

May 17, 2022

Ms. Shannon Ames, Executive Director
Low Impact Hydropower Institute
329 Massachusetts Avenue, Suite 2
Lexington, MA 02420



Transmitted via e-mail to comments@lowimpacthydro.org

Subject: Comments on Application for LIHI Certification for the Brassua Project

Dear Ms. Ames:

On behalf of its six chapters and over 2,000 members, Maine Council of Trout Unlimited (TU) submits these comments on the Brookfield Application for LIHI Certification for the Brassua Project dated March 31, 2022.

General Comments

The Brassua Project does not qualify for certification as “low impact” by LIHI because the application does not contain information required by LIHI to demonstrate compliance with the Water Quality criteria. Maine Department of Environmental Protection (MDEP) had been exchanging correspondence with Brookfield in good faith for at least four years in an attempt to get them to provide study data that demonstrated that the project met Maine water quality standards. The project had proven deficient in showing that the littoral zone of the impoundment met criteria for the Benthic macroinvertebrate community and for mussels.

MDEP had allowed Brookfield to withdraw and resubmit the Water Quality Certification Application. MDEP’s good faith worked against them when the Hoopa Valley Tribe V. FERC court decision held that under such circumstances, the State had waived its Section 401 authority. FERC awarded the current license on April 15, 2020.

There is nothing in Brookfield’s LIHI application or in the record demonstrating that the Brassua Project meets state water quality standards. Even operating within the terms and conditions of the current license, the project causes significant harms to the environment in the impoundment. In the absence of a 401 Water Quality Certification (WQC), the burden of proof that the project meets water quality standards lies clearly with the applicant.

Specific Comments

The Brassua Project is primarily a storage project and subject to seasonal water level fluctuations of as much as 27 feet.¹ Given Maine's stringent water quality standards, this makes it extremely difficult for the project to obtain a WCQ.

Since at least 2006, the Maine DEP has listed Brassua Lake in the state's 303 D list of impaired waters as Category 4-C: "Lakes With Impairment not Caused by a Pollutant", with "Aquatic Life" listed as the impaired use due to draw-down. It remains listed as an impaired water in the most recent report from 2016.

Category 4-C: Lake Waters with Impairment not Caused by a Pollutant

| HUC | Lake Name | Lake ID | Lake Area (Acres) | Date of Last Visit; Year of Likely Next Visit | Comment (Impaired use) | Other listing categories having lakes within this HUC | 2012 Listing Category |
|---|---------------|---------|-------------------|---|---|---|-----------------------|
| ME 0101000408 | * SCOPAN L | 1654 | 5120 | 2001 2016 | Non-att.d/t non-poll. (Aquatic Life: draw down) | 2 | 4c |
| ME 0103000104 | * BRASSUA L | 4120 | 8979 | 1996 2016 | Non-att.d/t non-poll. (Aquatic Life: draw down) | 1 | 4c |
| ME 0103000203 | * FLAGSTAFF L | 38 | 20300 | 2016 | Non-att.d/t non-poll. (Aquatic Life: draw down) | 1,2 | 4c |
| ME 0104000103 | * AZISCOHOS L | 3290 | 6700 | 2014 2019 | Non-att.d/t non-poll. (Aquatic Life: draw down) | 1 | 4c |
| ME 0105000212 | * GRAHAM L | 4350 | 7865 | 2014 2019 | Non-att.d/t non-poll. (Aquatic Life: draw down) | 1,2,3 | 4c |
| Total acreage for 5 lakes within Category 4C: | | | 48,964 | | | | |

* Lakes within this HUC can be found under other listing categories (see column second in from right)

Brookfield acknowledges that the project does not hold a WQC: "The Project does not hold a Section 401 Water Quality Certification, see 2020 FERC license discussion below.

