



December 16, 2019

Re: Application for LIHI Certification at the
American Tissue Hydroelectric Project (FERC # P-2808)

To Whom it may concern:

Upstream, a 501c3 organization based in Gardiner, Maine, submits the following comments on the application of Kruger (Maine) (“the Applicant) for LIHI certification for American Tissue Hydroelectric Project (“the Project”) in Gardiner, Maine.

Two inaccuracies in the application need to be corrected:

* The City of Gardiner, and the Towns of Litchfield and Richmond jointly own and manage the dam immediately upstream of the Project; the Town of West Gardiner was not a party to the purchase and has no role in managing the facility.

* Maine’s DEP 401 Certification and FERC’s 2019 license to Applicant specifies that Project will operate downstream diadromous fish passage from June 1 to November 30, rather than the November 15 date provided.

Biological Resources:

More significant, however, is the understatement of biological resources (Chapter 3-27) along Cobbosseecontee (“Cobbossee”) Stream in the immediate area of the Project, i.e., from Pleasant Pond downstream to the Cobbossee’s junction with the Kennebec River. This 1.4-mile run includes New Mills Dam, the Project, and Gardiner Paperboard Dam.

Riparian land is by definition ecologically valuable. To conserve the biological and recreational resources in the Project area, in 1997 the City of Gardiner conveyed a conservation easement to the Kennebec Land Trust, thus protecting – in perpetuity – these valuable assets from encroachment.

Anadromous Fish: Although FERC’s Environmental Assessment apparently reports that no agencies filed recommendations or comments re: botanical or wildlife resources, the license that FERC issued requires passage for important Maine anadromous fish species: Applicant must provide upstream and downstream passage for American eel and downstream passage for river herring.

River herring are not on federal or state Endangered or Threatened list, but agencies at both

levels are keenly aware that Cobbossee watershed presents an opportunity to re-establish a run that was shut down with the construction of the first dam on the stream more than 200 years ago. The watershed includes 28 lakes and ponds with more than 7,600 acres of warm, fresh water habitat that once sustained a significant run of both alewife and blueback herring. Maine Department of Marine Resources (MeDMR) estimates that the area can support an upstream run of as many as 5 million fish; FERC's renewal license includes a prescription that when river herring arrive at the base of the Project, Applicant must provide timely passage for all of these fish.

This prescription is meaningful. Efforts at the local, state and federal level to re-establish river herring in the Cobbossee watershed are bearing fruit. Wright-Pierce, a multi-disciplinary environmental engineering firm in Topsham, has provided Upstream with a concept design for fish passage on the western shore of the stream at Gardiner Paperboard. Upstream has contracted with Acadia Civil Works, Leeds, to provide a concept plan for passage at New Mills. The Maine Department of Marine Resources has commissioned fish passage engineering studies at the Paperboard site as well.

In addition, two research programs are underway in the project area:

- * MeDMR has for many years and continues to monitor American eel numbers and movement in the Cobbossee and Kennebec watersheds.

- * A citizen science project collects data on alewives that will be used at both the state (MeDMR) and federal (Atlantic States Marine Fisheries Commission) levels. In cooperation with Upstream, Gardiner Area High School students are collecting data on river herring during the spring migration, using a site next to Gardiner Paperboard Dam. Under the supervision of their teacher, students weigh, measure, sex each fish, and take scale samples in compliance with MeDMR's protocol. The project is part of the science curriculum at the high school. The teacher is raising funds to construct a building that will be used as an on-site classroom.

Birds and Mammals: In spring 2019, bird-watchers from across the state arrived at the Harrison Avenue Trail, directly across the stream from the Project, to view an extraordinary concentration of migrating birds. Birders reported 97 species in May and 64 species in June. The Applicant does not mention this exceptional event.

The Project is located within city limits, less than a mile from downtown businesses. Despite the urban setting, the project area is replete with mammals. Muskrat, fisher, mink, raccoon, otter, snowshoe hare, deer, beaver, woodchuck and red fox use the river corridor all year long. This resource is not significant on a national, state, or regional scale, but it is of immense value to the City of Gardiner.

Recreational Resources

Applicant miss-states the recreational resources along Cobbossee Stream, reporting that no action has been taken on city land across from the Project. To the contrary, the Harrison Avenue Nature Trail, which runs from immediately below New Mills Dam to Gardiner Paperboard Dam, is a popular, year-round recreational site.

A kiosk introduces new users to the area; posts with QR codes provide online information about historical use of the stream; flora, birds and mammals; and the once plentiful native sea-run fisheries of the stream; a separate hard-copy brochure provides this information to individuals without digital access; Rotary International's Gardiner chapter donated parking and trail signage as well as picnic tables; an area resident mows regularly during the summer and early fall; and the City of Gardiner (which owns the property) planted trees and maintains overall management of the site.

Anglers fish at the base of Gardiner Paperboard Dam. Picnickers take advantage of the tables and river view adjacent to the Project lands. People and pets get exercise. Others enjoy birds, animal tracks, and flowers from spring ephemerals through fall asters. History buffs figure out the sites of dams that are no longer in place. In short, the park itself has become a vital part of the city's parks and recreation program.

We appreciate the opportunity to share these comments and thank you for your attention to them. Should you desire further information on any point, please feel free to contact us.

Sincerely,

Tina Wood

Tina Wood
President

Upstream

Dedicated to restoring sea-run fish passage and ecological health to Cobbossee Stream.

"Do one small thing for fish passage a day."

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