LOW IMPACT HYDROPOWER INSTITUTE

# REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE MILO HYDROELECTRIC PROJECT

**FERC Project No. 5647, exempt**
**Sebec River - Milo, Maine**

**March 12, 2020**
**Maryalice Fischer, Certification Program Director**

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**FINAL REVIEW OF APPLICATION FOR LIHI CERTIFICATION OF THE MILO HYDROELECTRIC PROJECT**

This report provides final review findings and recommendations related to the certification application submitted to the Low Impact Hydropower Institute (LIHI) by KEI (Maine) Power Management (II), LLC (Applicant) for certification of the Milo Hydroelectric Project (Project). The final certification application was filed on December 18, 2019 and is subject to review under the current 2nd edition LIHI Handbook (Revision 2.03, December 20, 2018).

## I. INTRODUCTION

The Milo Hydroelectric Project (Project) is located on the Sebec River, approximately two river miles upstream of its confluence with the Piscataquis River, in the town of Milo, Piscataquis County, Maine. The Town of Milo is located in the southeastern portion of Piscataquis County approximately 32 miles north of Bangor. It is in the geographic center of the State of Maine. The town of Milo encompasses the confluence of three rivers: the Piscataquis, Pleasant, and Sebec Rivers, all of which are part of the Penobscot River system.

An original dam was constructed at the Project site in 1823 and subsequently provided power for half a dozen mills along the Sebec River, including at least one saw mill, grist mill, spool and excelsior mill, and a woolen mill over the next century. In 1920, Milo Electric Light and Power Company installed two Morgan Smith turbines at the site, with multiple upgrades occurring over the next decade. At the time of Swift River Company's application to redevelop the site, many repairs to the existing dam structures and redesign of generation facilities to accommodate a run- of-river water power operation were made. The current facilities were constructed late 1982 and commenced operation on December 26, 1982. Project structures and property are leased from the town of Milo.

## II. PROJECT LOCATION AND SITE CHARACTERISTICS

The Sebec River is six miles long with a drainage area of 352 square miles. It originates approximately eight miles upstream of the Project at Dichotomy Sebec Lake Hydro LLC 's Sebec Hydroelectric Project (FERC No. 7253), a FERC- exempt, 867 kW hydroelectric project that impounds Sebec Lake (Figure 1). Other upstream dams are located on Big Wilson Stream and Ship Pond Stream, both tributaries to the Sebec River. There are no dams downstream of the Project before the Sebec River's confluence with the Piscataquis River.