Under section 401(a)(1) of the Clean Water Act (CWA), the Commission may not issue a license authorizing the construction or operation of a hydroelectric project unless the state water quality certifying agency either has issued water quality certification (certification) for the project or has waived certification by failing to act on a request for certification within a reasonable period of time, not to exceed one year. Section 401(d) of the CWA provides that the certification shall become a condition of any federal license that authorizes construction or operation of the project. As discussed below, Maine has

¹ Brookfield Application for LIHI Certification for Brassua Project dated March 31, 2022, page 10:

"(a) from the end of the spring refill in May through June 15, the licensees must maintain the reservoir elevation at or above 1,072.0 feet msl;

(b) from June 16 through July 31, the licensees must maintain the reservoir elevation at or above 1,071.0 feet msl;

(c) from August 1 through September 15, the licensees must maintain the reservoir elevation at or above 1,069.0 feet msl;

(d) from September 16 through October 15, the licensees must maintain the reservoir elevation at or above 1,067.0 feet msl; and

(e) after October 16 and until the end of the spring refill in May, the reservoir elevation must be maintained at no lower than 1,050.0 feet msl; with the exception that in years with "snowpack conditions" (as defined in the Operation Compliance Monitoring Plan required by Article 402), the reservoir elevation must be maintained at an elevation no lower than 1,045.0 feet msl."

waived certification.... section 401(a)(1) of the CWA limits the time for a state certifying agency, here the Maine DEP, to act on a request for certification to one year after receipt of such request. If a state "fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of [section 401(a)(1)] shall be waived with respect to such Federal application." (2020 FERC License)"²

Brookfield goes on to say that "Water quality within the Project is good. No portion of waters within the Project are included on the Maine 303(d) list of impaired waters due to a pollutant."³ This is beside the point. The impairment is explained by operation of the Brassua Project as we will detail below. The application goes on to state: "Sampling conducted by the Licensees for the projects relicensing showed that the reservoir meets all applicable physical and chemical water quality standards. Temperature and dissolved oxygen sampling in the tailrace of Brassua Dam illustrate attainment of the appropriate Class A water quality standard..."⁴ While Brookfield feels that the water quality is "good", it does not meet Maine water quality standards that are not based solely on physical characteristics of waters but include biotic components.

Maine statutes specify:

"1. Class GPA waters. Class GPA is the sole classification both of great ponds and of natural lakes and ponds less than 10 acres in size.

*A. Class GPA waters must be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, agriculture, 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."*⁵

Another section of the statutes defines the term "natural":

*'Natural. "Natural" means living in, or as if in, a state of nature not measurably affected by human activity. "*⁶

Maine Department of Environmental Protection (MDEP) makes this determination by sampling biological communities present in the areas affected by project operations as the Brassua impoundment clearly is. Brookfield was unable to demonstrate that the Brassua impoundment maintained a community of freshwater mussels or macro-invertebrates comparable to unimpounded lake waters in the area.

² Id., page 14.

³ Ibid.

⁴ Id., pages 14-15.

⁵ MRSA 38§465-A¶1A.

⁶ MRSA 38§466¶9.

Brookfield's assertion that "*water quality is good*" is meaningless when considered in terms of Maine statutes. In the absence of a WQC for the project, Brookfield should be required to produce a letter from MDEP stating that the Brassua Project meets the requirements of Class GPA waters.

The Applicant asserts that the Brassua Project meets LIHI water quality criterion B-2. It clearly fails to meet this and each of the other LIHI water quality criteria:

*"STANDARD B-1. Not Applicable/De Minimis Effect: The facility does not alter the physical, chemical, or **biotic** water characteristics necessary to support fish and wildlife resources or human water uses (e.g., water supply or recreation);"*⁷ (emphasis supplied)

Issue: The seasonal water level fluctuations of as much as 27 feet that occur in the impoundment have altered the biotic water characteristics so that they do not support an appropriate community of freshwater mussels or macroinvertebrates – and likely other aquatic species. Physical characteristics may have been altered that are not covered by Maine environmental standards such as turbidity, pH, or other characteristics.

*"STANDARD B-2. Agency Recommendation: The facility is in compliance with all water quality conditions contained in a recent Water Quality Certification or science-based resource agency recommendation providing reasonable assurance that water quality standards will be met for all waterbodies that are directly affected by the facility. Such recommendations, whether based on a generally applicable water quality standard or one that was developed on a site-specific basis, must include consideration of all water quality components necessary to preserve healthy fish and wildlife populations, human uses and recreation;"*⁸

Issue: The project has neither a WQC or any correspondence from MDEP indicating that the project as currently licensed has the water quality components necessary to preserve healthy fish and wildlife populations, especially in the case of freshwater mussels and macro-invertebrates. Attachment A provides details, notably this statement from a current MDEP official: "*I've spoken with previous Department staff familiar with the project who confirmed that the issue was a significantly depleted population of mussels, compared to the reference lake (Attean Pond).*" The email goes on to say: "***Hopefully this will be sufficient to document that Brassua Lake is currently not meeting aquatic life criteria under Maine's water quality standards due to the effects of lake drawdown caused by the current dam operations.***"⁹ (emphasis supplied)

⁷ Low Impact Hydropower Certification Handbook, 2nd Edition, Revision 2.04: April 1, 2020. Page 7.

