

Brookfield

Renewable

November 19, 2020

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street N.E.
Washington, DC 20426

Via Electronic Filing

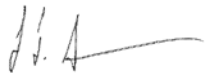
Re: Pejepscot Hydroelectric Project (FERC No. 4784-106), Response to FERC's September 23, 2020 Additional Information Request.

Dear Secretary Bose:

Topsham Hydro Partners Limited Partnership (Topsham Hydro or Licensee), an indirect member of Brookfield Renewable (Brookfield), is the current Licensee of the Pejepscot Hydroelectric Project (Project) (FERC No. 4784), located on the Androscoggin River in the village of Pejepscot and the Town of Topsham, Maine (ME). On August 31, 2020, Topsham Hydro filed an Application for New License for Major Project – Existing Dam – Pejepscot Hydroelectric Project. By letter dated September 23, 2020, the Federal Energy Regulatory Commission (FERC or Commission) issued an Additional Information Request (AIR) for the Project. Enclosed for filing is Topsham Hydro's response to the Commission's AIR.

Topsham Hydro appreciates this opportunity to provide additional information to the Commission, and looks forward to continuing to work with agencies, Tribes, other relicensing participants, and FERC staff during the remainder of the relicensing process. If there are any questions regarding this filing, please contact me by phone at (207) 755-5613 or by email at Luke.Anderson@BrookfieldRenewable.com.

Sincerely,




Luke T. Anderson
Manager, Licensing
Brookfield Renewable

Enc.

DISTRIBUTION LIST
 Pejepscot Hydroelectric Project (FERC No. 4784)
 Response to Additional Information Request

I, Luke Anderson, for Brookfield Renewable, hereby certify that copies of the foregoing document have been transmitted to the following parties on November 19, 2020.



Luke T. Anderson
 Manager, Licensing

November 19, 2020

One copy, via e-filing to:

Ms. Kimberly D. Bose
 Federal Energy Regulatory Commission
 888 First Street, N.E., Dockets Room
 Washington, D.C. 20426

Via email or electronic link, or one copy on compact disc, Regular mail, postage paid to:

Federal Agencies	
Mr. Ryan Hansen Federal Energy Regulatory Commission 888 First Street, NE Washington, DC 20426	Wendi Weber Regional Director U.S. Fish and Wildlife Service 300 Westgate Center Dr. Northeast Regional Office Hadley, MA 01035
Mr. John Spain Regional Engineer Federal Energy Regulatory Commission Division of Dam Safety and Inspections New York Regional Office 19 W 34th Street, Suite 400 New York, NY 10001	Mr. Antonio Bentivoglio U.S. Fish and Wildlife Service Maine Field Office 4 Fundy Road #R Falmouth, ME 04105
Mr. Nicholas Stasulis Data Section Chief USGS New England Water Science Center 196 Whitten Rd. Augusta, ME 04333	Kenneth Hogan North Atlantic-Appalachian Region Hydropower Program Coordinator U.S. Fish & Wildlife Service New England Field Office 70 Commercial Street, Suite 300 Concord, New Hampshire 03301

<p>Mr. Sean McDermott National Marine Fisheries Service 55 Great Republic Drive Gloucester, MA 01930</p>	<p>Mr. Harold Peterson Bureau of Indian Affairs Eastern Regional Office 545 Marriot Drive, Suite 700 Nashville, TN 37214</p>
<p>Mr. Matt Buhyoff National Marine Fisheries Service Atlantic Salmon Recovery Coordinator 17 Godfrey Drive Orono, ME 04473</p>	<p>Mr. Andrew L. Raddant Regional Environmental Officer U.S. Fish and Wildlife Service Office of Environmental Policy and Compliance Northeast Region 15 State Street, Suite 400 Boston, MA 02109</p>
<p>Mr. Ralph Abele Instream Flow Coordinator Region 1- Office of Ecosystem Protection US Environmental Protection Agency 5 Post Office Square, Suite 100 Mail Code: OEP06-2 Boston, MA 02109-3912</p>	<p>Mr. John T. Eddins Office of Project Review Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington, DC 20001-2637</p>
<p>Mr. Bryan Rice Director Bureau of Indian Affairs U.S. Department of the Interior MS 4606 MIB 1849 C Street NW Washington, DC 20240</p>	<p>Mr. Kevin Mendik Hydro Program Manager Northeast Region National Park Service 15 State Street, 10th Floor Boston, MA 02109-3572</p>
<p>Maine Agencies</p>	
<p>Ms. Kathy Howatt Hydropower Coordinator Maine Department of Environmental Protection 17 State House Station 28 Tyson Drive Augusta, ME 04333-0017</p>	<p>Mr. Nick Livesay, Director Bureau of Land Resource Regulation Maine Department of Environmental Protection 17 State House Station 28 Tyson Drive Augusta, ME 04333-0017</p>
<p>Dr. Arthur Spiess Maine Historic Preservation Commission 55 Capitol Street 65 State House Station Augusta, ME 04333-0065</p>	<p>Mr. Jim Vogel Maine Department of Agriculture, Conservation and Forestry Bureau of Parks and Lands 22 State House Station 18 Elkins Lane Augusta, ME 04333-0022</p>