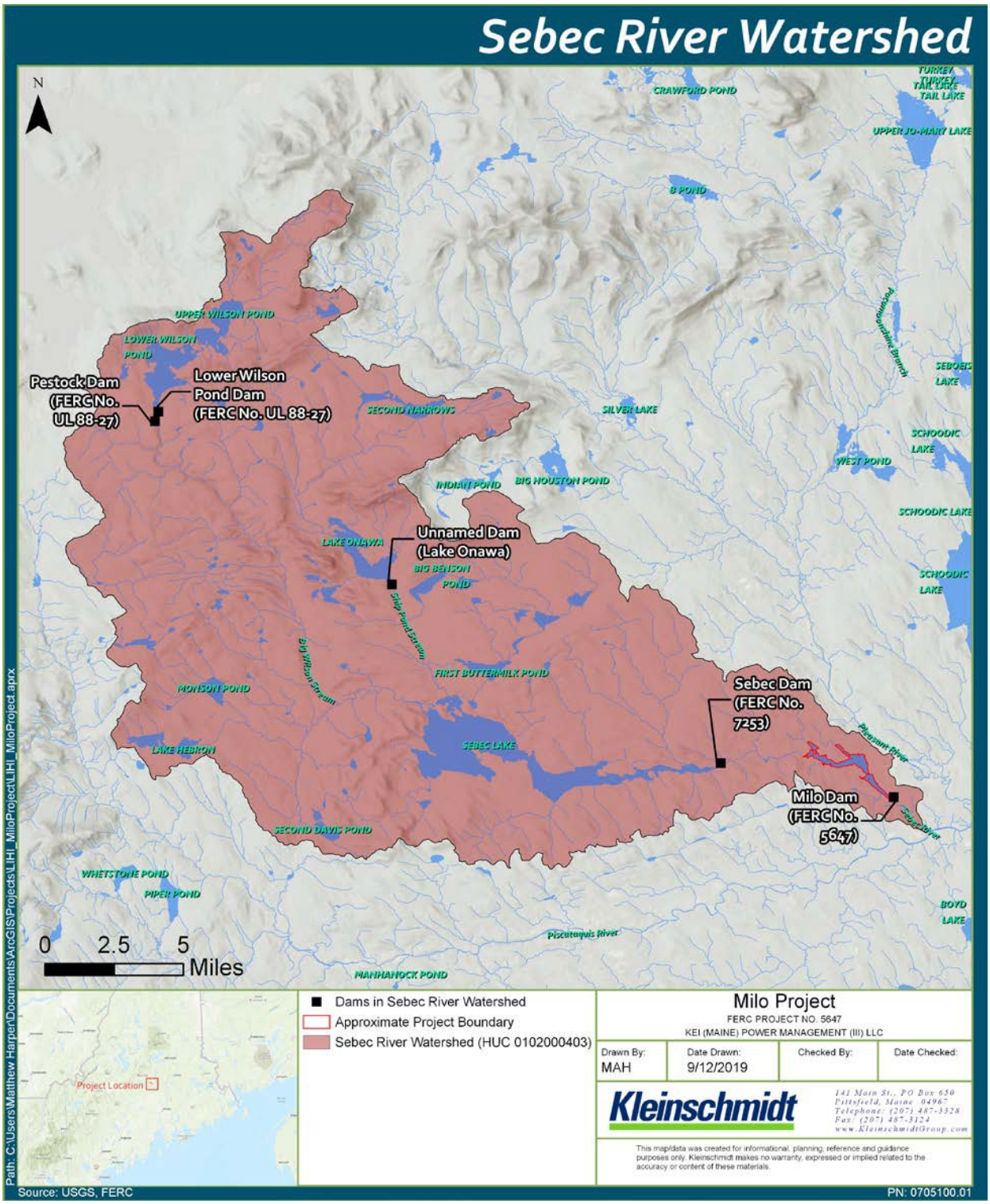


**Figure 1. Sebec River Watershed**

The Project consists of an 8-foot high L-shaped dam/spillway topped with 1-foot high flashboards in two overflow rock filled timber crib spillway sections measuring respectively 50 feet long and 170 feet long. A small spillway concrete section is located at the meeting point of the two spillway sections (Figure 2). The dam impounds a 50-acre reservoir with a net storage capacity of 50 acre-feet at a pond elevation of 279 feet above mean sea level (msl). The impoundment extends approximately 4.4 miles upstream along the 279-ft msl contour. Key features of the Project are identified in Figure 3.

**Figure 2. Milo Dam**

A power canal separates the original river channel by an earthen berm. A tailrace channel runs parallel to the original river channel and joins it 750 feet downstream of the dam. The powerhouse contains three turbine/generating units, Units 1 and 3 with a generator nameplate capacity of 235 kW each, and Unit 2 with a generator nameplate capacity of 225 kW. The total installed capacity based on generator nameplates is 0.695 MW and average annual generation is 2,078 MWh.

Inflow to the Project annually averages 1,732 cubic feet per second (cfs), ranging from about 600-800 cfs in summer months to between 1,100 and 2,000 cfs on a monthly basis during winter and spring. The Project operates in a run-of-river mode and water levels do not change as a result of operations. Minimum flows are maintained in both the east and west channels (the tailrace channel and the bypass reach, respectively).


**Figure 3. Milo Project Key Features**

## III. REGULATORY AND COMPLIANCE STATUS

The Project was granted a non-conduit exemption by FERC on February 23, 1982 (see Appendix C of the application). The exemption was amended twice by FERC orders dated June 18, 1996[1] and March 17, 1998[2] to more accurately reflect as-built Project facilities and operating capacities.

A review of the entire FERC elibrary all records back to 1981 showed mostly dam safety related and/or CEII documents or old documents available on microfiche only. No exemption deviations have been documented on the elibrary since 1992 when the Project was under prior ownership and they self-reported a brief minimum flow deviation due to a transmission system trip. The current owner purchased the Project and the exemption was transferred in 2009. The current owner (Applicant) filed annual minimum flow compliance certification reports until FERC discontinued that practice in 2015; however, the Applicant is still required to file reports of any deviations that may occur.

