the Licensee interpreted the characterized use as a percent capacity. The following recreation sites were included in the FERC Form 80 report:

Site #	Site	Capacity
1	Fishing Area Downstream	50 %
2	Day use area at dam	50 %
3	Headpond	40 %
4	Carry-in Boat Launch (downstream)	40 %

The interview data, documented in table form, is available in Appendix D.

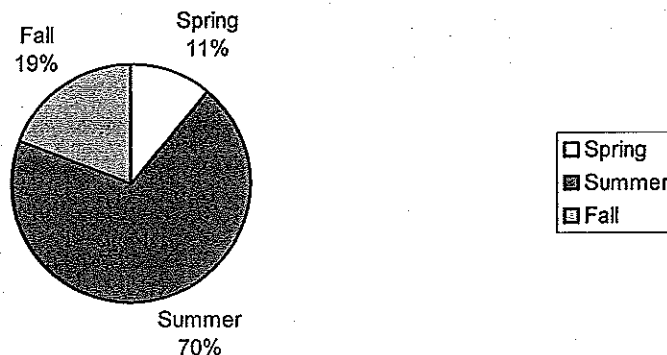
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IV. Summary of Current Recreation Use

a. Current Usage

In 2002, there was an estimated 16,539 daytime recreational trips made to the North Gorham Project. Recreational usage was greatest in the summer, with approximately 70 percent of the trips (11,517 trips). Usage at the North Gorham Project was lowest in the spring, with only 1,831 trips (11 percent). Fall recreational usage was estimated to be 3,191 trips (19 percent of total use) in 2002. No wintertime usage was evaluated at the Project. Figure 1 below illustrates the distribution of recreational usage by season in 2002.

Figure 1: Recreational Usage by Season, 2002



Nighttime usage at the North Gorham Project was significantly lower than daytime usage in 2002. Total nighttime use, as identified by camping activity, was estimated to total approximately 472 nights, less than 3 percent of total annual usage.

b. Recreational Activity

For this recreation report, statistics were developed for nine recreation activities. These activities included: boating, fishing, picnicking, camping, swimming, hunting, snowmobiling, sight-seeing, and "other". Swimming and fishing are the dominant activities at the North Gorham Project, with 38.5 percent and 26.2 percent, respectively, of recreationists participating in these activities. Since swimming would only occur during the warmer months, a higher proportion of recreationists would be involved in swimming in the summer.

Boating (15.3 percent) and "other" activities (13.4 percent) were frequently enjoyed at the North Gorham Project. Picnicking (3.3 percent) and camping (2.6 percent) were enjoyed by less than one-tenth of the recreationists. Sightseeing was minimal at the

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Project. No snowmobiling or hunting activity was recorded at the Project. Table 1 presents participation in recreational activities by recreation days for 2002.

TABLE 1: RECREATIONAL ACTIVITIES BY RECREATION DAYS

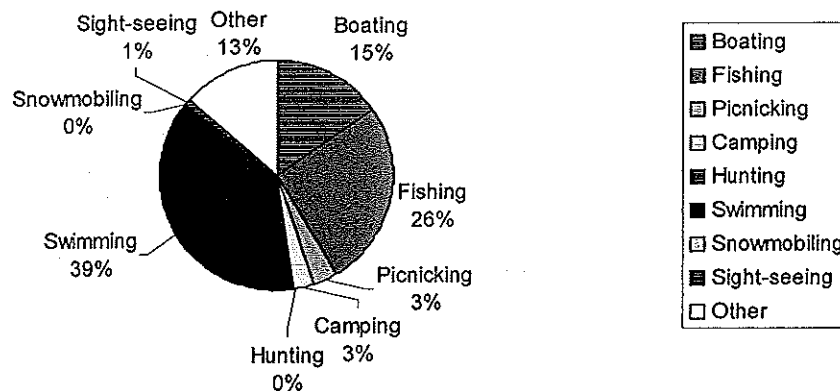
FPL Energy Maine Hydro LLC: North Gorham Project

Activity	Usage (Recreation Days) (a)	Participation Rate
Boating	2,753	15.3%
Fishing	4,710	26.2%
Picnicking	591	3.3%
Camping	472	2.6%
Swimming	6,926	38.5%
Hunting	0	0.0%
Snowmobiling	0 ¹	0.0%
Sightseeing	141	0.8%
Other	2,406	13.4%
Total Use	17,999	100.0%

(a) Includes daytime and nighttime use.