Ms. Kathleen Leyden Maine Coastal Program Department of Marine Resources 21 State House Station Augusta, ME 04333-0021	Mr. John Perry Environmental Coordinator Maine Department of Inland Fisheries and Wildlife 41 State House Station 284 State Street Augusta, ME 04333-0041
Mr. James Pellerin Regional Fisheries Biologist – Region A Maine Department of Inland Fisheries and Wildlife RR1, 358 Shaker Road Gray, ME 04039	Mr. Scott Lindsay Regional Wildlife Biologist – Region A Maine Department of Inland Fisheries and Wildlife RR1, 358 Shaker Road Gray, ME 04039
Ms. Gail Wippelhauser Maine Department of Marine Resources 21 State House Station Augusta, ME 04333-0021	Mr. Paul Christman Maine Department of Marine Resources 21 State House Station Augusta, ME 04333
Mr. Kirk Mohney Director and State Historic Preservation Officer Maine Historic Preservation Commission 55 Capitol Street 65 State House Station Augusta, ME 04333-0065	
Municipal Government	
Town of Topsham 100 Main Street Topsham, ME 04086	Town of Brunswick 85 Union Street Brunswick, ME 04011
Town of Durham 630 Hallowell Road Durham, ME 04222	Town of Lisbon 300 Lisbon Street Lisbon, ME 04250
Cumberland County Government 142 Federal Street Portland, ME 04101	Sagadahoc County Government 752 High Street Bath, ME 04530
Androscoggin County Government 2 Turner Street Auburn, ME 04210	
Non-Government Organizations	
Mr. Brian Graber Director American Rivers Northeast Field Office 516 West Hampton Road Southampton, MA 01062	Ms. Landis Hudson Executive Director Maine Rivers P.O. Box 782 Yarmouth, ME 04096

Mr. John R.J. Burrows Atlantic Salmon Federation Fort Andross, Suite 406 14 Maine Street Brunswick, ME 04011	Mr. Bill Oleszczuk Chair Maine Council of Trout Unlimited 185 Tobey Road New Gloucester, ME 04260
Orman Hines Trout Unlimited Merrymeeting Bay Chapter PO Box 6, Sebasco Est., ME 04565	Mr. Ed Friedman Friends of Merrymeeting Bay PO Box 233 Richmond, ME 04357
Mr. Jeffrey Reardon Maine Brook Trout Program Director Trout Unlimited 9 Union Street Hallowell, ME 04347	
Native American Tribes	
Chief Edward Peter Paul Aroostook Band of Micmacs Micmac Cultural, Community and Educational Center 7 Northern Road Presque Isle, ME 04769	Ms. Jennifer Pictou THPO Aroostook Band of Micmacs 7 Northern Road Presque Island, ME 04769
Chief Kirk Francis Penobscot Indian Nation 12 Wabanaki Way Indian Island, ME 04468	Mr. Christopher Sockalexis THPO Penobscot Indian Nation Cultural & Historic Preservation Department 12 Wabanaki Way Indian Island, ME 04468
Chief William J. Nicholas, Sr. Passamaquoddy Tribe Indian Township P.O. Box 301 Princeton, ME 04668	Mr. Donald Soctomah THPO Passamaquoddy Tribe PO Box 159 Princeton, ME 04668
Chief Brenda Commander Houlton Band of Maliseet Indians 88 Bell Road Littleton, ME 04730	Ms. Susan Young Houlton Band of Maliseet Indians 88 Bell Road Littleton, ME 04730
Licensee	