Under the FERC exemption, the Project is subject to Standard Articles including Article 2 which requires compliance with any terms and conditions that federal and state fish and wildlife agencies may impose.

Maine DEP issued, under permit #02-7580-21140, a Water Quality Certification (WQC) for the initial Project proposal on October 14, 1981. The WQC was subsequently revised on April 28, 1982 and on June 30, 1982 (see Appendix C of the application). The WQC includes provisions for:

- Instantaneous minimum flow of 25 cfs in the east (tailrace) channel and instantaneous minimum flow of 50 cfs in the west (bypass) channel. When project inflow is less than 75 cfs, the difference between the 25 cfs in the east channel and inflow is released into the west channel.
- A flow monitoring and control plan.
- Future reservation of authority for upstream and/or downstream fish passage.

## IV. PUBLIC COMMENTS RECEIVED OR SOLICITED BY LIHI

The application was publicly noticed on January 3, 2020 and notice of the application was forwarded to resource agency and stakeholder representatives listed in the application. No public comments were received by LIHI during the 60-day comment period which ended on March 3, 2020.

[1] 75 FERC ¶ 62,198

[2] 82 FERC ¶ 62,191

## V. ZONES OF EFFECT

The Applicant delineated the Project into three Zones of Effect (ZoEs): Zone 1 is the impoundment extending 4.4 miles upstream from the dam, Zone 2 is the 0.14-mile bypassed reach, and Zone 3 is the 0.2-mile tailrace and downstream reach below the dam (Figure 3). The Applicant selected the standards shown in the tables below. Where the reviewer disagrees with the selected standards, recommended standards are indicated in RED in the matrix tables below.

