

12/9/93-cc: DRD, RGL, SAV, WCB E&L ROUTING: GJM, RCR, WEH, FRD E&L FILES: BON-ARC; FTH-ARC; GUL-ARC; MES-ARC; MOO-ARC; MOX-ARC; NGO-ARC; SKE-ARC; WES-ARC, WYM-ARC
ENGINEERING FILES: 488-8.3.1.2; 269-8.3.1.2; 170-8.3.1.2; 827-8.3.1.2; 96-8.3.1.2; 609-8.3.1.2; 372-8.3.1.2; 317-8.3.1.2; 160-8.3.1.2; 198-8.3.1.2

PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL ENERGY REGULATORY COMMISSION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE MAINE STATE HISTORIC PRESERVATION OFFICER
FOR THE MANAGEMENT OF HISTORIC STRUCTURES AND ELIGIBLE
ARCHAEOLOGICAL SITES THAT MAY BE AFFECTED BY NEW
LICENSES ISSUING TO CENTRAL MAINE POWER COMPANY AND
KENNEBEC WATER POWER COMPANY
FOR TEN HYDROELECTRIC OR STORAGE PROJECTS
IN MAINE

WHEREAS, the Federal Energy Regulatory Commission (Commission) proposes to issue new licenses to the Central Maine Power Company and Kennebec Water Power Company (hereinafter, "CMP" and "Kennebec" respectively, or "Licensees"), to continue operating the following ten hydroelectric and storage projects

- » Bonny Eagle, Project No. 2529,
- » Fort Halifax, Project No. 2552,
- » Gulf Island-Deer Rips, Project No. 2283,
- » Messalonskee, Project Nos. 2555, 2556, 2557, and 2559,
- » Moosehead, Project No. 2671,
- » Moxie, Project No. 2613,
- » North Gorham, Project No. 2519,
- » Skelton, Project No. 2527,
- » Weston, Project No. 2325, and
- » Wyman, Project No. 2329,

(hereinafter, collectively "projects" or individually by project name) as authorized by Part 1 of the Federal Power Act, 16 U.S.C. 791(a)-825(r); and

WHEREAS, the Commission has determined that the projects may affect structures and eligible archaeological sites, included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "historic structures" and "eligible archeological sites", respectively); and,

WHEREAS, the projects, historic structures and eligible archeological sites, and anticipated effects, constituting the factual basis of this Programmatic Agreement, are as described in the attached Appendix; and

WHEREAS, the Commission has consulted with the Advisory Council on Historic Preservation (hereinafter, "Council") and the

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 2

Maine State Historic Preservation Officer (hereinafter, "SHPO") pursuant to 36 CFR Part 800, at § 800.13 of the Council's regulations implementing Section 106 of the National Historic Preservation Act, as amended, (16 U.S.C. 470f); and

WHEREAS, the Licensees have participated in consultations and are invited to concur in this Programmatic Agreement; and

WHEREAS, the Commission will require the Licensees to implement the provisions of this Programmatic Agreement as conditions of the new licenses for the projects;

NOW THEREFORE, the Commission, the Council, and the SHPO (hereinafter, "Parties") agree that, during the period beginning on the date on which the first new license for any one of the projects is issued and ending on the date on which the last new license issued expires (hereinafter, "duration"), the projects will be administered in accordance with the following stipulations to satisfy the Commission's Section 106 responsibilities.

S t i p u l a t i o n s .

The Commission will ensure that the following measures are carried out. All stipulations that apply to the Licensees similarly will apply to any and all of their successors insofar as operation of the projects are concerned. Compliance with any stipulation or stipulations codified herein does not relieve a Licensee of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.

I. MAXIMUM EXPENDITURE FOR PREHISTORIC ARCHAEOLOGY

A. Maximum Expenditure: The Licensees will be required by the stipulations in this Programmatic Agreement to spend no more than \$3,022,000 dollars for the duration for the following purposes:

1. completing Phase 2 archaeological investigations for the Fort Halifax and Moosehead Projects,
2. additional archaeological investigations extending up the Sandy River for the Weston Project,
3. avoiding or minimizing disturbances to eligible archeological sites through data recovery, erosion control

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 3

techniques, or some combination of data recovery and erosion control techniques,

4. educating the public on the archaeology of the State of Maine; and

5. curation fees.

B. Further Expenditures

1. In addition to the maximum expenditure specified in § I.A. above, CMP will spend up to 100,000 dollars to excavate or otherwise protect the historic property designated ME 69-11 (hereinafter, "ME 69-11") at the Weston Project,

a. if erosion control measures are not effective in preserving the site, or

b. if CMP is unable to obtain landowner consent to install erosion control measures, or

c. if CMP is unable to obtain needed federal, state or local permits to install erosion control measures, or

d. if the cost of implementing erosion control measures exceeds 56,000 dollars.

2. In addition to the maximum expenditure specified in § I.A. above, CMP will spend an unspecified annual amount for monitoring.

C. Expending the Monies

1. In each year of the duration beginning on the first year, the Licensees will consult with the SHPO to determine the following:

a. the amount of monies to be spent for the ensuing year, and

b. the specific objectives to be achieved in the ensuing year using those monies.

2. Within 45 days of consulting with the SHPO pursuant to this section, the Licensees will file an annual report with the Commission detailing the amount of monies to be spent for the ensuing year, and the specific objectives to be achieved in the ensuing year using those monies.

a. If the Licensees and the SHPO agree on the sum of money and the specific activities to be conducted during the ensuing year, the Licensees will file their reports with the Commission for information only.

b. If the Licensees and the SHPO disagree on the sum of money or the specific activities to be conducted during the ensuing year, the Licensees will file their reports with the Commission, pursuant to § III.G. of this Programmatic Agreement, Dispute Resolution, requesting that the Commission resolve the disputed matter.

3. Licensees' annual expenditures, as specified in § I.A only, in any one year will not exceed 375,000 dollars.

4. The specific objectives to be achieved in each ensuing year will be demonstrably and substantially related to the purposes enumerated in §§ I.A. and I.B., above.

5. The Licensees will not be required to spend monies for any purpose specified in this Programmatic Agreement, at any particular project, except during the term of that particular project's license.

6. Monies spent by the Licensees for any purpose enumerated in § I.A., above, after January 1, 1993, but prior to any license issuing, will be spent in consultation with the SHPO and will commensurately reduce the amount of the maximum expenditure specified above.

7. The additional archaeological investigations for the Weston Project, not including monies set aside for ME 69-11, are expected to account for as much as 100,000 dollars of the maximum expenditure specified above. If the amount actually and eventually required for this purpose is less than 100,000 dollars, the maximum expenditure specified above shall be reduced by the amount of the unused balance.

II. CULTURAL RESOURCES MANAGEMENT PLAN

The Licensees will, in consultation with the SHPO implement the following Cultural Resources Management Plan (hereinafter, "CRMP") at each of the projects to avoid or mitigate adverse effects to historic structures and eligible archaeological sites.

A. Historic Project Structures: To avoid or mitigate adverse effects that could inadvertently occur during non-routine daily activities (i.e., the repair or replacement of significant

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 5

structural fabric and mechanical systems) at the ■ Weston, ■ Gulf Islands, ■ Automatic, ■ Union Gas, ■ Oakland, ■ Wyman, ■ Bonny Eagle, and ■ Fort Halifax Projects, the Licensee will conduct non-routine maintenance, repair and upkeep of the historic structures employed as hydroelectric generating facilities (hereinafter, "historic project structures"), according to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 Federal Register 444716 et seq.; hereinafter, "Secretary's Standards").

1. Replacement will be in kind to the extent this approach is consistent with the continued use of the historic project structures as hydroelectric generating facilities.

2. Alteration of the historic project structures, including major repair or replacement of any elements or components of any of the historic project structures, or demolition, or project redevelopment exceeding the scope of the Secretary's Standards, will be undertaken only after consultation with the SHPO to insure that potential effects are avoided, or that appropriate plans to mitigate effects are incorporated into design, location, and construction techniques and materials.

3. If any historic project structures, or any components thereof, that contribute to the overall eligibility of any historic project structures, must be replaced or demolished, and feasible alternatives are not identified in consultation with the SHPO, the Licensee(s) will consult with the SHPO to identify a strategy for mitigating the loss of the historic project structure or component, including, but not limited to, recording the structure or component to be replaced or demolished according to Historic American Engineering Record (hereinafter, "HAER") standards.

a. If the Licensee and the SHPO agree upon a strategy for mitigating the loss of the historic project structure or component, the Licensee will implement the agreed-upon strategy.

b. If the SHPO fails to respond within 45 days of receiving the Licensee's request for consultation, the Licensee's strategy for mitigating the loss of the historic project structure or component will be deemed adequate for purposes of this Programmatic Agreement.

c. If they disagree, the Licensee will submit the disputed matter to the Commission, pursuant to § III.G. of this Programmatic Agreement, for dispute resolution.

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

4. If the Licensee and the SHPO agree upon HAER recordation, or if the Commission directs a Licensee as a result of dispute resolution, pursuant to § III.G, to implement HAER recordation to mitigate the loss of an historic project structure or component, the Licensee will implement the HAER recordation strategy before replacing or demolishing, or otherwise adversely affecting any of the characteristics of the historic project structure or component that contributes to the eligibility of the historic project structure.