Recreation participation rates are illustrated in Figure 2 below. While recreationists may participate in more than one activity during their trips to the North Gorham Project, the percentages presented here total to 100 percent since only one activity was recorded per person during the spot counts.

Figure 2: Recreational Activity Participation Rates



Anecdotal information that was gathered during the study suggests that the primary users of the Project are those people who live in the local community. Ice fishing does occur on the impoundment though data was not collected.

¹ No wintertime use was evaluated.

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V. History of Improvements or Issues

a. Recreation Development

The North Gorham Project is a relatively small project of 98 surface acres in the urban area of North Gorham and Windham. Fishing and swimming are the primary activities at the Project and recreation opportunities are utilized primarily by area residents.

During the relicensing process, consultation was undertaken with the towns of Gorham and Windham. At that time, the primary concern at the Project was unruly users and extensive vandalism at the site. The Licensee made repairs to fences, boarded up windows, and installed other safety devices to control vandalism at the powerhouse. The towns cooperated with increased police patrols and assistance with recreational maintenance. The public use area at the dam was cleaned up. Picnic facilities were installed and the public was permitted to continue to use the far southern portion of the dike area as a swim beach.

A carry-in boat launch was installed downstream of the dam in the town of Windham, to provide adequate small boat and canoe access to the tail waters of the Project. This same area was open to bank fishing. The site is leased to the town of Windham and is also maintained by the town.

Recreation Monitoring Report for the North Gorham Project

VI. Consultation

a. List of Recipients of Consultation Letter

On April 16, 2002, preliminary consultation letter was sent to the parties designated in Article 407 of the North Gorham Project License (see Appendix A). The following parties received the letter:

Ron Lovaglio, Commissioner- The Maine Department of Conservation
Lee Perry, Commissioner- The Maine Department of Inland Fisheries & Wildlife
Gordon Russell- U.S. Fish and Wildlife Service
Board of Selectpersons- Town of Windham
David Cole- Town of Gorham Town Manager

b. List of Written Comments Received

To date, comments have been received from:

Gordon Russell- U.S. Fish and Wildlife Service (USFWS)
Francis Brautigam, Fishery Biologist- Maine Department of Inland Fisheries & Wildlife (MDIF&W)

The letters are located in Appendix B.

c. Summary of Responses

A response letter dated May 24, 2002, was sent from Mr. Gordon Russell of the U.S. Fish and Wildlife Service. The letter stated that they "expected a detailed draft study plan that outlined methods to be used to collect recreational survey information". Because no study plans were provided, general recommendations were given: (1) Observations at recreational sites and public access points, (2) Note number of people, vehicles (including boats), activities, and parking spaces available, and (3) Random sampling of weekdays, weekends, and holidays at random times (morning, mid-day, and evenings).

Francis Brautigam of the Maine Department of Inland Fisheries and Wildlife replied in a letter sent May 13, 2002. He expresses that the public holds interest if the North Gorham carry-in access site can be adjusted to accommodate small trailered boats. Additional emails from Mr. Brautigam arrived to FPL Energy Maine Hydro LLC (FPLE) on 12/5/02. The first email stated that the North Gorham is not stocked and supports a winter and spring fishery for brook trout, brown trout, and salmon that drop down from the Eel Weir Bypass. The second email requested the barriers at the boat access below North Gorham dam be removed, permitting trailer access to the ramp. This would provide access to the tailwater and Dundee Impoundment. Mr. Brautigam stated, "It is the only available public launch that could be used by the general public to gain boat access to Dundee Impoundment." Mr. Brautigam requested that the license be modified to reflect the barrier removal. The email continued with fish stocking and the current fishery in the tailwater and within Dundee Pond.