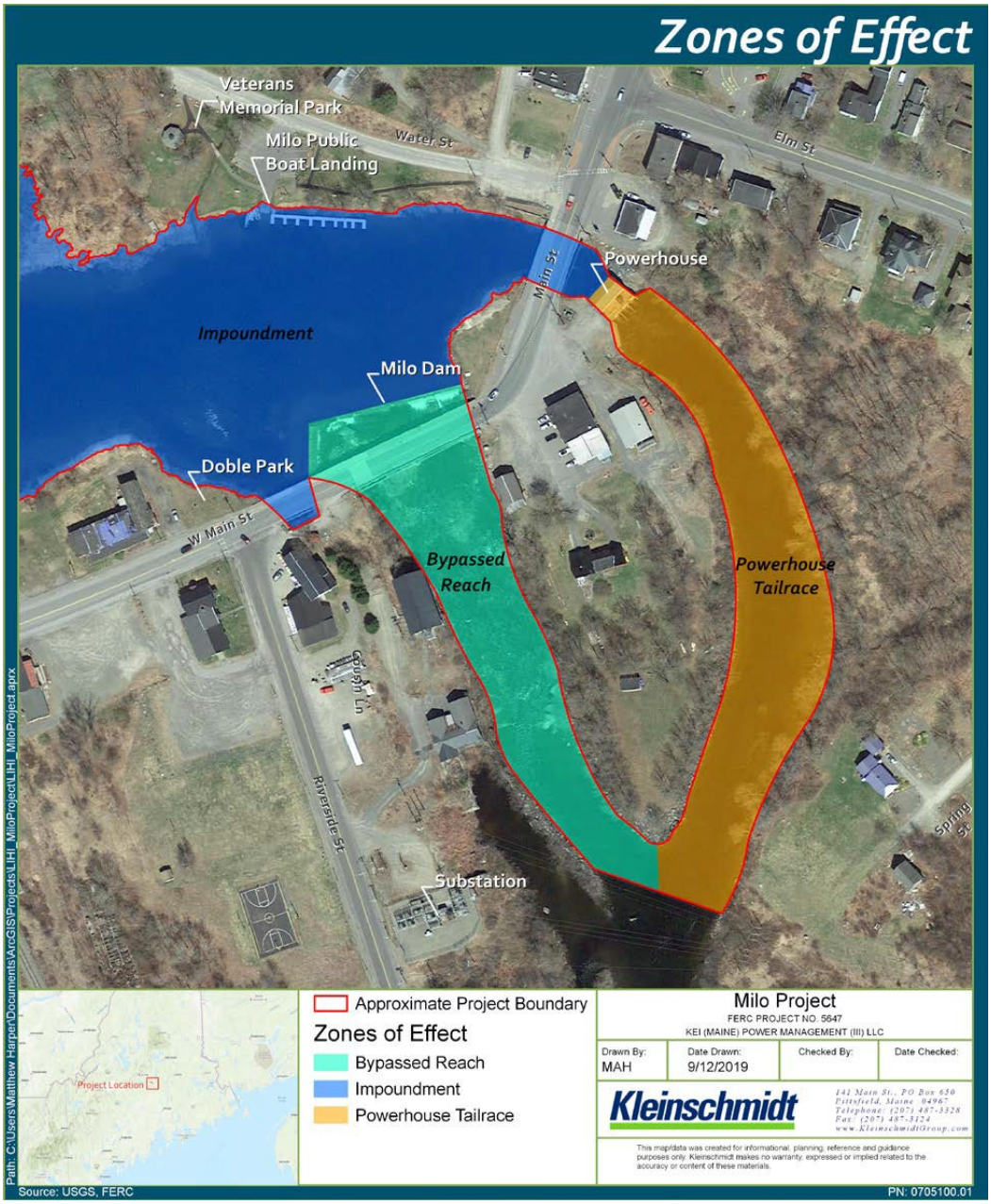


**Figure 3. Milo Zones of Effect**

**Zone of Effect # 1: Impoundment**

| CRITERION | | ALTERNATIVE STANDARDS | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | PLUS |
| A | Ecological Flow Regimes | ✓ | ✓ | | | |
| B | Water Quality | ✓ | ✓ | | | |
| C | Upstream Fish Passage | ✓ | | | | |
| D | Downstream Fish Passage | ✓ | ✓ | | | |
| E | Watershed and Shoreline Protection | | | ✓ | | |
| F | Threatened and Endangered Species Protection | | ✓ | | | |
| G | Cultural and Historic Resources Protection | ✓ | | | | |
| H | Recreational Resources | | | ✓ | | |

**Zone of Effect # 2: Bypassed Reach**

| CRITERION | | ALTERNATIVE STANDARDS | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | Plus |
| A | Ecological Flow Regimes | | ✓ | | | |
| B | Water Quality | ✓ | ✓ | | | |
| C | Upstream Fish Passage | ✓ | ✓ | | | |
| D | Downstream Fish Passage | ✓ | ✓ | | | |
| E | Watershed and Shoreline Protection | | | ✓ | | |
| F | Threatened and Endangered Species Protection | | ✓ | | | |
| G | Cultural and Historic Resources Protection | ✓ | | | | |
| H | Recreational Resources | | | ✓ | | |

**Zone of Effect # 3: Tailrace/Downstream Reach**

| CRITERION | | ALTERNATIVE STANDARDS | | | | |
|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | Plus |
| A | Ecological Flow Regimes | | ✓ | | | |
| B | Water Quality | ✓ | ✓ | | | |
| C | Upstream Fish Passage | ✓ | ✓ | | | |
| D | Downstream Fish Passage | ✓ | | | | |
| E | Watershed and Shoreline Protection | | | ✓ | | |
| F | Threatened and Endangered Species Protection | | ✓ | | | |
| G | Cultural and Historic Resources Protection | ✓ | | | | |
| H | Recreational Resources | | | ✓ | | |

## VI. DETAILED CRITERIA REVIEW

### A: Ecological Flow Regimes

***Goal:*** *The flow regimes in riverine reaches that are affected by the facility support habitat and other conditions suitable for healthy fish and wildlife resources.*

***Assessment of Criterion:*** The Applicant selected Standard A-2, Agency Recommendation for all ZOEs. Impoundments can typically qualify for A-1 since this criterion is focused primarily on riverine reaches, and with little impoundment storage, Standard A-1 is also appropriate.

***Discussion:*** The Sebec River is largely controlled by flows out of Sebec Lake, a 6,803-acre impoundment created by, and operated according to the flow release conditions of Sebec Hydroelectric Project (FERC No. 7253) located approximately 8 river miles upstream of the Milo Project. These flows are augmented by minor tributaries to Sebec Lake and along the eight-mile reach between the Sebec and Milo Dams.

The Project operates in an instantaneous run-of-river mode with the impoundment level maintained at the crest of the 1-foot flashboards. The flashboards have cutouts in the bottom of them to allow for water passage, which allows flows to pass under the flashboards the length of the dam creating even leakage across the dam. This maintains the minimum flow for the mainstem and keeps the timber crib dam wet at all time to help prevent dam deterioration. Impoundment levels are electronically controlled to keep the impoundment elevation at the crest of the flashboards.