B. Archaeological Site Monitoring and Data Recovery Plans:
Within one year of the date a license issues, the Licensee will, for each of the ten projects subject to the stipulations of this Programmatic Agreement, consult with the SHPO to design and implement a monitoring and data recovery plan appropriate to each project.

1. The monitoring and data recovery plans will include specific provisions for monitoring historic structures and eligible archaeological sites for vandalism and the effects of on-going project operation, and for recovering data pursuant to §§ III.B.1 through III.B.2.

2. The Licenses will comply with this section by consulting with the SHPO in the following manner.

a. If a Licensee and the SHPO agree upon a monitoring and data recovery plan, the Licensee will implement the agreed-upon plan.

b. If, with respect to any particular project, the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's proposed plan will be deemed adequate at that project for purposes of complying with this section.

c. If, with respect to any particular project, a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission, pursuant to § III.G. of this Programmatic Agreement, for dispute resolution.

3. With respect to monitoring methodology and the criteria to be used to determine whether any discovered alteration of the attributes that contribute to a structure or archaeological site's eligibility constitutes an emergency, the monitoring and data recovery plans will be clearly consistent with the procedures in "Policy on Hydro Relicensing and Archaeological Site Management", July, 1992 (hereinafter,

"Policy"). Revisions to this policy will not be used to comply with this section except as provided for in § III.H.1. of this Programmatic Agreement.

4. For purposes of designing and implementing monitoring and data recovery plans, the term eligible archaeological sites includes all sites that have been identified in archaeological studies completed by the Licensees preparatory to receiving new licenses but which have not been determined not to be eligible, or sites to which the National Register Criteria of Evaluation has not yet been applied pursuant to § III.A.3. of this Programmatic Agreement. These terms specifically include, without being limited to, the following archaeological sites of particular concern:

a. Bonny Eagle: archaeological sites ME 7-4, ME 7-7, ME 7-12, ME 7-6, ME 7-9, ME 7-11, ME 7-13, ME 7-16, ME 7-19, and ME 7-21.

b. Fort Halifax: archaeological sites ME 53-15, ME 53-16, ME 53-29, ME 53-30, ME 53-59, ME 53-64, ME 53-66, ME 53-69, ME 53-75, ME 53-5, ME 53-6, ME 53-11, ME 53-19, ME 53-21, ME 53-22, ME 53-23, ME 53-31, ME 53-55, ME 53-56, ME 53-57, ME 53-58, ME 53-60, ME 53-61, ME 53-62, ME 53-63, ME 53-65, ME 53-67, ME 53-68, and ME 53-70.

c. Gulf Island-Deer Rips: archaeological sites ME 36-29, ME 36-30, ME 24-32, ME 24-33, ME 36-27, ME 36-28, ME 36-32, and ME 36-37.

d. Messalonskee: archaeological sites ME 37-1, ME 37-16, ME 37-18, ME 37-19, ME 52-26, ME 52-30, ME 53-41, ME 53-42, and ME 53-48.

e. Moosehead: A phase I archaeological survey and subsequent investigations resulted in the identification of over 270 potentially eligible sites. Subsequently, an on-going phase II investigation has significantly reduced the number of potentially eligible sites.

f. Skelton: archaeological sites ME 7-26, ME 7-27, ME 7-28, ME 7-32.

g. Weston: archaeological sites ME 52-10, ME 52-16, ME 69-11, ME 52-9, ME 69-2, ME 69-8, ME 69-24, ME 69-27, ME 69-31, and ME 69-40, and 69-34.

h. Wyman: archaeological sites ME 86-12,

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

ME 86-3A, ME 86-3B, ME 86-11, and ME 86-13.

C. Archaeological Sites: Scientifically-controlled studies designed to identify, evaluate, and assess effects on archaeological sites in the several project areas may be needed after a license has issued to take into account ■ effects disclosed through monitoring plans implemented pursuant to § II.C.1 of this Programmatic Agreement, ■ currently-unknown but on-going effects to archaeological sites, but for lack of access or opportunity, have not yet been evaluated, ■ effects to currently unknown archaeological sites that may be identified during the term of the licenses (hereinafter, "accidental discoveries"), or ■ effects of any currently-unscheduled disturbance at the projects that the Licensees may elect to engage in after this Programmatic Agreement has been executed (hereinafter, "unscheduled disturbance"). Monies to be expended for activities under §§ II.C.1 through 3 are included in the monies enumerated under § I.A. Monies spent for activities under § II.C.4 are not enumerated under § I.A.

1. Effects Disclosed Through Monitoring: If implementing monitoring plans, pursuant to § II.C. of this Programmatic Agreement, discloses alteration of attributes that contribute to an archaeological site's eligibility, whether as a result of on-going project operation or vandalism, the Licensee(s) will consult with the SHPO to design and implement an appropriate strategy for avoiding or mitigating adverse effects.

a. If a Licensee and the SHPO agree on such a strategy and on a schedule for implementing such a strategy, the Licensee will proceed to implement the agreed-upon strategy according to the agreed-upon schedule.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's strategy will be deemed adequate for the particular historic property involved for purposes of this Programmatic Agreement.

c. If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission, pursuant to § III.G. of this Programmatic Agreement, for dispute resolution.

2. Currently Unevaluated Archaeological Sites: The Licensees will consult with the SHPO to design and implement, pursuant to § III.A of this Programmatic Agreement, such further studies that, for lack of access or opportunity, were not implemented prior to the execution of this Programmatic Agreement

but are needed to identify eligible archaeological sites in the projects' area of potential effects, and to schedule the implementation of such studies.

3. Accidental Discoveries: In the event of an accidental discovery, the Licensee will immediately alert the Commission and the SHPO to every accidental discovery at any of the ten projects subject to the stipulations of this Programmatic Agreement, and adhere to the following procedures.

a. The Licensee will halt all work that may affect the accidental discovery until the requirements of this section have been fully met.

b. The Licensee will consult with the SHPO to
■ record, document, and evaluate the National Register eligibility of the accidental discovery, ■ assess the effect, and ■ design a plan for avoiding or mitigating effects to the accidental discovery through erosion control treatment, data recovery or some combination thereof.

(1) If a Licensee and the SHPO agree on the means for complying with § II.C.3.b, above, the Licensee will proceed to implement the agreed-upon means.

(2) If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's proposed means for complying with § II.C.3.b, above, will be deemed adequate for the particular emergency discovery involved for purposes of this Programmatic Agreement.

(3) If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission, pursuant to § III.G. of this Programmatic Agreement, for dispute resolution.

c. The Licensee and the SHPO will schedule implementation of the plan in accordance with the provisions of § I.C.1, above.

d. The Licensees will ensure work crews are informed of the requirement to identify, report and protect all accidental discoveries.

4. Unscheduled Ground Disturbance: Before a Licensee starts any project-related land-clearing or ground-disturbing activities in an area at the project which has not been subjected to an archaeological survey, including, but not limited to

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 10

recreation developments and any project enhancements that may be required by state or federal agencies (e.g., fish passage facilities, canoe portage, etc.), the Licensee will consult with the SHPO concerning the proposed activities.

a. If a Licensee and the SHPO agree on a strategy for taking into account the potential for affecting structures and archaeological sites, the Licensee will implement the agreed-upon strategy.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's strategy will be deemed adequate for purposes of this Programmatic Agreement.

c. If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission for dispute resolution pursuant to § III.G, of this Programmatic Agreement.

D. Implementation of the CRMP: While implementing the CRMP, the Licensees and the SHPO will schedule avoidance and mitigation for disturbances to historic structures and eligible archaeological sites on the basis of objectives agreed upon annually pursuant to § I.C.1, above.

III. GENERAL PROVISIONS

The following general provisions will apply in administering this Programmatic Agreement throughout the terms of the licenses.

A. Identification and Evaluation Studies: In conducting all identification and evaluation studies, the Licensees will consult with the SHPO to design and implement any and all identification and evaluation studies.

1. The Licensees must ensure that all studies are conducted in accordance with the Secretary's Standards.

a. If a Licensee and the SHPO agree on a design for identification and evaluation studies, the Licensee will implement the agreed-upon design.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's design will be deemed adequate for purposes of this Programmatic Agreement.

c. If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission for dispute resolution pursuant to § III.G. of this Programmatic Agreement.

2. The Licensees will provide the SHPO draft reports based on the results of studies for the SHPO's concurrence.

a. If a Licensee and the SHPO agree upon the contents of the report, the Licensee will finalize the report and file a copy with the Commission.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's report will be deemed adequate for purposes of this Programmatic Agreement, whereupon the Licensee will finalize the report and file a copy with the Commission.

c. If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission for dispute resolution pursuant to § III.G. of this Programmatic Agreement.