⁸ Ibid.

⁹ Email Jeanne DiFranco, Maine Department of Environmental Protection to Steve Heinz, Maine TU Council dated May 5, 2022.

“STANDARD B-3. Site-Specific Studies: In the absence of an applicable agency recommendation specific to the facility, the facility owner demonstrates that it is in compliance with the quantitative water quality standards established by the state or other regulatory authority to support designated uses pursuant to the federal Clean Water Act or other applicable statute in the facility area and in the downstream reach.”¹⁰


Issue: Brookfield’s application to LIHI contains no reference to site-specific studies that demonstrate compliance with Maine’s water quality standards.

Conclusion

Based on the above, the application for the Brassua Project fails to meet LIHI Criteria 3 – Water Quality. This is well known to the applicant who went back and forth with MDEP for at least four years in an effort to obtain a water quality certification that was never granted because Maine biotic water quality standards had not been demonstrated to have been met. Attachments B¹¹ and C¹² show that the exchange was still in progress when the Hoopa Valley Tribe V. FERC decision rendered the point moot in terms of FERC licensing but not in term of meeting LIHI certification criteria. In accordance with LIHI certification criteria, the project should be denied LIHI certification until such time as it can demonstrate compliance with any of the LIHI water quality criteria.

Maine TU Council appreciates the opportunity to comment on this application.

Respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator

Reply to: heinz@maine.rr.com

¹⁰Low Impact Hydropower Certification Handbook, 2nd Edition, Revision 2.04: April 1, 2020. page 8.

¹¹ Maine DEP letter to Brookfield Renewable Energy Group dated January 7, 2014, RE: Application for Water Quality Certification, Brassua Hydroelectric Project, FERC no. 2615.

¹² Maine DEP letter to Brookfield dated September 17, 2018, RE: Brassua Project (FERC No. 2615) Application for Water Quality Certification - Withdrawal and Re-filing.


ATTACHMENTS:

A - Email Jeanne DiFranco, Maine Department of Environmental Protection to Steve Heinz, Maine TU Council dated May 5, 2022

B - Maine DEP letter to Brookfield Renewable Energy Group dated January 7, 2014, RE: Application for Water Quality Certification, Brassua Hydroelectric Project, FERC no. 2615.

C - Maine DEP letter to Brookfield dated September 17, 2018, RE: Brassua Project (FERC No. 2615) Application for Water Quality Certification - Withdrawal and Re-filing.

Attachment A

From: DiFranco, Jeanne L. Jeanne.L.DiFranco@maine.gov 
Subject: RE: Brassua Project Mussel Report
Date: May 5, 2022 at 1:54 PM
To: Stephen Heinz heinz@maine.rr.com

JD

Hi Steve,

I searched through the Brassua project files and did not find much recent material detailing the reasons for non-attainment of aquatic life criteria, but I've spoken with previous Department staff familiar with the project who confirmed that the issue was a significantly depleted population of mussels, compared to the reference lake (Attean Pond). I've attached the mussel study report in case you don't have it, as well as related meeting notes from the file. I suspect more detailed correspondence about this study took place via emails among staff who are now retired from DEP

In addition, I included information from Maine's Integrated Water Quality Monitoring and Assessment Report below, which lists Brassua Lake as impaired for aquatic life due to lake draw down. Under the federal Clean Water Act, states are required to monitor all waters of the U.S. within their boundaries, and report to EPA every two years on the condition of those waters to determine if State water quality standards are met. You can find background information about the Integrated report at the DEP web site:

Integrated Water Quality Monitoring and Assessment Reports:

<https://www.maine.gov/dep/water/monitoring/305b/index.html> .

The final draft of the current reports may be found here:

https://www.maine.gov/dep/water/monitoring/305b/2022/2018-22_ME_IntegratedRpt-REPORT-FinalDraft.pdf .