The WQC requires an instantaneous minimum flow of 25 cfs in the east (tailrace) channel and an instantaneous minimum flow of 50 cfs in the west (bypass) channel, except that when inflow to the dam is less than 75 cfs the difference between the 25 cfs flow in the east channel and the inflow is released in the west channel. There is no listed scientific basis for those minimum flows in the WQC. however, the same minimum flow recommendations were made by Maine Department of Inland Fisheries and Wildlife (MDIFW) and USFWS at the time of exemption and were determined to be above the 7Q10 flow of 42 cfs as stated in the MDIFW letter at that time (see Appendix B of the application). The WQC therefore adopted the other agency recommendations based on the 7Q10 flow and the WQC stated that the facility would have no significant impact on maintaining minimum flows and water levels in the river. Since that time the upstream Sebec Lake project changed its operations from store and release to run-of-river with a minimum flow requirement which then provides additional continual inflow to the Milo Project.

US Fish and Wildlife Service (FWS) recommended that when west channel flows are reduced below 50 cfs in the event of low inflow, the flow reduction should be done over a period of several hours to avoid fish stranding as water levels in the west channel recede.

Annual reports that were required to be submitted to FERC up until 2015 when FERC discontinued that practice confirmed that KEI (Maine) and its predecessors have met the

required minimum flow releases. And no deviations have been reported to FERC since that time.

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project is in compliance with flow requirements and operates to protect aquatic habitat, and therefore satisfies the ecological flow regimes criterion.

**B: Water Quality**

***Goal:*** *Water Quality is protected in waterbodies directly affected by the facility, including downstream reaches, bypassed reaches, and impoundments above dams and diversions*.

***Assessment of Criterion:*** The Applicant selected Standard B-2, Agency Recommendation in all ZoEs; however, this review finds that Standard B-1, Not Applicable/De Minimis Effect is more appropriate.

***Discussion:*** At the time of exemption, the Sebec River was classified as Class C waters from the outlet of Sebec Lake to Milo dam, and as Class B from Milo dam to the confluence of the Sebec and Piscataquis Rivers. Thus, the water in the impoundment was judged unsuitable for water contact recreation, and several untreated sewer discharges were noted entering both the bypassed reach and powerhouse tailrace downstream of the dam. The WQC states that "the facility will not lower the water quality of the Sebec River and will not violate applicable Water Quality Standards provided that the existing sewer discharges are maintained during and following construction and provided that adequate flows are maintained in each channel to assimilate these discharged wastes."

In 1990, Maine Department of Environmental Protection (MDEP) re-classified the Sebec River upstream of the dam, as Class A waters suitable for the designated uses of drinking water after disinfection; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as "natural". MDEP confirmed this change on October 22, 2019 (see Appendix D of the application).

According to the 2016 Integrated Water Quality Monitoring and Assessment Report issued by the Maine DEP, the Sebec River at Milo[3] is listed as Class B. It was previously listed as impaired for bio-criteria non-attainment based on 1985, and then delisted in 2008. Resampling in 2006 at station 827, below the Milo Dam, had shown attainment of Class A bio-criteria. Additionally, the Sebec River at Milo was formerly affected by *e-coli*, and was classified as Class B. On November 24, 2014, the town's Combined Sewer Overflow (CSO) abatement project was completed and no CSO events have occurred since 2008. Recreational use impairments are included in the statewide bacteria TMDL.

[3] The 2.29-mile reach above the confluence with the Piscataquis River. See page 37 of: https://www.maine.gov/dep/water/monitoring/305b/2016/28-Feb-2018_2016-ME-IntegratedRptLIST.pdf

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project does not appear to adversely impact water quality and is not the cause of bacteria impairments, therefore satisfies the water quality criterion.

### C: Upstream Fish Passage

***Goal:*** *The facility allows for the safe, timely, and effective upstream passage of migratory fish. This criterion is intended to ensure that migratory species can successfully complete their life cycles and maintain healthy, sustainable fish and wildlife resources in areas affected by the facility.*

***Assessment of Criterion:*** The Applicant selected Standard C-1, Not Applicable/De Minimis Effect in all ZoEs. This review finds that Standard C-2, Agency Recommendation is more appropriate in the bypassed reach and tailrace/downstream reach while Standard C-1 is appropriate for the impoundment reach since once above a dam there is no further impediment to upstream movement.