3. In consultation with the SHPO, the Licensees will, as needed, apply the National Register Criteria to structures and archaeological sites.

a. If a Licensee and the SHPO agree upon a determination of eligibility, such concurrence will be deemed conclusive for purposes of this Programmatic Agreement.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's determination will be deemed conclusive for purposes of this Programmatic Agreement.

c. If the SHPO, within 45 days of being asked to comment, disagrees, or if the Council or the Secretary of the Interior so request, the Commission will request a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR, Part 63.

4. If studies result in the identification of historic structures and eligible archaeological sites, the Licensee(s) will consult with the SHPO to develop a treatment plan for the historic structures and eligible archaeological sites.

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 12

a. If a Licensee and the SHPO agree on such a plan, the Licensee will implement the agreed-upon plan.

b. If the SHPO fails to respond within 45 days of receiving a Licensee's request for consultation, the Licensee's plan will be deemed adequate for purposes of this Programmatic Agreement.

c. If a Licensee and the SHPO disagree, the Licensee will submit the disputed matter to the Commission for dispute resolution pursuant to § III.G. of this Programmatic Agreement.

5. The Licensees, in conducting studies, will take into consideration the National Park Service publication, "The Archeological Survey: Methods and Uses" (1978: GPO stock # 024-016-00091).

B. Archaeological Data Recovery: In all instances where archeological data recovery is deemed appropriate, the Licensee(s) will develop and implement any data recovery plans in consultation with the SHPO and in accordance with the Secretary's Standards.

1. At a minimum, data recovery plans will specify
■ the identities of properties where data recovery is to be conducted, ■ the research questions to be addressed through data recovery and an explanation of their relevance, importance, and data requirements, ■ the methods to be used, with an explanation of their relevance and relationship to the research questions, ■ the methods to be used in data analysis, management, and dissemination, ■ the proposed costs for data recovery, data analysis, and report preparation, ■ the proposed schedule for implementing and completing field work, data analysis, and report preparation, and ■ a description of the Licensee(s)'s method for making the final report available to the professional archeological community and the public.

2. The Licensees, in developing and implementing data recovery plans, will take into consideration the Council's publication, "Treatment of Archeological Properties" (Advisory Council on Historic Preservation, 1980).

C. Report Dissemination: The Licensee(s) will ensure that an appropriate number of copies of all archaeological and other cultural resource reports and documents promulgated pursuant to this Programmatic Agreement are provided to the SHPO and the Commission.

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 13

1. The Licensee(s) will ensure that all such reports are responsive to contemporary professional standards, and in accordance with the Secretary's Standards and the SHPO's guidelines.

2. The Licensee(s) and the SHPO will agree upon the specific number of copies of a report to be printed and distributed before the report is printed.

3. Upon request, the Licensee(s) will provide copies of the reports to other interested parties, but will withhold precise locational data if it appears that its release could jeopardize the integrity of historic structures and eligible archaeological sites.

D. Disposition of Cultural and Human Remains

1. The Licensees will ensure that all materials and records resulting from actions taken pursuant to this Programmatic Agreement are curated within the State of Maine, in accordance with 36 CFR Part 79.

2. If human remains are discovered while carrying out activities pursuant to this Programmatic Agreement, the Licensee(s) will immediately notify the appropriate authorities, as prescribed by Maine Statute and the SHPO to determine an appropriate course of action.

3. The Licensee(s) will ensure that any human remains and grave-associated artifacts encountered during any action pursuant to this Programmatic Agreement are treated in accordance with the Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods," adopted by the Council September 27, 1988, at Gallup, New Mexico.

4. At the request of the SHPO, the Licensees will consult with other interested parties where appropriate and in an appropriate manner concerning the disposition of cultural and human remains.

E. Professional Qualifications: The Licensees will ensure that all historic preservation work carried out pursuant to this Programmatic Agreement is carried out by or under the direct supervision of a person or persons meeting 36 CFR Part 61, Appendix A and the Maine Approved List of Archaeological Contractors.

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 14

F. Review

1. Beginning in the second year of the duration and in every year thereafter, the Licensees will file with the SHPO and the Commission for their review and comment, summary reports of the activities conducted during the previous year and to be conducted in the ensuing year pursuant to this Programmatic Agreement.

2. The SHPO may at any time review activities carried out pursuant to this Programmatic Agreement and may request assistance from the Licensees in completing such a review. The Licensees will cooperate with the SHPO in reviewing activities that are carried out pursuant to this Programmatic Agreement.

G. Dispute Resolution: If the SHPO, a Licensee, or the Council objects to any action or any failure to act on the part of any party to this Programmatic Agreement, CMP, or Kennebec, within 45 days of such action or failure to act, the objecting party, CMP, or Kennebec will file written objections with the Commission.

1. The Commission will consult with any interested parties, CMP, and Kennebec to resolve the objection. The Commission may sua sponte initiate such consultation to resolve any of its objections to actions or to failure to act on the part of any party, CMP, or Kennebec.

2. If the Commission determines that the matter cannot be resolved by consultation, the Commission shall request further comments of the Council pursuant to 36 CFR 800.6(b).

3. Any Council comment provided in response to such a request will be taken into account by the Commission in accordance with 36 CFR 800.6(c)(2) with reference to the subject of dispute. After consultation and review of written responses the Commission will issue a decision on the matter.

4. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 15

H. Amending and Terminating this Programmatic Agreement

1. The Commission, the Council, the SHPO, CMP, and Kennebec may request that this Programmatic Agreement be amended, whereupon the Commission will initiate consultation with the parties, CMP, or Kennebec in accordance with 36 CFR 800.13 to consider such amendment.

2. The Commission, the Council, and the SHPO may terminate the Programmatic Agreement by providing 30 days written notice to the parties, CMP, or Kennebec, provided that the parties, CMP, or Kennebec consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination.

3. In the event of a termination, the Commission will comply with 36 CFR Part 800, at §§ 800.4 through 800.6 with regard to individual actions covered by this Programmatic Agreement.

IV. EXECUTION OF THIS PROGRAMMATIC AGREEMENT

Execution and implementation of this Programmatic Agreement evidences that the Commission has satisfied its responsibilities pursuant to section 106, National Historic Preservation Act, as amended, responsibilities for all individual actions of the Projects.

FEDERAL ENERGY REGULATORY COMMISSION

By: Fred E. Springer 9/28/93
Fred E. Springer, Director, Office of Hydropower Licensing

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert D. Bush 10/27/93
Robert D. Bush, Director

MAINE STATE HISTORIC PRESERVATION OFFICER

By: Earle G. Shettleworth Jr. 9/29/93
Earle G. Shettleworth Jr., State Historic Preservation Officer

Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 16

CONCUR: CENTRAL MAINE POWER COMPANY

By: Gerald C. Poulin
Gerald C. Poulin, P.E., Vice President, Engineering

CONCUR: KENNEBEC WATER POWER COMPANY

By: Gerald C. Poulin
Gerald C. Poulin, P.E., President

Appendix to:

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL ENERGY REGULATORY COMMISSION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE MAINE STATE HISTORIC PRESERVATION OFFICER FOR THE MANAGEMENT OF HISTORIC STRUCTURES AND ELIGIBLE ARCHAEOLOGICAL SITES THAT MAY BE AFFECTED BY NEW LICENSES ISSUING TO CENTRAL MAINE POWER COMPANY AND KENNEBEC WATER POWER COMPANY FOR TEN HYDROELECTRIC OR STORAGE PROJECTS IN MAINE

PROJECTS, HISTORIC STRUCTURES AND ELIGIBLE
ARCHAEOLOGICAL SITES, AND ANTICIPATED EFFECTS

The purpose of this appendix is to specify the factual basis of the Programmatic Agreement. Here, relevant facts concerning the projects and modifications to the projects proposed by the Licensees under the Commission's relicensing procedures are reviewed; historic structures and eligible archaeological sites subject to the Programmatic Agreement's stipulations are, in part, identified; and the anticipated effects of the new licenses issuing are disclosed.

I. THE PROJECTS

Each of the proposed projects subject to the stipulations of the Programmatic Agreement consists of the following project facilities, project operation, proposed modifications to the project facilities, and proposed enhancements.

A. Bonny Eagle

1. Project Facilities

a. The existing New River Channel diversion dam is a concrete dam with a total length of 350 feet and consists of: ■ 4.3-foot-high pin supported flashboards ■ a three-foot wide concrete pier that separates the spillway section from the stop log section ■ eight-foot-long stoplog opening and ■ two concrete abutments at elevation 217 feet.

b. The main river dam is an intake structure and sluice flanked by earth embankments. The intake section is a concrete structure 164-feet-long and the sluice is 7-feet-long. The earth embankments--east shore, 370-feet-long; west shore, 250 feet-long--are stone riprap; water conveyed through eight steel penstocks; six, 13-feet-wide and two, 4.5-feet-wide.

c. An existing steel and brick powerhouse--measuring 158 feet 8 inches long by 50 feet 10 inches wide--spans the river channel about 35 feet downstream of the intake. The substructure is of concrete pier and arch construction. The

powerhouse contains six horizontal-shaft double-runner Francis type generators with a combined nameplate capacity of 7200 kilowatts (hereinafter, "kW").

d. A tailrace is formed by the arched substructure of the powerhouse and extends down the natural river channel.

e. A reservoir with a surface area of about 347 acres--extending upstream about 6.6 miles--with a storage capacity of about 1,150 acre-feet, and useable storage capacity of 1,150 acre-feet; a normal water surface elevation of 215.5 feet National Geodetic Vertical Datum (hereinafter, "NGVD"); a substation; and appurtenant facilities.