<p>Mr. Luke Anderson Manger, Licensing Brookfield Renewable 150 Main Street Lewiston, ME 04240</p>	<p>Ms. Kelly Maloney Manager, Compliance - Northeast Brookfield Renewable 150 Main Street Lewiston, ME 04240</p>
<p>Mr. Matthew Leblanc Compliance Specialist Brookfield Renewable 3 Company Road Hollis, ME 04042</p>	<p>Mr. Kirk Smith Gomez and Sullivan Engineers, D.P.C. 41 Liberty Hill Road PO Box 2179 Henniker, NH 03242</p>
<p>Mr. Drew Trested Senior Principal Scientist Normandeau Associates, Inc. 30 International Drive Portsmouth, NH 03801</p>	

REQUESTS FOR ADDITIONAL INFORMATION

Exhibit D

1. *On page D-3 of your final license application, you state that the anticipated capital cost to develop a plan and schedule to address issues that may be impacting upstream passage of migratory fish species is \$263,000 within the first three years of the license term. Please explain how you calculated this estimate.*

Applicant's Response

The anticipated capital cost of \$263,000 includes three components. A cost of \$15,000 was estimated to produce the written plan and schedule, which also includes agency consultation. In addition, Topsham Hydro included costs for potential Protection, Mitigation, and Enhancement (PME) measures that could be implemented to address internal hydraulic issues associated with the fish lift. The actual implementation and appropriateness of these PME measures would be contingent upon the findings of Topsham Hydro's proposed CFD modeling and Project sound studies. The measures included modifying the fish lift entrance channel floor grating to better direct discharge from attraction flow pumps in a more downstream direction toward the entrance gate, which will help reduce turbulence within the entrance channel and create more laminar flow paths. The cost for this measure was estimated at \$197,000. An additional potential measure included installing two permanent steel plates on the existing v-gate grating at the hopper entrance, in order to limit the backflow of discharge from the attraction flow pumps. The cost for this measure was estimated at \$51,000.

Exhibit E

2. *In section E.4.7.1.5, you state that habitats for several bat species exist in the wildlife study area, and list the threatened northern long-eared bat as one of the species that could occur in the project area. In section E.4.8.2, you state that there are no planned changes in current operating conditions or maintenance activities that would affect the northern long-eared bat, and the species is not expected to be adversely affected by project operations. The U.S. Fish and Wildlife Service 4(d) rule prohibits incidental take that may occur from tree removal within 0.25 mile of a hibernaculum, year-round and within 150 feet of a known maternity roost tree, during the pup season (June 1 through July 31). However, you do not state if any hibernacula or maternity trees used by this species have been identified in the project area. Nor have you explained whether any project operation or maintenance activities may include tree removal. Therefore, please consult with the U.S. Fish and Wildlife Service and Maine Department of Inland Fisheries and Wildlife to determine whether any northern long-eared bat hibernacula or maternity roost trees are known to occur near the project. Please file this information and explain whether any tree removal may occur as a result of project operation and maintenance.*

Applicant's Response

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) online tool was used again on October 27, 2020 to generate an updated list of threatened and endangered species that may occur in the proposed Project boundary as well as a 1,000 foot buffer around it. As stated above, the threatened northern long-eared bat could occur within the Project vicinity based on the IPaC inquiry.

The IPaC tool includes an evaluation questionnaire, which was also completed and submitted to the USFWS for verification through the IPaC system on October 27, 2020. The verification letter stated,

Based upon your IPaC submission, the Action is consistent with activities analyzed in the Programmatic Biological Opinion (PBO). The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your

responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Additionally, on October 27, 2020, a request for information was emailed to Mr. Mark McCollough, Ph.D., the USFWS staff contact for endangered species recovery & project reviews and to Mr. John Perry, the environmental review coordinator at the Maine Department of Inland Fisheries and Wildlife (MDIFW). [Attachment 1](#) exhibits the USFWS and MDIFW consultation through IPaC and via email. Both the USFWS and MDIFW representatives confirmed that there are no known northern long-eared bat hibernacula or mapped maternity roosts in the Project area.

Routine Project operations include minor trimming, brush clearing, and relocation of downed trees that cross roads or trails to maintain recreational access. Tree cutting or tree removal is typically not required as part of routine Project maintenance. Some of Topsham Hydro's proposed recreation enhancements will require the clearing of downed trees, minor trimming, and brush clearing as described in the Final License Application, Appendix E-6 Recreation Management Plan.