***Discussion:*** The Project's exemption Standard Article 2 reserves authority for agencies to require fish passage facilities. To date no agency has exercised its authority.

Historically, American shad and alewife migrated up the Sebec River. Dam construction on the lower Penobscot River, Piscataquis River, and the Sebec River subsequently blocked these species from the Sebec River (Maine Dept. of Marine Resources September 16, 1981 comment letter, see Appendix B of the application,). MDIFW also commented at that time (Appendix B of the application) with a list of fish present in the Penobscot River system which included migratory species such as Atlantic salmon, sea lamprey, shortnose sturgeon, Atlantic sturgeon, blueback herring, alewife, and American eel.

According to the MDIFW, Milo and Sebec Dams create important barriers that keep invasive species such as northern pike that are present in the Piscataquis River and lower Penobscot River drainage from moving upstream, which could be detrimental to the managed population of landlocked Atlantic salmon in Sebec Lake. The lake's 2013 fisheries progress report and management plan[4] also state that American eel have been present in sporadic fish counts in Sebec Lake which implies that at least some eels can successfully migrate up the Sebec River and over the Milo and Sebec Lake dams.

In 2011, the Maine Legislature passed LD 134: *An Act to Protect Native Landlocked Salmon Fisheries from Invasive Species*, which specifically prohibits the construction of upstream fish passage facilities at Milo and Sebec dams to prevent northern pike from gaining access to Sebec lake.[5]

[4] https://www.maine.gov/ifw/docs/fisheries-reports/2013/sebeclake.pdf

[5] http://www.mainelegislature.org/legis/bills/bills_125th/billpdfs/HP011601.pdf

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project is in compliance with the agency recommendation and state law prohibiting upstream passage, and therefore satisfies the upstream fish passage criterion.

### D: Downstream Fish Passage

***Goal:*** *The facility allows for the safe, timely, and effective downstream passage of migratory fish. For riverine (resident) fish, the facility minimizes loss of fish from reservoirs and upstream river reaches affected by Facility operations. All migratory species can successfully complete their life cycles and to maintain healthy, sustainable fish and wildlife resources in the areas affected by the Facility.*

***Assessment of Criterion:*** The Applicant selected Standard D-1, Not Applicable/De Minimis Effect in all ZoEs. This review finds that Standard D-1 is appropriate in the tailrace/downstream reach since once below a project there is no further impediment to downstream movement. However, Standard D-2, Agency Recommendation is more appropriate in the impoundment and bypassed reach.

***Discussion:*** The Project's exemption Standard Article 2 reserves authority for agencies to require fish passage facilities. To date no agency has exercised its authority.

According to MDIFW[6], fish species present in Sebec Lake include: landlocked Atlantic salmon, lake trout, white perch, smallmouth bass, rainbow smelt, three-spine stickleback, banded killifish, brook trout, brown bullhead, creek chub, common shiner, burbot, American eel, fallfish, golden shiner, northern redbelly dace, chain pickerel, pumpkinseed sunfish, white sucker, and yellow perch. Adult landlocked salmon can sometimes drop down from Sebec Lake into the Sebec River under high flows but the river below Sebec dam is primarily "deadwater habitat" with little salmon spawning or nursery habitat. Smallmouth bass and brook trout that are stocked upstream of Milo are also present at the Project, as are pickerel, bass and yellow perch.[7]

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project satisfies the downstream fish passage criterion.

### E: Shoreline and Watershed Protection

***Goal:*** *The facility has demonstrated that sufficient action has been taken to protect, mitigate or enhance the condition of soils, vegetation and ecosystem functions on shoreline and watershed lands associated with the facility.*

***Assessment of Criterion:*** The Applicant selected Standard E-3, Enforceable Protection in all ZoEs.

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[6] See footnote 4

[7] https://www.trcmaine.org/docs/milo/docs/MiloCompPlan.pdf

***Discussion:*** The Project impounds approximately 50 surface acres of water extending about 4.4 miles upstream of the dam along the 279-foot contour. The majority of shoreline and lands surrounding the impoundment consist of wooded hills and forested uplands that are mostly unpopulated and used for hunting, fishing, boating, and snowmobiling. A small portion of the impoundment's shoreline within 1,000 feet of the dam and in the tailrace and bypassed reach are abutted by commercial and residential properties, and public lands used for recreation.