2. Project Operation: The Bonny Eagle Project operates in a peaking mode, with flows released from Bonny Eagle on a variable discharge schedule depending on the electric system demand, available storage capacity and total available river flow.

3. Proposed Modifications: CMP proposes to construct a permanent downstream fish passage facility.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to ■ construct a permanent downstream fish passage facility ■ release a minimum zone-of-passage flow of 400 cubic feet per second (cfs) or inflow from April through November, which includes 50 cfs in the New River Channel from April through September and ■ limit impoundment fluctuations to so the impoundment water level does not drop below 212.0 feet during normal project operation.

b. For recreation resources, CMP proposes to ■ investigate potential sites for an impoundment hard-surface boat ramp when needed based on consultation with the Maine Department of Conservation ■ investigate the need to modify the existing canoe portage trail when required based on increased use of existing facilities ■ investigate the need to install two picnic tables at powerhouse picnic site ■ investigate need to develop primitive campsites on the shores and islands in the Bonny Eagle impoundment and ■ consult with the local historical society to develop and install an interpretive sign.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the Maine Historic Preservation Commission (hereinafter "MHPC") and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

B. Fort Halifax

1. Project Facilities

a. The existing dam is a concrete Ambursen design with a total length of 351 feet and a maximum height of about 29 feet and consists of ■ 4-foot-high pin supported flashboards ■ a 30-foot-long concrete retaining wall and ■ a concrete intake and waterwheel flume measuring 74-feet, six-inches-long by 88-feet-wide.

b. An existing concrete substructure integral with the dam and intake structure measuring 46-feet-long by 53-feet, six-inches-wide, and a brick superstructure measuring 45-feet, 9-inches-long by 52-feet, 9-inches-wide. The powerhouse contains two horizontal-shaft Hercules turbines with double Francis runners with a combined nameplate capacity of 1,500 kW.

c. A tailrace extends from the turbine draft tubes to the river.

d. A reservoir with a surface area of about 417 acres--extending upstream about 5.2 miles--with a storage capacity of about 5,000 acre-feet, and a useable storage capacity of about 1,000 acre-feet within a drawdown of 2.5 feet; a normal water surface elevation of 54.2 feet (NGVD); substation; and appurtenant facilities.

2. Project Operation: The Fort Halifax Project operates in a peaking mode and is dependent on inflow from the upstream lakes and generating facilities. During a typical weekday cycling operation, the impoundment is cycled about twice daily during peak electrical demand periods. During the cycles, the impoundment is drawn down by as much as 2.5 feet. During the weekends, the generating units are typically shut down.

3. Proposed Modifications: CMP doesn't propose to modify generating facilities.

Appendix to Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

4. Proposed Enhancements: CMP proposes specific measures to enhance water and fisheries resources, and recreational opportunities.

a. For water and fisheries resources, CMP proposes to ■ provide upstream and downstream fish passage facilities according to its KHDG¹ agreement ■ release a minimum zone-of-passage flow of 150 cfs or inflow from April through November ■ limit impoundment fluctuations to no more than 2.5 feet during normal project operations and ■ conduct yearly summer water quality monitoring and institute impoundment flushing and/or drawdowns when the dissolved oxygen (hereinafter, "DO") level falls below state standards.

b. For recreation resources, CMP proposes to ■ construct a hard surface boat ramp at a new location on the impoundment and ■ improve the existing canoe portage trail/carry-in access site and associated parking area and access road at the south end of the dam.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

5. Gulf Island-Deer Rips: The project is located on the Androscoggin River in Androscoggin County, Maine. It consists of the Gulf Island and Deer Rips Dams and their impoundments; the Gulf Island, Deer Rips, and Androscoggin No. 3 powerhouses; and appurtenant facilities. The latter two powerhouses are located at the Deer Rips Dam, at the west and east abutments respectively. The Deer Rips Dam is located at river mile 33.7 as measured from Brick Island. Its impoundment extends about 1.3 miles upstream to the tailwater of the Gulf Island dam, developing all the available head between the dams. The Gulf Island Dam is located at river mile 35.0 and creates an impoundment about 14.7 miles long. The project boundary extends another 3.5 miles upstream to include flowage rights.

¹ The Kennebec Hydro Developers Group

6. Project Facilities

a. Gulf Island

(1) This facility was constructed between 1925 and 1926 and consists of a dam with integral powerhouse, headworks, tailrace, and transformers. The dam consists of about 1,280 feet of earth embankment and a concrete gravity structure about 1,208 feet long. The embankments are built to elevation 270 feet and are constructed of earthen fill with concrete core walls extending from ledge to elevation 267 feet. The concrete gravity structure includes a flashboard spillway section, a regulated spillway section, a 149 foot wide intake-powerhouse section and 349 feet of concrete bulkhead. The flashboard spillway section, with 370 feet of seven-foot-high hinged steel flashboards, reaches a maximum height of 92 feet. The regulated spillway contains two Stoney gates 8.5 feet wide by 16 feet high, seven Taintor gates 30 feet wide by 15 feet high, a stanchion section 49.5 feet wide by 13 feet high, and a 16-foot-wide sluice.

(2) The headworks, or intake section is 121 feet long and integral with the dam and powerhouse. Constructed of concrete, it contains stoplog slots, three separate sets of trashracks, and three butterfly valves. The powerhouse substructure is incorporated in the dam and contains the intake structure. The superstructure is 32 feet wide by 146 feet long and has structural steel framing, brick walls, and a concrete roof deck. An inside overhead traveling crane is used to move equipment. Three generators give the powerhouse a total installed nameplate capacity of 22.2 megawatts (hereinafter, "MW"). The tailrace is formed primarily by the natural river channel that has had additional excavation at the draft tube discharge area. Discharge is at the dam-powerhouse, with no bypassed reach of the river. Project facilities include three maintenance buildings.

b. Deer Rips: The Deer Rips facilities were originally constructed between 1902 and 1904 and consist of a dam, forebay canal with headworks, a powerhouse and appurtenant facilities. The original construction included two generating units and spaces for three future units. These three units were added in 1906, 1911, and 1913. The powerhouse was enlarged between 1919 and 1924 and an additional unit installed. The seventh and final unit was installed in 1924 within the original powerhouse structure.

Appendix to Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

c. Androscoggin No. 3: Consisting of a forebay and powerhouse integral with a concrete intake structure at the east end of the Deer Rips Dam, this development was constructed between 1927 and 1928.

7. Project Operation: The Gulf Island powerhouse is an intermittent peaking facility that re-regulates the river to some degree through fluctuation of its impoundment level. The Deer Rips and Androscoggin No. 3 stations operate run-of-river in that they only use inflows from Gulf Island. Thus, they generate on about the same schedule as Gulf Island. Typical drawdowns at Gulf Island pond range between two and four feet. Some of these impoundment drawdowns extend to about five feet in anticipation of high spring inflow, maintenance and other events outside normal operation.

8. Proposed Modifications: CMP proposes to rewind its Gulf Island powerhouse's generator no. 2 in order to increase its nameplate rating from 6.4 to 9.4 MW, and replace existing turbine runners nos. 2 and 3 to increase their output. No modifications are proposed for the Deer Rips or the Androscoggin No. 3 powerhouses. CMP proposes continuing its present operating mode at all three developments.

9. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to provide a minimum flow of 1,100 cfs or inflow, whichever is less, on a year-round basis; maintain the Gulf Island impoundment water level within one foot of full pond (el. 262') from May 1 to June 15 each year to protect bass spawning habitat; and restrict downramping at Deer Rips to minimize fish stranding.

b. For recreational resources, CMP proposes to investigate the feasibility of developing new carry-in boat launch facilities on Gulf Island impoundment in the vicinity of Waterman Road and on the Androscoggin River below Deer Rips; continue maintaining recently constructed hard-surface boat launch on Gulf Island Pond at the Turner-Greene bridge; continue maintaining three recently developed island day-use/picnic areas, and two other informal day-use areas (Googins Island, Greene) located on Gulf Island Pond; expand roadside parking area at Deer Rips impoundment informal carry-in access site on Switzerland Road; submit the Federal Energy Regulatory Commission (FERC) Form 80 recreational assessment to appropriate agencies every four

years to facilitate review of adequacy of Project area recreational facilities.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

C. Messalonskee: The Messalonskee Project is composed of four discrete but hydraulically-related hydroelectric generating facilities and one storage facility, located on Messalonskee Stream in Kennebec County, Maine. Beginning at the Messalonskee Lake dam, 10.2 miles upstream of the Kennebec River confluence, the four developments are ■ the Messalonskee Lake Development, ■ the Oakland Development, ■ the Rice Rips Development, ■ the Automatic Development, and ■ the Union Gas Development. These developments are currently licensed as individual projects, with the Messalonskee Lake Dam, the storage facility, included in the existing Oakland Project. Under the Commission's relicensing procedures, CMP now proposes to combine all four developments as one project under one license.