Exhibit F

- 3. According to the Commission's Division of Hydropower Administration and Compliance's guidance document "Managing Hydropower Exhibits", the file name(s) for Exhibit F drawings must include the FERC Project Number-drawing number, corresponding exhibit number, title, and date in the following format: [P-1234-1001, F-1, Plan and Elevation of Project Structures, MM-DD-YYYY.TIF]. Please re-file your Exhibit F drawings according to this format.*

Applicant's Response

The Exhibit F drawings have been refiled in a TIFF format and the filename has been revised to follow the FERC guidance document. The drawings are included as part of [Attachment 2](#).

Historic Properties Management Plan

In addition to the responses to the FERC AIRs above, Topsham Hydro is also taking this opportunity to provide additional information received during its consultation with the Maine Historic Preservation Commission (MHPC) on cultural resources issues at the Project. Specifically, on September 21, 2020 after the filing of the FLA, Topsham Hydro received further correspondence from the MHPC providing their concurrence with the Historic Properties Management Plan for the Project. This correspondence is included in [Attachment 3](#) for the record.

Attachments

Attachment 1. USFWS and MDIFW Consultation Regarding Rare, Threatened, Endangered Species..... 10
Attachment 2. Revised Exhibit F Drawings..... 29
Attachment 3. Maine Historic Preservation Commission Correspondence 30

Attachment 1. USFWS and MDIFW Consultation Regarding Rare, Threatened,
Endangered Species

From: [Mahaney, Wende](#)
To: [McCollough, Mark](#); [Erin Redding](#); [Bentivoglio, Antonio](#)
Cc: [Kirk Smith](#)
Subject: Re: [EXTERNAL] FW: USFWS RTE Consultation for Pejepsco
Date: Wednesday, October 28, 2020 10:09:39 AM
Attachments: [Outlook-u5ef41vw.png](#)

Erin -

There are no known bat hibernacula or NLEB maternity roost trees in or near the Pejepsco project area.

Thank you for confirming that with our office.

Wende

From: McCollough, Mark <mark_mccollough@fws.gov>
Sent: Wednesday, October 28, 2020 9:48 AM
To: Erin Redding <eredding@gomezandsullivan.com>; Mahaney, Wende <wende_mahaney@fws.gov>; Bentivoglio, Antonio <antonio_bentivoglio@fws.gov>
Cc: Kirk Smith <ksmith@gomezandsullivan.com>
Subject: Re: [EXTERNAL] FW: USFWS RTE Consultation for Pejepsco

Hi Erin:

Thanks for your inquiry. I believe the answer is "no" concerning bat hibernacula in the vicinity of your project, but I will forward your inquiry to my coworker-biologist Wende Mahaney for a final determination. Also copying our FERC biologist, Antonio Bentivoglio.

Thanks, Mark

Wende: we can discuss processing this project in TAILS, R:drive, etc.

Mark McCollough, Ph.D.
Endangered Species Biologist
Maine Field Office, U. S. Fish and Wildlife Service
306 Hatchery Way
East Orland, Maine 04431
Office phone: 207 902-1570
Cell phone: 207 944-5709



Kate Furbish...I have wandered alone for the most part...called 'crazy,' a 'fool'...The flowers being my only society and the manuals the only literature for months together. Happy, happy hours!

From: Erin Redding <eredding@gomezandsullivan.com>
Sent: Tuesday, October 27, 2020 12:03 PM
To: McCollough, Mark <mark_mccollough@fws.gov>
Cc: Kirk Smith <ksmith@gomezandsullivan.com>
Subject: [EXTERNAL] FW: USFWS RTE Consultation for Pejepscot

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. McCollough,

I am contacting you regarding the Pejepscot Hydroelectric Project located on the Androscoggin River in the village of Pejepscot and the Town of Topsham, Maine. Topsham Hydro Partners Limited Partnership, recently submitted a final license application to the Federal Energy Regulatory Commission (FERC). FERC responded to this application with a request for more information regarding potential project impacts to northern long-eared bats.

I completed an updated IPaC review today; however, FERC specifically requested that we ask USFWS if there are any known hibernacula or maternity roost trees within the project vicinity. The attached shape file covers the Project boundary as well as 1,000-foot buffer. **Could you please confirm if any northern long-eared bat hibernacula or maternity roosts are present in this area?**

Please note that routine maintenance by Topsham Hydro Partners does not include tree cutting or standing dead tree removal.

Thank you,

Erin Redding

Certified Ecologist (Ecological Society of America)

Gomez and Sullivan Engineers, D.P.C.

