



Certification Comments <comments@lowimpacthydro.org>

American Tissue Project Comments

1 message

Landis Hudson <landis@mainerivers.org>
To: comments@lowimpacthydro.org
Cc: Chuck Verrill <Charlesverrill@gmail.com>

Wed, Jan 8, 2020 at 11:41 AM

We understand that the Low Impact Hydropower Institute ("LIHI") has received an application from KEI (Maine) Power Management (III) LLC for Low Impact Certification of the American Tissue Hydroelectric Project located on Cobbosseecontee Stream in Maine (FERC No. 2809) and is seeking comment on the application. In response, Maine Rivers comments that the KEI application must be denied since it does not demonstrate eligibility for certification under the Institute's mandatory criteria.

Maine Rivers is a nonprofit organization with a mission to protect, restore and enhance the ecological health of Maine's river systems. We are led by Directors with broad and deep knowledge of the wide range of issues which impact rivers and watersheds in Maine, including water policy and science.

We are familiar with the American Tissue Hydroelectric Project and participated in the recent FERC relicensing which demonstrated both the potential for fisheries in the watershed and the fact that KEI's project is one of the main impediments to the realization of that potential.

As noted by the Maine Department of Marine Resources in the Draft Fishery Management Plan, the "Cobbosseecontee Stream drainage historically supported runs of at least seven species of native diadromous fishes, which were reduced or extirpated by the construction of dams without fishways." (Draft Fishery Management Plan for Cobbosseecontee Stream, Kleinschmidt Submission to LIHI, at 3-15). The American Tissue Hydroelectric Project is one of those dams. Without those dams, the Maine Department of Marine Resources estimates that the watershed's productive capacity for one diadromous species, the alewife (*alosa pseudohargenus*), could exceed three million returning adult fishes, more than enough to support a commercial fishery.

We acknowledge that alewives are transported above the American Tissue dam and that the FERC license prescribes downstream passage conditions for the outmigration of alewives.

However, this stopgap falls far short of the potential productive capacity of the watershed as estimated by the Maine Department of Marine Resources. That capacity will continue to be a distant dream because American Tissue has no obligation to install upstream passage for the full suite of diadromous fishes that once frequented this watershed until the downstream Gardiner Paperboard Dam permits upstream fish passage.

As a consequence, the lack of upstream fish passage means that the KEI project **does not meet one of the eight criteria that must be most for a facility to qualify as low impact.**

According to the certification criteria in the LIHI handbook ([https://lowimpacthydro.org/how to apply/](https://lowimpacthydro.org/how%20to%20apply/)) if any of the criteria are not satisfied, the facility cannot be certified as low impact. One of those criteria is upstream fish passage. Since the KEI project does not meet this criteria, **it is not qualified for certification.** In fact, certification would be a mockery of the Low Impact certification and render it worthless. In actuality, the KEI project has a high impact because it lacks fish passage and that reality is not obfuscated or excused by the excuse that "another dam is at fault." It is the dam licensed to KEI that lacks the facilities for fish passage that are mandatory criteria for LIHI qualification and for that reason certification must be denied.

We are aware that the LIHI Handbook, Standard C-1, page 8, provides an exception where the “facility is not the cause of extirpation of species that were historically present...” However, that exception cannot be relied on here. That is because the American Tissue Dam is one of five that were responsible for the extirpation of historical runs of seven native diadromous species. This finding, cited above, by Maine DMR is not disputed or rationalized anywhere in the Kleinschmidt application for certification.

At the end of the day, these facts are undisputed: the American Tissue Dam does not have upstream fish passage (except for eels); the population of alewives in the watershed is significantly diminished from historic levels; and there are no immediate prospects for remedial action by American Tissue. And, since the construction of the American Tissue Dam was one of the reasons for the extirpation of sea-run native fisheries (as found by Maine DMR), there is no rationale for winking at the reality that this dam is definitely not “low impact.”

Maine Rivers stands firmly for the proposition that “low impact” should be determined on an objective assessment of the actual impact of a dam as it stands today, regardless of history or corporate maneuvers, and regardless of the circumstances of other dams in the neighborhood. If a dam does not have fish passage it is high impact period and should not receive the blessing and financial benefits of LIHI certification.

Respectfully Submitted,

MAINE RIVERS

Landis Hudson, Executive Director

Chuck Verrill, President

Landis Hudson

Executive Director, Maine Rivers

www.mainerivers.org

Phone: 207-847-9277

Our mission is to protect, restore and enhance the ecological health of Maine's river systems