1. Project Facilities

a. **Messalonskee Lake:** The Messalonskee Lake Dam is operated to maintain the lake levels and store water for downstream generating stations. The lake covers about 3,600 acres and is the most downstream of the Belgrade Lake system of lakes.

(1) The dam is an L-shaped gravity structure, constructed of concrete and granite block masonry, about 150 feet long. The spillway, measuring about 108 feet in length, has a crest elevation of 233.9 feet and is topped with 2-foot-high flashboards. Water levels are controlled by two Taintor gates, each 10 feet one inch high by 12 feet wide. One is motor driven and remotely operated from a CMP project on the Kennebec River, the other is locally operated.

b. **Oakland:** The Oakland Development receives its inflow directly from water released at the Messalonskee Lake Dam. Its structures consist of a dam, intake structure, penstock, powerhouse, and tailrace.

(1) The dam is a concrete gravity structure, consisting of a Taintor gate section, an overflow spillway section, and a penstock intake section. The Taintor gate section, located adjacent to an abandoned foundation wall at the

eastern edge of the dam, contains two concrete piers and a Taintor gate measuring 12 feet wide by five feet six inches high.

(2) The intake structure is integral, abutting a former mill foundation wall on the northern shore. It is constructed of concrete and measures 35 feet four inches wide by 50 feet five inches long, with a deck elevation at 213.3 feet. Flow to the 10-foot-diameter, fiberglass penstock is controlled by two 14-foot-wide downward acting Taintor gates.

(3) The powerhouse, 38 feet 10 inches square in plan, has a concrete substructure, and a steel frame and stone masonry superstructure. The lowermost floor, at elevation 154.8 feet, grants access to the development's single vertical-shaft turbine-generator unit, located on the generator floor at elevation 166.9 feet. A mezzanine, at elevation 178.8 feet, is accessed from a stairway on the generator floor. A second stairway leads to the top floor, at elevation 199.3 feet.

c. **Rice Rips:** This development receives inflow from the Oakland Development, 1.9 miles upstream. It consists of a concrete Ambursen dam, intake structure, penstock, surge pond, powerhouse with appurtenances, and tailrace.

(1) The dam is a concrete structure measuring 219 feet nine inches long and containing an intake section, a hinged flashboard section, an overflow spillway section, and two earthen embankments. The eastern embankment consists of a 51-foot-long, non-overflow section with a concrete core wall extending to elevation 145.2 feet. Adjacent to the eastern embankment section is a gated intake structure. Two sections of hinged steel flashboards measuring about 15 feet five inches long are located on the opposite side of the intake structure. The sill of the flashboard section is at elevation 135.2 feet; its crest is at elevation 140.2 feet. A two-foot-wide concrete pier rising to elevation 145.2 feet separates the gate section from the spillway, which is about 73 feet four inches long and has a crest elevation of 139.1 feet. The western non-overflow earthen section, topping at elevation 147.2 feet, abuts the spillway and extends about 50 feet to the western bank. A concrete core wall with a top that steps from elevation 147.2 feet to 145.2 feet is located within the earthen section.

d. **Automatic:** The Automatic Development structures consist of a dam with integral powerhouse, appurtenances, and tailrace.

(1) The dam is a concrete gravity structure consisting of a gate section measuring 20 feet 6 in. in length, a spillway section measuring 30 feet in length, and a non-overflow section measuring 30 feet in length. The gate section abuts the granite foundation of a razed mill located on the east side of the river. This abutment is 2 feet wide and has a top elevation of 102.7 feet. The gate section contains a Taintor gate measuring 16 feet 3 in. wide by 14 feet high, with the gate sill at elevation 83.2 feet. The spillway abuts the gate section to the west.

(2) The spillway consists of two 14 foot-wide sections at elevation 92.4 feet, separated by a 2 foot pier with a top elevation of 102.7 feet. Flashboards to elevation 94.3 feet top the spillway crest. The intake for the turbine is located beneath the spillway. An earthen section containing an upstream concrete retaining wall with top at elevation 102.7 feet extends from the spillway section approximately 30 feet to the west bank of the river.

(3) The powerhouse is located at the western side of the dam and is located downstream of the western earthen embankment. The powerhouse is 19 feet wide by 30 feet 6 in. long and has a concrete substructure and a brick superstructure. The horizontal turbine is located under the spillway crest, and is direct-connected to a horizontal-shaft generator located on the lower level of the powerhouse.

(4) The tailrace discharges directly to Messalonskee Stream, and has a normal water surface elevation of 71.3 feet.

e. **Union Gas:** The Union Gas Development is the furthest downstream of the Messalonskee Stream generating facilities. The dam is located 0.9 mile upstream of the confluence of Messalonskee Stream with the Kennebec River. The development's structures consist of the dam and adjacent powerhouse, appurtenances, and the tailrace.

(1) The dam is a stone masonry gravity structure consisting of a non-overflow section, a deep gate section, a spillway section, the powerhouse intake section, and a second concrete faced non-overflow section. A non-overflow section extends 122 feet from ledge on the east bank to an angle point, then approximately 15 feet to the gate section. From the angle point a stone masonry retaining wall extends downstream 54 feet. The 32 foot-long gate section contains three deep gates. The gate openings each measure 6 feet wide by 8 feet high and

have their sills at elevation 43.1 feet. A wooden gatehouse structure measuring 32 feet by 10 feet 6 in. houses the hoists for the deep gates. The adjacent spillway section is approximately 32 feet 3 in. long, has a crest elevation of 67.6 feet, and is topped with 18 in.-high pin-supported flashboards (Elevation 69.1 feet).

(2) The masonry intake structure is adjacent to the spillway, and directs flow to the single turbine through two intakes, each 8 feet in diameter. Two wooden headgates located downstream of the trashracks control flow into the Project turbine. A stone masonry non-overflow section is adjacent to the intake and extends approximately 73 feet to the western bank.

(3) There is a 12-in.-wide concrete parapet wall with a top elevation of 75.4 feet located on top of the intake and western concrete faced stone masonry section. The parapet wall extends approximately 142 feet from the end of the spillway section to the west bank.

(4) The powerhouse consists of a concrete substructure and a stone masonry superstructure, approximately 60 feet 4 in. long by 45 feet 6 in. wide and contains a single vertical turbine-generator unit. The generator floor is at elevation 50.3 feet, beneath which is an intake flume and scroll case containing the waterwheel and concrete draft tube.

(5) The tailrace discharges directly into Messalonskee Stream, 0.9 mile above the confluence with the Kennebec River. The tailrace has a normal water surface elevation of 31.3 feet.

2. Project Operation: In general, the Messalonskee Developments are operated in tandem, and generate only when inflows to or storage at Messalonskee Lake permit. During these periods, a flow of approximately 570 cfs is passed to the downstream generating stations by means of opening one of the Taintor gates in Messalonskee Lake dam. Flow is released from the Messalonskee Lake dam to the downstream generating developments when conditions provide sufficient flows to operate for four to eight hours. This flow is maintained until no more than a 0.5 foot drawdown in Messalonskee Lake is reached at which point discharge from the Lake is terminated and a leakage flow of approximately 12 to 15 cfs occurs. Shortly after the gate at Messalonskee Lake dam is closed, each downstream station is manually taken off-line by a travelling operator.

3. Proposed Modifications: CMP proposes to replace and maintain the existing fish screen at the outlet of Messalonskee Lake, pending agreement with fishery agencies on an appropriate alternate bar spacing.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to provide a minimum flow of 15 cfs through all project developments and in the Rice Rips bypass; implement a new downramping sequence at the Union Gas Development which will reduce fish stranding; maintain water levels in Messalonskee Lake within 0.5 foot of full pond during the summer and within 1.0 foot of full pond the remainder of the year during normal operation; maintenance of Union Gas Development impoundment water levels within 1.3 foot of full pond during normal operation; and maintenance of Oakland, Rice Rips, and Automatic Developments impoundments within 1.0 foot of full pond year-round during normal operation.

b. For recreational resources, CMP proposes to improve an existing day use area near Messalonskee Lake dam, pending resolution of an ownership dispute; add interpretive signage at the Oakland Development, identifying it as the Licensee's first hydroelectric project; investigate the need for green belt/multi-use area at the Oakland Development; improve the parking area at Rice Rips bypass; investigate the need for green belt/multi-use area at the Rice Rips Development; investigate the feasibility of carry-in access site to the Rice Rips impoundment; investigate the need for additional parking at carry-in site at the North Street Park on Automatic impoundment; develop Couture Field boat launch (completed) on Kennebec River; investigate the need for additional parking and tailrace walk-in access at Union Gas; and submit the FERC Form 80 recreational assessment to the appropriate agencies every four years to facilitate a review of the adequacy of project area facilities to meet recreational demand.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

D. Moosehead

1. Project Facilities

a. The East Outlet dam, constructed of earth and concrete, spans 1,004 feet and consists of ■ 29 wooden flood gates, ■ two larger wood and steel sluice gates, ■ two Taintor gates, ■ a fishway, and ■ concrete wingwalls.

b. The West Outlet dam, also constructed of earth and concrete, spans 830 feet and consists of ■ 50 feet of gate structure and ■ 780 feet of earth embankment.

c. The reservoir has a surface area of 74,200 acres--extending upstream about 35 miles--and has a useable storage capacity of 544,880 acre-feet at 7.5 foot drawdown and 325,000 acre-feet at a 4.5 foot drawdown. The normal water surface elevation is 1,029.0 feet (United States Geological Service; hereinafter, "USGS").