1961 Wehrle Dr.

Suite 12

Williamsville, NY 14221

eredding@gomezandsullivan.com

I am currently working on Tuesdays, Thursdays, and Fridays. If you need a response on a Monday or Wednesday, please contact David Frazier, dfrazier@gomezandsullivan.com



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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

October 27, 2020

Consultation Code: 05E1ME00-2021-SLI-0098

Event Code: 05E1ME00-2021-E-00281

Project Name: Pejepscot

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: http://www.fws.gov/windenergy/eagle_guidance.html Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g.,

cellular, digital television, radio, and emergency broadcast) can be found at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:
<http://www.towerkill.com>; and at:
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

(207) 469-7300

Project Summary

Consultation Code: 05E1ME00-2021-SLI-0098

Event Code: 05E1ME00-2021-E-00281

Project Name: Pejepscot

Project Type: POWER GENERATION

Project Description: Topsham Hydro Partners Limited Partnership (L.P.) (Topsham Hydro or Licensee) owns and operates the Pejepscot Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC or the Commission) Project No. 4784. The 13.88-megawatt (MW) Project is located on the Androscoggin River in the village of Pejepscot and the Town of Topsham, Maine (ME) to the east, the Town of Lisbon, ME to the north, and the Town of Durham, ME and the Town of Brunswick, ME to the west. The Project straddles the border between Cumberland and Sagadahoc counties and extends into Androscoggin County. The Project is the second dam on the Androscoggin River located at approximately river mile 14. The Project dam is approximately 4 miles upstream of the Brunswick Hydroelectric Project and 3.25 miles downstream of the Worumbo Hydroelectric Project. In total, the Project is the second of 22 hydroelectric projects on the mainstem Androscoggin River. The Androscoggin River basin above the dam has a drainage area of approximately 3,420 square miles. The Project boundary extends approximately 3 miles upstream from the Pejepscot Dam.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.97217438790807N70.03190556111551W>



Counties: Androscoggin, ME | Cumberland, ME | Sagadahoc, ME

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Fishes

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> Population: Gulf of Maine DPS There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2097	Endangered

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> https://ecos.fws.gov/ecp/species/2097#crithab	Final



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>

In Reply Refer To:

October 27, 2020

Consultation Code: 05E1ME00-2021-TA-0098

Event Code: 05E1ME00-2021-E-00282

Project Name: Pejepscot

Subject: Verification letter for the 'Pejepscot' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excerpted from Take Prohibitions.

Dear Erin Redding:

The U.S. Fish and Wildlife Service (Service) received on October 27, 2020 your effects determination for the 'Pejepscot' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excerpted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Atlantic Salmon, *Salmo salar* (Endangered)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

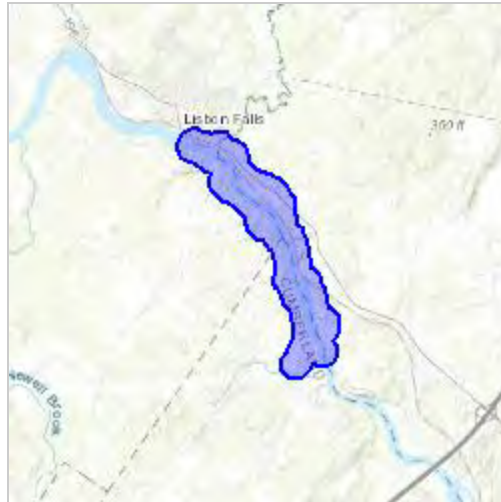
Pejepscot

2. Description

The following description was provided for the project 'Pejepscot':

Topsham Hydro Partners Limited Partnership (L.P.) (Topsham Hydro or Licensee) owns and operates the Pejepscot Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC or the Commission) Project No. 4784. The 13.88-megawatt (MW) Project is located on the Androscoggin River in the village of Pejepscot and the Town of Topsham, Maine (ME) to the east, the Town of Lisbon, ME to the north, and the Town of Durham, ME and the Town of Brunswick, ME to the west. The Project straddles the border between Cumberland and Sagadahoc counties and extends into Androscoggin County. The Project is the second dam on the Androscoggin River located at approximately river mile 14. The Project dam is approximately 4 miles upstream of the Brunswick Hydroelectric Project and 3.25 miles downstream of the Worumbo Hydroelectric Project. In total, the Project is the second of 22 hydroelectric projects on the mainstem Androscoggin River. The Androscoggin River basin above the dam has a drainage area of approximately 3,420 square miles. The Project boundary extends approximately 3 miles upstream from the Pejepscot Dam.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.97217438790807N70.03190556111551W>



Determination Key Result

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below. Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below. Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below. Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?
0

Erin Redding

From: Perry, John <John.Perry@maine.gov>
Sent: Tuesday, October 27, 2020 3:25 PM
To: Erin Redding
Cc: Kirk Smith
Subject: RE: MDIFW RTE Consultation for Pejepscot

Hi Erin,

You are correct: there are no known northern long-eared bat hibernacula or mapped maternity roosts in this area.