The application states that a visual assessment of the impoundment shows that the only non-Project use of the shoreline is by the town of Milo for its Milo Public Boat Launch and what appears to be a private boat launch on the southern shoreline of the impoundment just west of the railroad crossing. The Project structures are leased from the Town of Milo.

While no Shoreline Management Plan is in place to manage non-Project use at the impoundment, the town of Milo has adopted two ordinances to manage land use along the shoreline.

- Maine State Model for Floodplain Ordinances[8] regulates construction activity in the town of Milo's floodplain areas, including the shorelines of the Sebec River.

- Maine State Model for Shoreline Zoning Ordinances[9] were created to "further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas…" The ordinance restricts development and construction within 250 feet of the normal high-water mark on lakes and streams.

In response to an inquiry from the Applicant, John Perry from MDIFW stated that *"much of the river in the project area is mapped as Inland Waterfowl and Wading Bird Habitat, a Significant Wildlife Habitat under Maine's Natural Resources Protection Act. These habitats provide important breeding, feeding, migration, staging, and wintering habitat for waterfowl and wading bird species*." (see Appendix D of the application).

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project with its run-of-river operation, small footprint, and state regulatory

[8] https://www.maine.gov/dacf/flood/ordinances.shtml

[9] https://www.maine.gov/dep/land/slz/#rule

restrictions, has little to no impact on the shoreline and therefore satisfies the shoreland and watershed protection criterion.

**F: Threatened and Endangered Species**

***Goal:*** *The facility does not negatively impact federal or state listed species.*

***Assessment of Criterion Passage:*** The Applicant selected Standard F-2, Finding of No Negative Effect for all ZoEs.

***Discussion:*** The FWS Information for Planning and Consultation (IPaC) database was accessed to determine federally listed species that could occur in the Project vicinity. Findings indicate that the federally endangered Atlantic salmon (*Salmo salar*), the federally threatened Canada lynx (*Lynx canadensis*) and Northern long- eared bat (*Myotis septentrionalis*) could occur in the Project vicinity. No critical habitats were identified for any of these three species in the Project vicinity.

The Gulf of Maine Distinct Population Segment of Atlantic salmon (GOP DPS) was originally listed as an endangered species under the ESA on November 17, 2000 and revised on June 19, 2009 to cover an expanded range that encompassed additional large river systems in Maine found to contain Atlantic salmon populations genetically similar to those in the previously listed coastal river populations; critical habitat for the GOP DPS was also designated at that time. However, landlocked salmon and salmon raised in commercial hatcheries for aquaculture such as those in Sebec Lake are excluded from the GOP DPS.[10] Landlocked salmon are considered native in four river basins in Maine, including the Penobscot/Piscataquis drainage in Piscataquis County. Sebec Lake is known as one of Maine's original landlocked salmon waters. Tributaries to Sebec Lake provide important spawning and nursery habitat for the wild landlocked salmon populations here.

The Canada lynx was listed as a federally threatened species under the ESA on March 24, 2000 and is also a species of special concern in Maine. In the Project vicinity, Canada lynx are most common in spruce/fir flats. In 2009, the USFWS designated approximately 10,000 square miles of critical habitat in northern Maine, the southern extent of which is approximately 20 miles north of the Project.[11] As Project facilities are located within the urban setting of the town of Milo, ongoing operations are not anticipated to negatively affect the Canada lynx.

The Northern long-eared bat (NLEB) was listed as a federally threatened species under the ESA on May 4, 2015 and is also a species of special concern in Maine. The Project is located within a county identified as having white-nose syndrome or *Pseudogymnoascus destructans* infected hibernacula or bats, and, therefore, the Applicant states that they will abide by the 4(d) ruling

[10] https://www.govinfo.gov/content/pkg/FR-2009-06-19/pdf/E9-14268.pdf#page=2
[11] https://www.govinfo.gov/content/pkg/FR-2014-09-12/pdf/2014-21013.pdf#page=1

issued by USFSW for Northern long-eared bat which restricts tree cutting to certain times of year. Ongoing run-of-river operations are not anticipated to negatively affect the NLEB.