2. Project Operation: The Moosehead Project is a storage project only. The operator manually sets the spillway gate(s) openings at each dam. KWP River Engineer determines the regulation or operation of the basin storage system, including the Project's facilities, to best meet the flow and energy needs of downstream users.

3. Proposed Modifications: KWP does not propose any changes to the above project facilities.

4. Proposed Enhancements: KWP has proposed specific measures to enhance water and fisheries resources, wildlife, recreational opportunities.

a. For water and fisheries resources, KWP proposes to ■ comply with class A and AA aquatic life standards ■ minimum flow of 500 cfs for East Outlet ■ minimum flow of 80 cfs for West Outlet ■ continue to maintain East Outlet fishway ■ develop a spawning channel along the side of East Outlet for salmonids.

b. For wildlife resources, KWP proposes to formalize a lake level agreement which will minimize fluctuations to 4.5 feet below normal full pond and, ■ target lake levels at 1 foot below full pond at spring ice-out to minimize shoreline erosion.

c. For recreation resources, KWP proposes to

■ improve existing parking and access to the East Outlet
■ install a flow phone to notify users of river flows ■ increase flows to approximately 120 cfs on West Outlet from May to September to improve conditions for canoeing ■ provide a public boat launch on the western shore of Moosehead.

d. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

E. Moxie Project ²

1. Project Facilities

a. The existing main concrete dam spans 570 feet and has a maximum height of 19 feet and consists of ■ a non-overflow section, ■ concrete spillway, ■ one six foot steel gate and ■ two eight foot timber gates.

b. The three concrete closure dams are located to the east of the main dam. Closure dam "A" measures 169 feet in length, "B" measures 201 feet and "C" measures 82 feet.

c. The reservoir has a surface area of 2,231 acres--extends upstream about 7.5 miles--and a storage capacity of about 35,000 acre-feet, a usable storage capacity of 14,700 acre-feet and a normal water surface elevation of 970.3 feet.

2. Project Operation: The Moxie Project is an unmanned facility--with an operator available 24-hours a day--operated as an annual storage facility to assist in regulating flows to the Kennebec River for downstream hydroelectric power generation and flood control.

3. Proposed Modifications: KWP does not propose any changes to the above project facilities.

4. Proposed Enhancements: KWP has proposed specific measures to enhance fisheries resources and wildlife, recreational opportunities.

² Since the application was filed in 1991, the owners of Moxie Dam have filed for a surrender of license with the Commission. The Commission decision on the surrender is pending.

a. For fisheries resources, KWP proposes to
■ limit the drawdown of Moxie Pond to three feet prior to
November 15 ■ limit outflow during fall drawdown to 145 cfs or
inflow ■ and release a minimum flow from the project of 25 cfs or
inflow.

b. For wildlife resources, KWP proposes to extend
the fall drawdown to enhance existing wildlife resources.

c. For recreational purposes, KWP proposes to
notify the Moxie Pond Association of expected drawdown dates.

d. For historic structures and archaeological
sites, CMP proposes to implement the terms of a programmatic
agreement that it has drafted and requested that the Commission
execute with the MHPC and the Council. CMP's draft includes
stipulations for all 10 of its projects in Maine.

F. North Gorham

1. Project Facilities

a. The North Gorham 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 horizontal shaft
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.

b. The impoundment has a surface area of 98
acres, a gross storage capacity of 1,300 acre-feet, and
negligible usable storage. The dam is 970 feet 6 in. long
between abutments, and is comprised of a 600 foot 6 in. non-
overflow masonry wall, a 51 foot 3 in. intake section, a 47 foot
gate section, a 256 foot 6 in. spillway section, and a 15 foot
sluice section. Four, 8 foot diameter steel penstocks lead from
the intake section to the turbines.

2. Project Operation: The North Gorham Project is
operated in a run-of-river mode using flows released from the
upstream Sebago Lake at the Eel Weir Project. North Gorham
Project is completely dependent on flows from Sebago Lake.

3. Project Modification: CMP proposes to provide
downstream fish bypass facilities, contingent on extension of a

State of Maine river management plan to include project waters, full implementation of Plan including stocking in the Presumpscot River between the upstream Eel Weir dam and the project dam, and the establishment of a minimum flow for the Eel Weir bypass reach.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and historic structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to provide a minimum flow of 222 cfs or inflow, whichever is less; and maintain impoundment water levels within 1 foot of full pond during normal operation.

b. For recreational resources, CMP proposes to relocate/redevelop a parking area and trail used to access a boat carry-in site downstream of the project; and to submit FERC Form 80 recreational assessments to appropriate agencies every four years to facilitate review of adequacy of project area recreational facilities.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

G. Skelton: The Skelton Project is located on the Saco River in York County, Maine about 11.1 miles upstream of head-of-tide and the City of Saco, and 17.1 miles from the mouth of the river at Camp Ellis-Hills Beach.

1. Project Facilities

a. Project facilities include a 1,695-foot long dam with integral powerhouse, a 488 acre impoundment, and appurtenant facilities. The powerhouse contains two equally-sized turbine-generator units with vertical-shaft Kaplan units. Flow to the units is controlled by adjustable wicket gates or can be shut off at the project headgates. Each of the turbines is directly connected to a vertical-shaft generator manufactured by General Electric. The project's nameplate generator capacity is 16.8 MW.

b. Project-related transmission facilities include the generator leads, the substation located on the powerhouse roof, and the transmission circuit connecting the

substation to the non-project switching station. The existing fishway at the project is a pool and weir fishway located east of and immediately adjacent to the powerhouse.

2. Project Operation: Flow in the lower Saco River is regulated by the operation of CMP's Bonny Eagle Project, 10 miles upstream from Skelton. Flows from Bonny Eagle are released on a variable discharge schedule depending on system energy demand and total available stream flow. During high flow periods, which typically occur at spring and sometimes fall runoff, Skelton's units run 24-hours a day. During summer and winter low flows, the units are run on a variable schedule. Generally, the stations below Bonny Eagle, including Skelton, are started concurrent with Bonny Eagle's units. The Bonny Eagle units are run until its impoundment is drawn down to an elevation from which it can be refilled overnight. Thus, each station normally passes close to the same total volume of water on a 24-hour basis.

3. Proposed Modification: CMP proposes to replace the existing fishway.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and historic structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to release a minimum flow of 800 cfs or inflow June to September and 250 cfs or inflow October to May; provide habitat enhancement in the Skelton tailrace in the form of boulder clusters and escape channels; and maintain the impoundment at no less than 125.0 feet (2.5 feet below normal full pond elevation) except during maintenance activities or in cases of unusual conditions beyond CMP's control.

b. For recreational resources, CMP proposes to relocate the existing canoe portage trail (completed in 1991); improve the existing downstream and impoundment boat ramps, parking facilities, and access roads (completed in 1990); install an interpretive sign; and investigate the feasibility of constructing island campsites.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

H. Weston

1. Project Facilities: The project consists of a powerhouse containing four generating units, two dams separated by an island, a reservoir, and appurtenant facilities.

a. The existing north channel dam, which, with a length of 529.5 feet and a maximum height of 38 feet, consists of ■ a 244.2-foot-long stanchion section containing five bays with a sill elevation of 145.5 feet (NGVD³), ■ a 169.9-foot-long hinged flashboard section containing 7-foot-high flashboards mounted on a sill with an elevation of 149.0 feet, ■ a 92.9-foot-long gated section containing two Taintor gates, each measuring 28 feet wide by 16 feet high, with a sill elevation of 140 feet, and ■ a 22.5-foot-long non-overflow section with a crest elevation of 167 feet.

b. The existing south channel dam, which, with a length of 391.6 feet and a maximum height of 51 feet, consists of ■ a 125-foot-long powerhouse/intake section, ■ a 33-foot-long concrete spillway section with a crest elevation of 154 feet and with 2-foot-high stop logs mounted on its crest, ■ a 24-foot-long sluice section with a crest elevation of 142 feet and a Taintor gate measuring 16 feet wide by 14 feet high, ■ a 188.1-foot-long stanchion section containing five bays with a sill elevation of 145.0 feet, and ■ a 21.5-foot-long non-overflow section with a crest elevation of 166.0 feet.

c. A reservoir with a surface area of about 1,008 acres, a gross storage capacity of about 18,600 acre-feet negligible useable storage capacity, and a normal water surface elevation of 156 feet.

d. An existing concrete, brick, and steel powerhouse measuring 188.2 feet by 41 feet in plan, containing four vertical-shaft, Francis turbines directly connected to four generating units with a combined nameplate capacity of 14,750 kW, and a tailrace excavated in the riverbed, and a substation.⁴

³ All elevations for the Weston Project are NVGD.