I hope this helps—please let me know if you need additional information.

John

John Perry
Environmental Review Coordinator
Maine Department of Inland Fisheries and Wildlife
284 State Street, 41 SHS
Augusta, Maine 04333-0041
Tel (207) 287-5254; Cell (207) 446-5145
Fax (207) 287-6395
www.mefishwildlife.com



Correspondence to and from this office is considered a public record and may be subject to a request under the Maine Freedom of Access Act. Information that you wish to keep confidential should not be included in email correspondence.

From: Erin Redding <eredding@gomezandsullivan.com>
Sent: Tuesday, October 27, 2020 12:19 PM
To: Perry, John <John.Perry@maine.gov>
Cc: Kirk Smith <ksmith@gomezandsullivan.com>
Subject: MDIFW RTE Consultation for Pejepscot

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Perry,

I am contacting you regarding the Pejepscot Hydroelectric Project located on the Androscoggin River in the village of Pejepscot and the Town of Topsham, Maine. Topsham Hydro Partners Limited Partnership, recently submitted a final

license application to the Federal Energy Regulatory Commission (FERC). FERC responded to this application with a request for more information regarding potential project impacts to northern long-eared bats.

FERC specifically requested that we ask MDIFW if there are any known hibernacula or maternity roost trees within the project vicinity (I also completed an updated USFWS IPaC review today and have reached out to USFWS' Mark McCollough via email). The attached shape file covers the Project boundary as well as 1,000-foot buffer. **Could you please confirm if MDIFW knows of any northern long-eared bat hibernacula or maternity roosts are present in this area?**

Please note that routine maintenance by Topsham Hydro Partners does not include tree cutting or standing dead tree removal.

Thank you,

Erin Redding

Certified Ecologist (Ecological Society of America)

Gomez and Sullivan Engineers, D.P.C.

1961 Wehrle Dr.

Suite 12

Williamsville, NY 14221

eredding@gomezandsullivan.com

I am currently working on Tuesdays, Thursdays, and Fridays. If you need a response on a Monday or Wednesday, please contact David Frazier, dfrazier@gomezandsullivan.com



GSE CONFIDENTIALITY NOTICE: *This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read or review the content and/or metadata and do not disseminate, distribute or copy this communication. Anyone who receives this message in error should notify the sender (eredding@gomezandsullivan.com) immediately by return e-mail and delete it from his or her computer.*

Attachment 2. Revised Exhibit F Drawings

Critical Energy Infrastructure Information (CEII) has been removed from this page. The material is filed under separate cover.

Attachment 3. Maine Historic Preservation Commission Correspondence



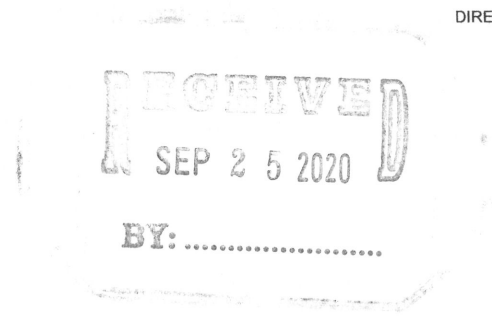
MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JANET T. MILLS
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

September 21, 2020

Mr. Tim Sullivan
Mr. Kirk Smith
Gomez and Sullivan Engineers
41 Liberty Hill Road
Henniker, N. H. 03242



Re: Pejepscot Hydroelectric Project (FERC 4784), MHPC 0958-17, Topsham, Lisbon, Brunswick,
Historic Properties Management Plan

Dear Sirs:

My staff has carefully reviewed the Historic Properties Management Plan for the Pejepscot Hydro project (FERC 4784) produced by Gray and Pape (Nathan Scholl, Kimberley Smith), received here August 31, 2020. The HPMP is acceptable as written.

We note that Phase II archaeological testing of site 14.174 will be completed after the license is issues. Development of a revised Historic Properties Management Plan to possibly including monitoring or other treatment of site 14.174 (depending on significance) will likely then be necessary.

Sincerely,

Kirk F. Mohney
State Historic Preservation Officer

cc: Kimberly M. Smith, Gray and Pape
via email and USPS