Waterbodies are listed in one of 5 categories, depending on whether or not they are impaired (i.e. not meeting all applicable water quality standards and criteria) and the cause/source of impairment. A description of Listing Categories 1-5 may be found by clicking in the Table of Contents, Chapter 4, Surface Water Monitoring and Assessments, Listing and Assessment Methodology (page 42). Brassua Lake is currently listed as impaired in Category 4C (listing methodology described as below):

4-C: Impairment not caused by a pollutant. Waters impaired by habitat modification (e.g. a dam, physical covering of habitat) that is a result of

modification (e.g. a dam, physical covering of habitat) that is a result of human activity. Decisions regarding fish passage impairments caused by dams are made on a case-by-case basis in consultation with staff at the Maine Department of Marine Resources (DMR) or Inland Fisheries & Wildlife (DIF&W). Note 1: Natural conditions that do not attain water quality standards and criteria are allowed by 38 M.R.S. § 464(4)(C). Waters that show impairment due to natural phenomena are listed in Categories 1 through 3. Note 2: In preparation for the 2022 Integrated Report, DEP staff collaborated with staff from DMR to develop a detailed listing methodology for fish passage impairments. This effort proved to be too complex and difficult to complete in time for inclusion in this report. Therefore, the Department opted to not create any listings in this cycle, and is deferring future listings to the 2024 cycle, for which the Department plans to develop a new methodology in collaboration with Maine fisheries agencies.

The 2018/2020/2022 report final **Draft Appendices** (https://www.maine.gov/dep/water/monitoring/305b/2022/2018-22_ME_IntegratedRpt-LIST-FinalDraft.pdf) include a list of all impaired waterbodies, along with the impairment category and reason for the impairment. In the Table of Contents, click on “Category 4C: Lake Waters with Impairment not Caused by a Pollutant” (Page 173). You will see that Brassua Lake is listed as impaired as follows: “Non-attainment due to non-pollutant (Aquatic Life: draw down)” .

Hopefully this will be sufficient to document that Brassua Lake is currently not meeting aquatic life criteria under Maine’s water quality standards due to the effects of lake drawdown caused by the current dam operations.

Please let me know if you have any further questions.

Best Regards,

Jeanne

Jeanne DiFranco, Aquatic Biologist
Biological Monitoring Program Manager
Maine Department of Environmental Protection
17 State House Station, Augusta, ME 04333
(207) 699-8345

Attachment B



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PATRICIA W. AHO
COMMISSIONER

ORIGINAL

January 7, 2014

Frank H. Dunlap
Licensing Specialist
Brookfield Renewable Energy Group
Brookfield White Pine Hydro LLC
26 Katherine Drive
Hallowell, ME 04347

FILED
SECRETARY OF THE
COMMISSION
2014 JAN 13 A 9 12
FEDERAL ENERGY
REGULATORY COMMISSION

Subject: Application for Water Quality Certification
Brassua Hydroelectric Project
FERC no. 2615

Dear Frank:

The purpose of this letter is to request that Brookfield Renewable Energy Group, representing the Owners of Brassua Dam (Brookfield White Pine Hydro LLC, Madison Paper Company, and Merimil Limited Partnership, hereafter "Owners"), voluntarily withdraw and re-file the pending application for Water Quality Certification.

The Department acknowledges that the Owners simultaneously withdrew and re-filed on February 12, 2013 their pending Water Quality Certification application for the proposed relicensing of the Brassua Hydroelectric Project, FERC No. 2615, located on the Moose River and Brassua Lake in the Townships of Taunton & Rayham Academy Grant, Rockwood Strip (T1 R1), Tomhegan Township, Sandwich Academy Grant, Rockwood Strip (T2 R1), and Brassua Township.

It is the Department's position at this time that the Department will not be able to approve the pending application, based on currently available information. 38 MRSA §464 (9-A) (D) indicates that hydropower projects with impoundments in existence on June 30, 1992 that remain classified under section 465-A after June 30, 1992 and that do not attain the habitat and aquatic life criteria of that section must, at a minimum, satisfy the aquatic life criteria contained in section 465, subsection 4, paragraph C, which states that discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

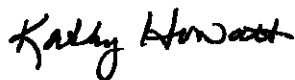
quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. Review of the data submitted to the Department indicates that habitat and aquatic life criteria established in 38 MRSA §464 (9-A) (D) is not met due to project operations, specifically the licensed drawdown for the Project dewatered more than 25% of the littoral zone. Therefore, the Department reviewed materials submitted to evaluate impact to structure and function of the resident biological community and found the data insufficient to establish the abundance of filter feeders, specifically, mussels. Based on the evidence provided to the Department to date, it is the Department's determination that this criterion has not been met.