⁴ Although no primary transmission line is included in the project boundary, there are about 800 feet of 7,200-volt generator leads included with the project facilities. Project-related transmission facilities include the generator leads and 7,200 kV buses located inside the powerhouse, and one step-up transformer located in a CMP substation outside the project. The transmis-

2. Project Operation: The Weston Project normally operates run-of-river, passing inflow as it is received.

3. Proposed Modifications: CMP proposes to modify the project to improve output. Under the existing configuration, the generators' output is limited by the turbines' capacity. CMP proposes to replace the existing turbine runners with new, equally-sized runners having greater hydraulic capacity, increasing the project's overall hydraulic capacity by about 1,180 cfs. After the proposed replacement, the powerhouse would contain three turbines rated at 5,800 hp each and one turbine rated at 6,600 hp for a combined rating of 24,000 hp or 18,000 kW (24,000 hp X 0.75 kW/hp). Of the four generators, two are rated at 4,000 kW each, one is rated at 3,750 kW, and one is rated at 3,000 kW for a combined rating of 14,750 kW. The generators are rated at a power factor of 0.8. Since the generator nameplate ratings are smaller than the turbine ratings, the overall project installed capacity should be based on the generator ratings which total 14,750 kW.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, recreational opportunities, and historic structures and archaeological sites.

a. For water and fisheries, CMP proposes to

- continue operating the project in a run-of-river mode,
- provide a minimum flow of 1,947 cfs or inflow, whichever is less,
- install upstream and downstream fish passage facilities by May 1, 2001,
- maintain impoundment water levels within 1 foot of full pond elevation during normal operations, and
- minimize scheduled maintenance drawdowns from June 1 to August 1 of each year to protect fishery and wildlife resources.

b. For recreation enhancements, CMP proposes

- adding park benches and informative signs near the powerhouse,
- developing a canoe portage around the dam,
- lowering logging piers in the impoundment to improve boating safety, and
- expanding the parking area at Oosoola Park.

c. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Council execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

sion and distribution system beyond the step-up transformer is not part of the Weston Project.

I. Wyman

1. Project Facilities

a. The facilities include an existing concrete and earth dam, with a total length of 3,246 feet and a maximum height of 84 feet and consists of ■ a 23-foot-long Broome gate ■ three Taintor gates ■ six stanchion stoplog bays measuring 285-feet-long and a 22-foot-long sluiceway and ■ a 168-foot-long concrete intake structure.

b. An existing reinforced concrete powerhouse with a control room measuring 33 feet by 125 feet and a 33 feet by 150 feet generator room, containing three vertical-shaft umbrella type generators with a combined nameplate capacity of 72,000 kW, and a tailrace excavated in the riverbed.

c. The reservoir has a surface area of about 3,240 acres--extending upstream about 14.4 miles--with a storage capacity of about 208,910 acre-feet and useable storage capacity of 6,300 acre-feet; a normal water surface elevation of 485.0 (USGS); a substation; and appurtenant facilities.

2. Project Operation: The Wyman Project operates in a peaking mode with flows up to a maximum of 8,500 cfs.

3. Proposed Modifications: CMP proposes no changes to its project facilities.

4. Proposed Enhancements: CMP has proposed specific measures to enhance water and fisheries resources, wildlife, recreational opportunities, and historic structures and archaeological sites.

a. For water and fisheries resources, CMP proposes to ■ release a minimum flow of 1200 cfs or ~~inflow~~, whichever is less and ■ limit impoundment fluctuations to within two feet of full pond elevation.

b. For wildlife resources, CMP proposes to implement a loon management program on the Wyman impoundment.

c. For recreation resources, CMP proposes ■ improve an existing canoe portage trail, including signs, rest stations, and trail maintenance ■ install a hard surface boat ramp at the Moscow Public Landing ■ redevelop Canoe and Day Use Area including public restrooms and two sheltered picnic areas

■ add new primitive camp sites on the shoreline near Houston Brook Falls ■ continue maintenance and improvements on all existing recreational facilities and ■ monitor public recreational needs at the project and consult periodically with the agencies on the need for additional facilities.

d. For historic structures and archaeological sites, CMP proposes to implement the terms of a programmatic agreement that it has drafted and requested that the Commission execute with the MHPC and the Council. CMP's draft includes stipulations for all 10 of its projects in Maine.

II. HISTORIC STRUCTURES AND ELIGIBLE ARCHAEOLOGICAL SITES

A. Bonny Eagle: Historic Properties at the Bonny Eagle Project include the project structures and 10 archaeological sites.

1. Historic Project Facilities: The Bonny Eagle Project--the powerhouse and dam structures--is eligible for listing on the NRHP. The Bonny Eagle facility is a long eight-bay brick structure featuring a narrow metal truss gable roof over the generator equipment and a shed roof over the controls. The plant's notable features are its multi-pane wooden tilt-out sash in openings except for the new windows on the lower level of the downstream side; decorative brick corbelled cornice; round-arched brick openings framing the penstocks; and an unaltered interior containing a significant collection of early twentieth century hydro power generating machinery.⁵

2. Archaeological Sites: Phase I and phase II testing, and subsequent field visits by MHPC staff have resulted in the identification of 10 aboriginal sites eligible for inclusion on NRHP. The 10 eligible sites are ME 7-4, ME 7-7, ME 7-12, ME 7-6, ME 7-9, ME 7-11, ME 7-13, ME 7-16, ME 7-19, and ME 7-21.

B. Fort Halifax: Historic properties at the Fort Halifax Project include the existing project structures and a currently undetermined number of 29 archaeological sites recommended for further study.

⁵Per letter from Kirk Mohny, Architectural Historian, Maine Historic Preservation Commission, Augusta, Maine, February 5, 1991.

1. Historic Project Facilities: The Fort Halifax Project powerhouse is eligible for listing on the NRHP. A two-story brick building covered by a gable roof, its significant features include its parapet wall at the gable peak; original multi-pane steel frame windows with tilt-out sash; pronounced, elongated voussoirs above the first story openings; and granite window sills and concrete copings on pilasters and parapet.⁶

2. Archaeological Sites: A phase I archaeological survey, and subsequent field visits by MHPC staff have resulted in the identification of 29 potentially eligible sites. The 29 eligible sites are ME 53-15, ME 53-16, ME 53-29, ME 53-30, ME 53-59, ME 53-64, ME 53-66, ME 53-69, ME 53-75, ME 53-5, ME 53-6, ME 53-11, ME 53-19, ME 53-21, ME 53-22, ME 53-23, ME 53-31, ME 53-55, ME 53-56, ME 53-57, ME 53-58, ME 53-60, ME 53-61, ME 53-62, ME 53-63, ME 53-65, ME 53-67, ME 53-68, and ME 53-70.

C. Gulf Island-Deer Rips: Historic properties at the Gulf Island - Deer Rips Project include the Gulf Island powerhouse and eight archaeological sites.

1. Historic Project Facilities: The neo-classical powerhouse is characterized by an ornate entry whose round arched doorway is framed by columns; an enablature, and a broad stone surround; two flights of concreted steps bordered by brick walls leading to the entrance; stone trim used around window and door openings on the first story, base cornice, and as decorative panels in the parapet; original multi-pane windows with tilt-out sash, a bulls-eye window above the entrance, operator's booth, sidewall lamps and multi-pane windows on the interior.⁷

2. Archaeological Sites: Phase I and phase II archaeological investigations, and subsequent field visits by MHPC staff have resulted in the identification of eight sites eligible for inclusion in the NRHP. The eligible sites are ME 36-29, ME 36-30, ME 24-32, ME 24-33, ME 36-27, ME 36-28, ME 36-32, and ME 36-37.

D. Messalonskee: Historic properties include the Automatic, Union Gas, and Oakland powerhouse facilities and nine archaeological sites.

⁶Per letter from Kirk Mohnney, Architectural Historian, Maine Historic Preservation Commission, Augusta, Maine, July 27, 1990

⁷Ibid.

1. Historic Project Facilities

a. **Automatic:** The Automatic powerhouse is eligible for listing on the NRHP. The significant historic features include its one story hipped roof, neoclassical building with exterior veneer of tan brick; decorative stone trimmings at the base, water table, corner quoins, windows, doorway, and the cornice; green tile roof; and original multi-pane windows with tilt-out sash, and front doors. ⁸

b. **Oakland:** The Oakland powerhouse is eligible for listing on the NRHP. The significant historic features of the Oakland powerhouse include its a fortress-like stone structure with Gothic style arched window, projecting course of granite blocks, and crenelated roof; random ashlar masonry walls over a steel frame; granite voussoirs above the window and door openings; original multi-pane tilt-out and double hung windows; and original two-leaf front doors with cross-bracing over the vertical board construction. ⁹

c. **Union Gas:** The Union Gas powerhouse is eligible for listing on the NRHP. The significant historic features of the Union Gas powerhouse include its rectangular building constructed of random ashlar masonry with broad gable roof and a centrally placed narrower cross gable; round arched covered windows and board-and-batten doors on the facade; granite quoins and trim around door and window openings; and a chimney at one end. ¹⁰

2. Archaeological sites: Phase I and phase II archaeological investigations, and subsequent field visits by MHPC staff have resulted in the identification of nine sites eligible for inclusion in the NRHP. The eligible sites are ME 37-1, ME 37-16, ME 37-18, ME 37-19, ME 52-26, ME 52-30, ME 53-41, ME 53-42, and ME 53-48.

