

April 30, 2021

comments@lowimpacthydro.org
Low Impact Hydropower Institute
1167 Massachusetts Avenue, Office 407
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RE: Comments from the Azischohos Lake Campers Association (ALCA) and Azischohos Lake Preservation Committee (ALPC) on the Azischohos Project LIHI Application

Dear LIHI:

The Azischohos Lake Campers Association (ALCA) is a non-profit organization that has existed for over 56 years, and includes ~62 camps or lots on Lake Azischoho's central eastern shores. The Azischohos Lake Preservation Committee (ALPC) is an appointed committee of ALCA members, who hired an environmental firm to conduct a study on Lake Azischohos reservoir drawdown impacts (ESCMarin.2003. "Impacts Associated with Extensive Lake Level Drawdown at Azischohos Lake - Wilson Mills, Maine," that was filed July 2003 and on record with FERC (FERC-Generated PDF of 20030724-0278 Received by FERC OSEC 07/23/2003 in Docket#: P-4026-000)¹. It is the position of our organization that the Azischohos Project should not be certified by LIHI at this time for multiple reasons.

Procedurally LIHI's handbook at 4.5.1 states *"If a new application for LIHI Certification is received for a facility that is currently in, or approaching FERC licensing, relicensing, or exemption, and a new license or exemption is expected to be issued during the term of LIHI Certification, **LIHI will advise the applicant to delay application until they have completed that proceeding.** The applicant will also be advised to delay application if the facility is subject to an ongoing amendment or rehearing proceeding that may affect the LIHI criteria."* This facility is undergoing relicensing that started on March 30, 2020 as required by FERC, the expiration date is March 30, 2025 for its current 40-year FERC license. Currently there are contested issues between the agencies and stakeholders with the Applicant on study requests and project impacts in this FERC relicensing. LIHI certification at this time based on information and license requirements dating back 36 years to 1985 is not justifiable. The current license permits for drawdowns to drain the complete reservoir—hardly low impact. LIHI recommends that an Applicant "delay application until they have completed relicensing". Brookfield ignored LIHI's Handbook recommendation.

Furthermore, we have learned that many parties including the Rangeley Lakes Heritage Trust, American Whitewater, Appalachian Mountain Club and Trout Unlimited only were made aware of this LIHI application through the FERC relicensing grapevine. The LIHI Handbook at Appendix B.4 .C. cites the need to contact "Current stakeholders that are actively engaged with the facility.". Brookfield knew all of these parties were actively engaged in this Project, yet failed to notify them of this LIHI application.

This Application should also be denied at this time on substantive grounds. The current license permits for unlimited drawdowns to drain the complete reservoir (45 feet) at any time for any reason, which defies the concept of low impact. Typical annual drawdowns are in the 20-30 foot range. These drawdown levels based on their timing in many years can greatly impede smelt access in the spring to

¹ This report can also be accessed at http://sunfishmedia.com/Azischohos/ImpactStudy_2001.pdf

their tributary streams, and brook trout to their tributary streams in the fall, a subject of ongoing FERC relicensing studies. This contradicts the Applications false suggestion that fish passage is not an issue. Brook trout is one of the two principle and highly sought-after game fish by our members. Smelt are a principle forage fish for both brook trout and landlocked Atlantic salmon, the latter which are currently stunted. ME DIFW in its FERC study request in the ongoing relicensing is concerned on how tributary access due to drawdowns may result in poor reproduction of smelt in this lake, and that in return may influence the health of the salmon population. Similar for brook trout spawning access in the fall that is likely greatly compromised due to drawdown timing, also a subject of ongoing relicensing studies. LIHI can access this full record on study requests at the FERC web site for this Project.

Trout Unlimited has already filed with LIHI on how this Project fails LIHI's Water Quality criteria and ALCA concurs with their filing. Based on the results of our prior mentioned 2003 study (the best bathymetric information available to date and used by state agencies and the public), the littoral zone impacts due to the massive annual dewatering of the littoral zone fails to meet ME DEP's littoral standard. ME DEP littoral zone standard is that 75% of the littoral zone remain watered. The littoral zone criterium is based on two time the average secchi disc reading for a lake, which is 16 feet x 2 = ~32 feet depth for this lake. Using the bathymetric data created for this lake our ESC Marin study calculated that the current drawdowns of 10 feet from full pond dewater ca. 2,000+ acres (30%) of the lake bottom, and drawdowns of 20 and 30 feet respectively dewater 2,900+ acres (40%), and 4,600+ acres (60%) of the lake bottom. Therefore typical annual drawdowns of 20-30 feet fail having 75% of the littoral zone remaining wetted per ME DEP standards. Permitted drawdowns under the current FERC license to 45 feet dewater the entire reservoir. Brookfield's LIHI Application is silent on this issue.

Brookfield also falsely suggests that oxygen levels in the hypolimnion are okay and 'normal' based on an outdated ME DEP report. Yet in the ongoing FERC relicensing depressed oxygen levels in the hypolimnion are an issue, under study, and likely may be caused by project operations (intake for the penstock draws from and diminishes the hypolimnion). Low oxygen measurements in the hypolimnion depth were recorded as far back as the 1930's when Cooper (1940) documented that dissolved oxygen concentrations in the hypolimnion during summer stratification were favorable in each of the proximate Rangeley Region lakes studied **except** for Lake Azisochos. Lake Parmachenee, immediately upstream and that drains into Lake Azisochos has no drawdowns and has well oxygenated hypolimnion waters, unlike the depleted oxygen level in Lake Azisochos's hypolimnion.

This Application also fails LIHI's Recreation criteria². ME BPL is on record as requesting further public access studies on this reservoir in the ongoing FERC process, since there is no public boat access guaranteed under the current license (except for residents of Lincoln Plantation on Brookfield's Project boundary property)³. All public boat access currently is provided through a fee at a private campground, and an ad hoc site on private land. There is no guarantee of their tenure over the term of the current license.

ALCA and ALPC's position is that this LIHI Application is not always truthful, and it tests the credibility of LIHI Certification as being low impact with a permitted 45-foot drawdown under its current license, and

² Criterion Standard Supporting Information H 2 is "*The facility demonstrates compliance with resource agency recommendations for recreational access or accommodation (including recreational flow releases), or any enforceable recreation plan in place for the facility.*

³ See FERC study request filings by State of Maine.

typical annual drawdowns up to 30 feet. Brookfield should not have submitted this application at this time due to ongoing FERC relicensing, and even when it did it failed to properly notify many parties of interest. Reconsideration for LIHI certification might be appropriate following FERC relicensing in 2025, and the State of Maine's issuance of an updated 401 Water Quality Certification at that time.

Our camp association members appreciate your giving strong consideration of our comments. Because I am in the process of selling my current house and moving by best contact is through my email in the interim.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Johnson", with a long horizontal flourish extending to the right.

Alan Johnson, President
Aziscohos Lake Campers Association, and Aziscohos Lake Preservation Council
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