

Hi Fred. I wish the following to be added to the comment record for Benton Falls Dam.

Mr. Fred Ayer
Low Impact Hydroelectric Institute

Jan. 6, 2010

RE: Application by Benton Falls Associates for LIHI Certification for Benton Falls Dam.

Dear Mr. Ayer,

With the removal of the Fort Halifax Dam at Winslow, Maine in 2008 the lower reach of the Sebasticook River, Maine has become an attractive recreational area, especially for canoeing and kayaking from the Benton Falls Dam to the Kennebec River, an approx. 6 mile trip. My family has for several years canoed this reach of the Sebasticook.

This summer, in August, my family and guests attempted to use the official 'portage trail' at the Benton Falls Dam to launch our canoes and gear into the river to begin our trip on the south side of the river in Benton, opposite the dam powerhouse. Upon doing so, we were confronted by the owner of the house next to the river who claimed that we were trespassing on his 'lawn' and property and asked us by what right we had to even be there. Being familiar with the site for the past 15 years, I informed the homeowner that what he considered his 'lawn' was actually the official portage trail established in FERC license for the Benton Falls Dam to allow people to get into and out of the river at the dam site.

Because we were both level-headed about the issue, a confrontation was eventually averted, however, it became apparent to me that the current owners of Benton Falls Dam have apparently not informed this landowner that there is a formal right of way for canoeists across this gentleman's land to let people get to the river. To date, the right of way is not marked in any way. The only signs that exist are "no trespassing" signs along the high stone wall along the river just below the dam spillway. There are no signs marking the public right of way. Except to me, nobody would know a public right of way to the river even existed at the site.

Apparently BFA has never informed this homeowner that part of his property is a federally designated river access point for hand-launched canoes and walk-in public access to the river. This failure by BFA almost ruined our family's canoe trip on the Sebasticook this August and almost caused a nasty confrontation with a not very pleasant landowner, who in his defense, had no idea that part of his yard is a public right of way to the river. The FERC license for Benton Falls specifically requires the licensee to maintain and mark this right of way and launch in point so that the public is aware that it exists. Instead, what we were confronted with in August was an adjoining landowner who had claimed the entire riverbank as "his yard" and was wondering upon what precept we were trespassing upon it.

Providing, marking and maintaining public access points for fishing, swimming, nature photography, parking and canoe pull-out and put-in points is perhaps the most basic responsibility of a FERC licensee. Our experience this August indicated that BFA has grossly neglected this most basic obligation, to the point that my family almost came into an incendiary confrontation with a confused and irate landowner, who believed that we were trespassing on 'his' land, even though we were using the now neglected FERC-required right of way to the river from the dam site. This should not happen.

Prior to LIHI considering BFA's application, I respectfully request LIHI require BFA to provide an explanation for this lapse and how they intend to remedy it.

Sincerely,

Douglas H. Watts
131 Cony Street
Augusta, Maine 04330