E.Moosehead: Historic properties at the Moosehead Project include a currently undetermined number of potentially eligible archaeology sites.

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

1. Historic Project Facilities: There are no project facilities that qualify as historic properties.

2. Archaeological Sites: A phase I archaeological survey and subsequent investigations resulted in the identification of over 270 potentially eligible sites. Subsequently, an on-going phase II investigation has significantly reduced the number of potentially eligible sites.

F. Moxie: There are no historic project facilities or archaeological sites at the Moxie Project.

G. North Gorham: There are no historic project facilities or archaeological sites at the Moxie Project.

H. Skelton: Historic properties at the Skelton Project include four archaeological sites.

1. Historic Project Facilities: There are no project facilities that qualify as historic properties.

2. Archaeological Sites: Phase I and phase II investigations have resulted in the identification of four sites eligible for inclusion on the NRHP. The four eligible sites are ME 7-26, ME 7-27, ME 7-28, ME 7-32.

I. Weston: The historic properties at the Weston Project include the project facilities and 11 archaeological sites.

1. Historic Project Facilities: The significant features of the neo-classical Weston powerhouse are its green tiled hip roof, tan brick veneer with a variety of ornamental string courses and stone blocks; stone trim around the multi-part windows and in the bracketed overdoors, as well as quoins, water table, and base; original multi-pane windows with tilt-out sash, original entryway highlighted by a pair of tall stacks that project through the roof and are connected by a low parapet; and original light fixtures. ¹¹

2. Archaeological Sites: Phase I and phase II investigations, and subsequent field visits by MHPC staff has resulted in the identification of 11 sites eligible for inclusion on the NRHP. The 11 eligible sites include ME 52-10, ME 52-16, ME 69-11, ME 52-9, ME 69-2, ME 69-8, ME 69-24, ME 69-27, ME 69-31, and ME 69-40, and 69-34.

¹¹Ibid.

J. Wyman: Historic properties at the Wyman Project include the project powerhouse and seven archaeological sites.

1. Historic Project Facilities: The Wyman Project is eligible for listing on the NRHP. The specific notable features include its art deco style detailing of the main entrance including lamps and Gothic door; multi-pane steel framed windows with tilt-out sash; and decorative concrete pilasters and paneling on the downstream side.¹²

2. Archaeological Sites: Phase I and phase II archaeological investigations, and subsequent field visits by MHPC staff have resulted in the identification of five sites eligible for inclusion in the NRHP. The five eligible sites are ME 86-12, ME 86-3A, ME 86-3B, ME 86-11, and ME 86-13.

III. ANTICIPATED EFFECTS

A. Bonny Eagle

1. Historic Project Facilities: The SHPO has requested to be consulted regarding the design plans for fish passage facilities as they are developed for the Bonny Eagle Project.¹³ Although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems), could involve adverse effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Of the ten eligible archaeology sites identified, three (ME 7-4, ME 7-7, and ME 7-12), have been classified emergency sites as defined in MHPC's Policy.¹⁴ These sites will receive priority treatment upon issuance of the Bonny Eagle hydropower license. The remaining seven sites (ME 7-6, ME 7-9, ME 7-11, ME 7-13, ME 7-16, ME 7-19,

¹²Per letter from Kirk Mohnney, Architectural Historian, Maine Historic Preservation Commission, Augusta, Maine February 5, 1991.

¹³Per letter from Earle Shettleworth, Jr., Maine State Historic Preservation Officer, Augusta, Maine, July 27, 1992.

¹⁴ As referenced in § II.B.3 of this Programmatic Agreement.

and ME 7-21) will be monitored for potential adverse effects in accordance with the Policy.

B. Fort Halifax

1. Historic Project Facilities: The SHPO has determined that CMP's proposed installation of downstream fish passage facilities will have no adverse impact on the Fort Halifax hydroelectric plant. Additionally, the SHPO has requested that he be consulted as design plans for the proposed upstream fish passage facilities are developed.¹⁵ Although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems) could involve adverse effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Of the 29 eligible archaeology sites, nine (ME 53-15, ME 53-16, ME 53-29, ME 53-30, ME 53-59, ME 53-64, ME 53-66, ME 53-69, and ME 53-75) have been classified emergency sites as defined in the Policy. These nine site will receive priority treatment for phase II investigation, and if warranted, phase III mitigation upon issuance of the Fort Halifax license. The remaining twenty sites (ME 53-5, ME 53-6, ME 53-11, ME 53-19, ME 53-21, ME 53-22, ME 53-23, ME 53-31, ME 53-55, ME 53-56, ME 53-57, ME 53-58, ME 53-60, ME 53-61, ME 53-62, ME 53-63, ME 53-65, ME 53-67, ME 53-68, and ME 53-70) will be monitored for potential adverse effects in accordance with the Policy.

C. Gulf Island-Deer Rips

1. Historic Project Facilities: Although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems), could involve adverse effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Phase I and phase II archaeological investigations, and subsequent field visits by

¹⁵Per letter from Earle Shettleworth, Jr., Maine State Historic Preservation Officer, Augusta, Maine, July 27, 1992.

MHPC staff have resulted in the identification of eight sites eligible for inclusion in the NRHP. Of these eight sites two (ME 36-29, and ME 36-30) have been classified emergency sites as defined in the Policy. These sites will be given priority treatment upon issuance of the Gulf Island - Deer Rips hydropower license. The remaining six sites (ME 24-32, ME 24-33, ME 36-27, ME 36-28, ME 36-32, and ME 36-37) will be monitored for potential adverse effects in accordance with the Policy.

D. Messalonskee

1. Historic Project Facilities: Although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems), could involve adverse effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Phase I and phase II archaeological investigations, and subsequent field visits by MHPC staff have resulted in the identification of nine sites eligible for inclusion in the NRHP. Of these nine sites two (ME 37-16, and ME 37-18) have been classified emergency sites as defined in the Policy. These sites will be given priority treatment upon issuance of the Messalonskee hydropower license. Five of the remaining sites (ME 37-1, ME 52-26, ME 52-30, ME 53-41, and ME 53-42) will be monitored for potential adverse effects in accordance with the Policy. It has been determined that project operations will have no effect on sites ME 37-19 and ME 53-48.

E. Moosehead

1. Historic Project Facilities: There are no project facilities that qualify as historic properties.

2. Archaeological Sites: Upon completion of the on-going phase II investigation, the currently known and potentially eligible archaeological sites will be classified as to their status as emergency sites. Those sites determined to be emergency sites as defined in the Policy will receive priority treatment upon issuance of the Moosehead hydropower license. Other non-emergency and potentially eligible sites will be monitored for potential adverse effects in accordance with the Policy.

F. Moxie: There are no historic structures or eligible archaeological properties at the Moxie Project.

G. North Gorham: There are no historic structures or eligible archaeological properties at the Moxie Project.

H. Skelton

1. Historic Project Facilities: There are no eligible project facilities at the Skelton Project.

2. Archaeological Sites: It has been determined that project operations will have no effect on the four eligible sites (ME 7-26, ME 7-27, ME 7-28, and ME 7-32).

I. Weston

1. Historic Project Facilities: The SHPO has determined that CMP's proposed replacement of the Weston Project's turbine runners would produce no adverse effect. Additionally, the SHPO has requested that he be consulted as design plans for the proposed upstream fish passage facilities are developed.¹⁶ Moreover, although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems), could involve adverse effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Of the 11 eligible archaeological sites, three (ME 52-10, ME 52-16, and ME 69-11), have been classified emergency sites as defined in the Policy. These sites will receive priority treatment upon issuance of the Weston hydropower license. Seven of the remaining sites (ME 52-9, ME 69-2, ME 69-8, ME 69-24, ME 69-27, ME 69-31, and ME 69-40) will be monitored for potential adverse effects in accordance with the Policy. It has been determined that project operations will have no effect on site ME 69-34.

J. Wyman

1. Historic Project Facilities: Although continuing to operate and maintain an eligible property as a hydroelectric station is rightly considered a beneficial effect, non-routine maintenance (i.e., the repair or replacement of significant structural fabric and mechanical systems), could involve adverse

¹⁶Ibid.

Appendix to Programmatic Agreement
Project Nos. 2529, 2552, 2283, 2555,
2556, 2557, 2559, 2671, 2613, 2519,
2527, 2325, and 2329

Page 28

effects if not carried out according to the Secretary's Standards.

2. Archaeological Sites: Of the five eligible archaeological sites one (ME 86-12) has been classified an emergency site as defined in the Policy. This site will be given priority treatment upon issuance of the Wyman hydropower license. The remaining four sites (ME 86-3A, ME 86-3B, ME 86-11, and ME 86-13) will be monitored for potential adverse effects in accordance with the Policy.