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d. Licensee Response to Comments

The letter from the USFWS, making recommendations on how recreational use data should be collected at the projects, virtually mirrored the Licensee's protocol for data collection. Since the data collection procedures were basically the same, the Licensee did not respond to the USFWS at that time. The Licensee data collection methodology is detailed in this report.

In response to the e-mail communication from Francis Brautigam of the MDIF&W, the Licensee emailed a reply to Mr. Brautigam discussing the reason and intent of the original plan for the carry-in access to the tailrace section of the North Gorham Project and disagreeing with the assumption that a trailer launch is needed in this area to support Project related recreation.

The Project extends only a short distance downstream of the dam and the tailrace area is not conducive for, or deep enough for, safe motorized boat fishing. The Licensee also pointed out that Mr. Brautigam's primary goal was to provide motorized boat access to a downstream project not owned by the Licensee, and this action is not the responsibility of this Licensee. The Licensee has no objection to the conversion of the site if the towns of Windham and Gorham are in agreement with the plan; however, the towns and the MDIF&W would be responsible for any and all improvements and O&M for the converted site.

e. Summary of Telephone Consultation

November 18, 2002

Telephone consultation between William Campbell (E/PRO) and Mark Robinson (Town of Windham, Recreation Director).

The Windham Recreation Director indicated that the downstream carry-in boat site is operating fine with no serious problems. Mr. Robinson has discussed the possibility of opening the carry-in site to trailer launching with the MDIF&W. Mr. Campbell suggested that if the site requires expanded parking it would probably require expanding into wetlands. Also, there are presently no horsepower restrictions for this section of river so jet skis could become a problem. Mr. Robinson indicated Windham would continue to consider opening the site to trailer launching but is concerned about creating problems where none currently exist. Over use, crowding, and high boat speeds are areas of concern to the town.

Mr. Robinson suggested that the Licensee loosen the language restrictions in the current lease for the carry-in site to allow for more flexible local management decision making.

Telephone consultation between William Campbell (E/PRO) and Cynthia Hazelton (Town of Gorham, Recreation Director).

The Gorham Recreation Director reports that everything appears to be going fine at the North Gorham Project. Most of the more serious social behavioral problems have

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diminished; however, Ms. Hazelton suggested that the Gorham Chief of Police be contacted for a more accurate report on any problems at the Project recreation areas.

Cynthia Hazelton indicated that no recreational facilities improvements or additions were needed at this time. Ms. Hazelton was also in disagreement with the idea of opening the downstream area of the North Gorham Project to trailer access. Ms. Hazelton is of the opinion that the water area downstream of the North Gorham Project is too small in size to support high power motorized boating, and this type of use would disrupt and create conflicts with current non-motorized boating in the area.

Telephone consultation between William Campbell (E/PRO) and Ron Shepard (Town of Gorham, Chief of Police).

Chief Shepard indicated that the more serious social behavior problems at the site have diminished, although there are times during peak use that problems can be expected, especially with the influx of people from other neighborhoods on hot days. The recreation areas at the North Gorham Project are packed on hot days. However, with the limited space available near the dam and around the impoundment, expansion of facilities is not possible, and the area is at capacity on hot days. Any additional expansion of amenities at or near the impoundment would attract additional people for which there is not enough space to accommodate.

f. North Gorham Fish Stocking Program

Yearly North Gorham Pond Tailrace/Bypass is stocked with Brown Trout by the Maine Department of Inland Fisheries and Wildlife. Spring yearling are stocked twice during the spring to total 500 fish. This Presumpscot River program enhances the recreational value of fishing by providing a better trout population for anglers.