On October 21, 2019, the Maine Department of Agriculture, Conservation & Forestry responded to an Applicant inquiry with the following: "*According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area*." Additionally, on November 5, 2019, MDIFW stated that state-listed and Special Concern species that have been documented in the general vicinity of the Milo Hydro Project on the Sebec River include:

- Creeper (Special Concern species of freshwater mussel)
- Bald Eagle--until recently, bald eagles were listed as a Species of Special Concern in Maine. However, eagles continue to be protected under the federal Bald Eagle and Golden Eagle Protection Act as well as other federal laws.

In addition, while a comprehensive statewide inventory for bats has not been completed it is likely that several of species of bats occur within the Project area during migration and/or the breeding season. These species all have similar habitat requirements.

- Little brown bat (State Endangered)
- Northern long-eared bat (State Endangered)
- Eastern small-footed bat (State Threatened)
- Big brown bat (Special Concern)
- Red bat (Special Concern)
- Hoary bat (Special Concern)
- Silver-haired bat (Special Concern)
- Tri-colored bat (Special Concern)

As noted in Section VI.E above, much of the river in the Project area is mapped as Inland Waterfowl and Wading Bird Habitat, a Significant Wildlife Habitat under Maine's Natural Resources Protection Act. These habitats provide important breeding, feeding, migration, staging, and wintering habitat for waterfowl and wading bird species. However, the state list did not include any listed species of wading birds, or migratory birds that are likely found in the area during spring and fall migrations.

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project is unlikely to affect listed species given its small footprint, run-of-river operations, and commitment to follow the 4(d) rule for Northern long-eared bat. Therefore, the Project satisfies the threatened and endangered species protection criterion.

### G: Cultural and Historic Resources Protection

***Goal:*** *The Facility does not unnecessarily impact cultural or historic resources that are associated with the facility's lands and waters, including resources important to local indigenous populations, such as Native Americans.*

***Assessment of Criterion:*** The Applicant selected Standard G-1, Not Applicable/De Minimis Effect in all ZoEs.

***Discussion:*** The application states that the Maine Historic Preservation Commission (MHPC) indicates that the Mill Complex, American Mill (ME 282-001), found adjacent to the Project along the western shoreline of the bypassed reach, has been identified as a historic archaeological site, but no professional survey of archaeologic sites has been conducted.

Upon review of the initial design and proposal for the Milo Project, the MHPC stated in a September 22, 1981 letter that "*the project will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.*" No Historic Properties Management Plan is in place for the Project; however, the Applicant states that they are aware of its responsibility to follow the appropriate steps to protect previously unidentified historic or cultural resources and to consult with the MHPC prior to any construction that may affect an historic or cultural resource.

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project does not impact cultural or historic resources given the fact that the Applicant leases Project property from the town and is committed to consultation in the event of construction activities. Therefore, the Project satisfies the cultural and historic resources protection criterion.

**H: Recreational Resources**

***Goal:*** *The facility accommodates recreation activities on lands and waters controlled by the facility and provides recreational access to its associated lands and waters without fee or charge.*

***Assessment of Criterion Passage:*** The Applicant selected Standard H-3, Assured Accessibility and Use in all ZoEs.

***Discussion:*** There are no requirements in the FERC exemption or WQC related to recreation. In a comment letter during the exemption proceeding, FWS recommended that the Project provide reasonable access for fishing where safe to do so. The Applicant states that given the small footprint of the Project, it does not feature any recreational facilities; however, excluding areas secured for public safety, public use of Project lands and waters for recreation is permitted free of charge.

Some recreation sites exist adjacent to the Project. Veterans Memorial Park is located along the eastern shoreline of the impounded portion of the Sebec River upstream of the dam facilities. The park includes benches, picnic tables, walkways with a footbridge, a gazebo, boat ramp and docks (Milo Public Boat Landing), and seasonal toilet facilities. Another small public park, Doble Park, is located along the western shoreline of the impoundment, just upstream of the dam. No formal amenities are located at that site.

Based on the application, supporting documentation, and FERC elibrary documents, this review finds that the Project satisfies the recreational resources criterion.

## VII. CERTIFICATION RECOMMENDATION

This review included evaluation of the application and additional information provided, a review of the FERC elibrary, and review of other publicly available information. Based on this evaluation, the Reviewer recommends that the Milo Project be certified for a term of five (5) years with no conditions.