As a result, we request that the Owners wish to voluntarily withdraw and re-file their pending application, for the purpose of establishing a new one-year period for collection of sufficient data and to complete certification review. Based on our December 12, 2013 meeting and subsequent conversations, it is the Department's understanding that the Owners have agreed to withdraw and re-file this application. In the event that the Owner's application is not withdrawn and re-filed by February 12, 2014, the Department will issue a denial of certification for the project in order to preserve our certification authority. Such withdrawal and re-filing, even if done immediately, should indicate the anniversary date of February 12, 2014, to capture the entirety of the available time to collect and evaluate the necessary data. If the application is withdrawn and re-filed the Department's review of the application will continue without interruption.

Your withdrawal and re-filing must be accompanied by a completed application cover page (DEP "Form Hydro.1"), copy enclosed. No additional public notice is required. All processing fees previously paid will be credited to the re-filed application. By copy of this letter, the Department is notifying the Federal Energy Regulatory Commission of our position on this matter.

When additional information is submitted by the Owners and when the Department has concluded its review of that additional information we will establish a schedule for action on the pending application. It is my intention that we conclude our work on this project this year. Thank you for your prompt attention to this matter. Please call me at (207) 446-2642 if you have any questions.

Regards,



Kathy Davis Howatt
Hydropower Coordinator, DLRR

Cc: Secretary Bose, FERC

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: (207) 287-3901

FOR DEP USE

#L- _____
Fees Paid _____
Date Fees Received _____

**APPLICATION FOR
WATER QUALITY CERTIFICATION
(U.S. P.L. 92-500, SECTION 401)**

HYDROPOWER PROJECT LICENSING/RELICENSING ONLY

This form shall be used to request Water Quality Certification for the proposed FERC licensing or relicensing of an existing hydropower generating or storage project where no construction, reconstruction or structural alteration of project facilities which would affect water levels or flows is proposed.

All required fees must be paid before application processing will begin. Please contact the Department for current fee schedule information. Fees are payable to Treasurer, State of Maine.

APPLICANT INFORMATION

Name of Applicant: _____

Mailing Address: _____

Name of Contact or Agent: _____

Telephone: _____

PROJECT INFORMATION

Name of Project: _____ FERC No. _____

Address (use "911" address, if available): _____

Name of Waterbody Affected: _____

Municipality or Township: _____ County: _____

GPS Coordinates, if known: _____

DEPLW0316-A2003
Revised April 2003

(Form "HYDRO.1")

REQUIRED INFORMATION

1. Provide all the information requested by this application form.
2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
3. A signed Certification of Publication and a completed Notice of Intent to File an application for Water Quality Certification.

NOTE: All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

| |
|--|
| Department of Environmental Protection Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901 |
|--|

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: _____

SIGNATURE OF APPLICANT

(IF SIGNATURE IS OTHER THAN APPLICANT,
ATTACH LETTER OF AGENT AUTHORIZATION
SIGNED BY APPLICANT)

PRINTED NAME & TITLE

Attachment C

Brookfield

Brookfield Renewable
150 Main Street
Lewiston, ME 04240

Tel 207.755.5600
Fax 207.755.5655
www.brookfieldrenewable.com

September 17, 2018

Mr. Mark Bergeron, Director
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

**RE: Brassua Project (FERC No. 2615)
Application for Water Quality Certification - Withdrawal and Re-filing**

Dear Mr. Bergeron:

The Owners of Brassua Dam (Brookfield White Pine Hydro LLC, Eagle Creek Kennebec Hydro, LLC, and Merimil Limited Partnership, "Owners") have a pending application before the Department for Water Quality Certification in conjunction with the relicensing of the Brassua Hydroelectric Project (Project). By several discussions held throughout 2018, the Maine Department of Environmental Protection (MDEP) and Owners agreed that they would work collectively on a study approach to determine attainment with the fish and aquatic life designated use. To allow sufficient time for the development of a study plan in consultation with MDEP and Maine Department of Inland Fisheries and Wildlife biologists, Brookfield White Pine Hydro LLC, on behalf of the Owners, is hereby simultaneously withdrawing the pending application, and re-filing for Water Quality Certification for the above referenced Project. Enclosed is a copy of the new application form for Water Quality Certification for the Project. The applications for Water Quality Certification as previously filed, with attachments, and all subsequent supplemental filings, are hereby incorporated by reference into the re-filed application. As with the prior withdrawal and re-filing, we are of the understanding that no additional public notice is required, and that all processing fees previously paid will be credited to the re-filed application.

