



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
GREATER ATLANTIC REGIONAL FISHERIES OFFICE  
55 Great Republic Drive  
Gloucester, MA 01930-2276

January 10, 2020

Shannon Ames  
Executive Director  
Low Impact Hydropower Institute  
329 Massachusetts Avenue, Suite 6  
Lexington, MA 02420

**RE: Comments on Application for Low Impact Hydro Certification for the American Tissue Project (FERC No. 2809)**

Dear Ms. Ames:

On November 5, 2019, KEI (Maine) Power Management (III) LLC (hereafter KEI) submitted a Low-Impact Hydropower Power Institute Certification Application. Related to this application is the Federal Energy Regulatory Commission's April 30, 2019 Order Issuing Subsequent License for the American Tissue Project (P-2809) ([Accession # 20190430-3098](#)). This license requires implementation of mitigation actions that includes fish passage protection measures and monitoring. We offer the following comments on the application.

**Criterion A: Ecological Flow Standards**

The goal of the ecological flow regime standard is to support habitat suitable for healthy fish and wildlife resources. KEI cites license order Article 402 and the corresponding Maine DEP Water Quality Certification (WQC) requirement for run-of-river-operations. We support run-of-river operations, and indeed, it was part of our Section 10(j) recommendation. We view run-of-river operations as an important aspect of maintaining healthy riverine habitat downstream of a hydroelectric project.

Additionally, we recommended that KEI also provide a minimum flow in the bypass reach. This recommendation is consistent with the WQC requirement 2. Minimum flow requirements are an important aspect of ecological flows supporting habitat for our trust species. We recommend to LIHI that KEI address how they will operationally provide these flows to the bypass reach throughout the year.

**Criterion C: Upstream Fish Passage**

Upstream migrating juvenile American eel are present at the American Tissue Project. Currently, the proposed upstream eel ramp is neither constructed nor operational. We anticipate the structure to be operational by the late spring 2021. We recommend that any LIHI certificate issued for this project include a condition to ensure that KEI completes the construction of the required fish passage facilities in a timely manner.



**Criterion D: Downstream Fish Passage**

Adult American eel, stocked alewife and their offspring are all present upstream of this project. Safe, timely and effective downstream passage of these species is central to the restoration of these species. Currently, the proposed downstream passage protection measures for these species is not constructed or operational. We anticipate these structures to be operational by the summer of 2021. We recommend that any LIHI certificate issued for this project include a condition to ensure that KEI completes the construction of the required fish passage facilities in a timely manner.

Please contact Sean McDermott (978-281-9113) [sean.mcdermott@noaa.gov](mailto:sean.mcdermott@noaa.gov) if you have any questions.

Sincerely,



Christopher Boelke  
New England Field Office Supervisor for  
Habitat Conservation