The following table shows the stocking data for the past six years:

MDIF&W Stocking in the North Gorham Pond Tailrace/Bypass (Unmarked spring yearling Brown Trout on the Presumpscot River)	
Number Stocked	Date
250	5/2/2002
250	4/8/2002
250	5/24/2001
250	5/18/2001
250	5/10/2000
250	4/24/2000
250	5/27/1999
250	4/28/1999
250	5/19/1998
250	4/14/1998
500	4/24/1997

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The North Gorham Pond is not stocked. According to the MDIF&W, the pond does support Brook Trout, Brown Trout, and Salmon that drop down from the Eel Weir bypass. The Eel Weir bypass is scheduled to receive 1600 Brook Trout and 600 Salmon annually; however, the availability of additional fish may increase the number and species of salmonids stocked. These fish eventually drop down into the North Gorham tailwater.

g. Agency Comments of Draft Monitoring Plan

A letter dated August 20, 2003, was received from Lawrence Miller from the USFWS. An exact duplicate of the letter was also sent on September 15th. The letter stated that the agency does not agree with the discrepancy between the percent capacity and estimates by interviewed individuals. USFWS recommended that FPLE submit a plan to address the over capacity at the Project facilities.

James Pellerin at the MDIF&W sent an e-mail to Bill Campbell on July 28, 2003, regarding the draft Recreation Monitoring Report. Comments included that winter use should be stated as "not evaluated" rather than "no wintertime usage". A correction was needed on page nine that the dominant activities are swimming and fishing and not swimming and picnicking. MDIF&W feels that there is a need for a small trailered launch at the facility. Mr. Pellerin also requested that information in a previous e-mail between Francis Brautigam and Matt LeBlanc regarding fish stocking at Eel Weir bypass be included in the report.

A copy of the correspondence is included in Appendix B.

h. Licensee Response to Draft Monitoring Plan Comments

Licensee Response to the USFWS letter of September 15, 2003, on the North Gorham Project

The North Gorham Project recreation facilities are surrounded by urban development, private property, and public highways. The Licensee would agree that the area near the dam is crowded on hot summer days. Unfortunately, the entire recreationally accessible area in the vicinity of the dam measures no more than 300-feet-long by 50-feet-wide, bordered by a public highway. Almost this entire area is devoted to recreational access to the impoundment. The configuration of the impoundment, the location of the structures, and the confinement of the public road make any expansion of this access very problematic. As a result, it is not possible to accommodate over capacity issues at North Gorham because there is no more available room to do so. This fact is echoed by the Gorham Chief of Police, Ron Shepard, in the September 15, 2003 letter. Both Chief Shepard and the Gorham Recreation Director, Cynthia Hazelton, made it clear to the Licensee that no additional recreation improvements are possible, and no expansion is wanted by the Town of Gorham. Specifically, the comments by Chief Shepard referred to the limited space available near the dam and around the impoundment, and that expansion of facilities was not possible.

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This is not an access infrastructure issue (such as need for additional parking). The space available at the public use area near the dam is not large enough to accommodate additional users on peak use days.

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VII. Licensee Proposal

The Licensee believes that recreational needs are being adequately met at the North Gorham Project, with the recreation facilities currently provided.

The Licensee is not in agreement with the MDIF&W request to convert the current carry-in access site to a trailered launch facility, to supply access to a downstream project. However, the Licensee will consider approval of such a conversion if the towns of Windham and Gorham are in agreement with the plan, and the state and towns assume responsibility for providing all improvements, operations, and maintenance of the site to accommodate trailers.

The primary stated purpose of the request was to provide motorized access to a downstream project, not operated by FPL Energy Maine Hydro LLC, and it is not the Licensee's responsibility under the terms of the North Gorham Project License to provide this.

Licensee proposed to address the Town of Windham's request for less restrictive lease arrangements, by addressing the Town's concerns on a case-by-case basis and making adjustments to the standard corporate project lease on an as needed basis.

The Licensee has no desire to impinge upon the Town's management of their leased lands; however, FERC regulations require that the Licensee maintain responsibility for that management and lease changes will be considered as conditions warrant.