If there are any questions or comments regarding this filing, please contact me at (207) 755-5606 or by email at kelly.maloney@brookfieldrenewable.com.

Sincerely,



Kelly Maloney
Manager, Compliance - Northeast

Attachments: Section 401 Water Quality Certification Application for Brassua Project
Cc: S. Michaud, A. Zarrella, N. Stevens, J. Seyfried, F. Dunlap, Brookfield Renewable
M. Doiron, Eagle Creek

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: (207) 287-3901

FOR DEP USE

#L- _____
Fees Paid _____
Date Fees Received _____

**APPLICATION FOR
WATER QUALITY CERTIFICATION
(U.S. P.L. 92-500, SECTION 401)**

HYDROPOWER PROJECT LICENSING/RELICENSING ONLY

This form shall be used to request Water Quality Certification for the proposed FERC licensing or relicensing of an existing hydropower generating or storage project where no construction, reconstruction or structural alteration of project facilities which would affect water levels or flows is proposed.

APPLICANT INFORMATION

Name of Applicants: Brookfield White Pine Hydro LLC
Eagle Creek Kennebec Hydro, LLC
Merimil Limited Partnership

Mailing Address: c/o Brookfield White Pine Hydro LLC
150 Main Street, Lewiston, ME 04240

Name of Contact: Kelly Maloney

Telephone: (207) 755-5606

PROJECT INFORMATION

Name of Project: Brassua Hydroelectric Project FERC No. 2615

Address (use "911" address, if available): 211 Dam Road, Rockwood, ME 04478

Name of Waterbody Affected: Moose River, a tributary to the Kennebec River

Municipality or Township: Townships of Taunton & Raynham Academy, Rockwood Strip,
Tomhegan TWP, Rockwood Strip, Sandwich Academy Grant, and Brassua TWP.

County: Somerset

GPS Coordinates, if known: UTM 19T 436668.22m.E 5056621.91m.N

Data and Information: The application for Water Quality Certification filed on March 26,
2010 and re-filed March 24, 2011, February 13, 2012, February 12, 2013, January 27, 2014,
December 19, 2014, November 16, 2015, October 19, 2016 and October 2, 2017 including
all attachments and supplemental filings, which are incorporated herein by reference.

CERTIFICATION

Refiling of Application for Water Quality Certification – Brassua Project

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: August 28, 2018



SIGNATURE OF APPLICANT

Tom Uncher, Vice President
Brookfield White Pine Hydro LLC



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

September 24, 2018

Brookfield White Pine Hydro LLC
Eagle Creek Kennebec Hydro, LLC
Merimil Limited partnership
c/o Brookfield White Pine Hydro LLC
150 Main Street
Lewiston, Maine 04240

ATTN: Frank Dunlap

RE: WATER QUALITY CERTIFICATION APPLICATION #L-23814-33-K-N

Dear Mr. Dunlap:

On September 20, 2018, the Department of Environmental Protection received a request to withdraw and simultaneously re-file a pending application for water quality certification from the Owners of Brassua Dam (Brookfield White Pine Hydro LLC, Eagle Creek Kennebec Hydro, LLC, and Merimil Limited Partnership). The application for Water Quality Certification, with attachments and subsequent supplemental filings which are incorporated by reference is accepted for processing. All processing fees previously paid will be credited to the re-filed application. Your application has been given the reference number #L-23814-33-K-N.

Acceptance of the application does not preclude the Department from requesting additional information during processing. In accordance with Section 401 of the Federal Water Pollution Control Act (a.k.a. Clean Water Act), the Department will issue a final decision on this application on or before October 1, 2018.

If you have any questions, please contact me by phone at (207) 446-2642 or by email at Kathy.Howatt@maine.gov.

Sincerely,

Kathy Davis Howatt
Hydropower Coordinator
Bureau of Land Resources, Land Division

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143