

BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Brookfield White-Pine Hydro LLC)	
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)	Project No. P-2333-094
Application for Major New License)	
Rumford Falls Hydroelectric Project)	
)	

MOTION TO INTERVE

Pursuant to 18 C.F.R. §385.214 (A)(3), American Whitewater hereby files a motion to intervene in above-referenced proceedings. By its order of June 26, 2023, the Commission has set August 25, 2023 as the deadline for motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions.

I. Description of Intervenor

American Whitewater is a national non-profit organization, founded in 1954, whose mission is to conserve and restore America’s whitewater resources and to enhance opportunities to enjoy them safely. American Whitewater is a membership organization with approximately 7,000 members, representing a broad diversity of individual whitewater enthusiasts, river conservationists, and more than 100 local paddling club affiliates across America. American Whitewater is a primary advocate for preserving and protecting whitewater rivers throughout the United States and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. As a national river conservation nonprofit, American Whitewater’s mission is to protect and restore

America's whitewater rivers and to enhance opportunities to enjoy them safely. American Whitewater's vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates.

American Whitewater has participated in the relicensing of the Rumford Falls Hydroelectric Project by assisting the licensee in completing the whitewater boating study requested by the Town of Rumford and approved by FERC in its Study Plan Determination. Through our assistance, the licensee conducted a controlled-flow whitewater boating study report that evaluated project impacts on recreational boating resources.

II. Grounds for Intervention

American Whitewater will be directly impacted by the outcome of this proceeding. The Androscoggin River provides unique and cherished resources for the public, including whitewater boating, fishing, and other recreational, aesthetic, and environmental benefits. The project impacts lands and waters currently used by our members for whitewater paddling and other forms of outdoor recreation. American Whitewater, in this relicensing, seek to mitigate the impacts of the projects over the course of the upcoming license by restoring flows to the dewatered natural river channel in the diverted bypassed reach at the Rumford Falls Hydroelectric Project and providing whitewater boating opportunities at the Project, including: 1) increasing the minimum aquatic base flow from the current 1 cfs to a flow that will adequately support aquatic life; 2) providing scheduled releases below Middle Dam that will adequately support whitewater boating opportunities; 3) providing real-time and advance flow information on Safe Waters website to allow whitewater paddlers greater opportunities to utilize the river when sufficient flows are present; 4) improving portage around project facilities and recreational access to the natural river channel to support recreational use; and 5) providing sufficient flows over natural river features and project dams to restore aesthetic values to the community. Participation in this proceeding will ensure that the

interests of the public are represented. No other organization is able to adequately protect the interests of American Whitewater and its members in this relicensing.

The licensee filed its Final License Application (FLA) on September 29, 2022. The FLA specified no change to minimum flows for the Upper Dam and minimal changes to flows over the Middle Dam. These proposed flows are inadequate to support aquatic habitat in the natural river reach below the Middle Dam. Additionally, proposed flows are insufficient to support recreational boating and other uses, and proposed access improvements are limited. The license application proposes to continue the current dewatering of the Upper Falls, one of the largest waterfalls in the northeast, degrading aesthetic values. Ironically, the Upper Falls is within view of the statue of Senator Edmund Muskie in the adjacent J. Eugene Boivin Park. Muskie, the lead sponsor of the Clean Water Act and an environmental champion from Rumford, Maine declared in 1970 that “No polluter will be able to hide behind a federal license or permit as an excuse for a violation of water quality standards...No polluter will be able to make major investments in facilities under a federal license or permit without providing assurance that the facility will comply with water quality standards.” While the licensee proposes very limited changes to mitigation measures required under its current license, additional mitigation measures are needed. These measures include, but are not limited to the following: 1) Increase minimum flows in the project bypassed reach to support aquatic, recreational, and aesthetic values; 2) Improve access around project facilities and provide access to the river both above and below whitewater boating features; 3) Provide weekly scheduled whitewater boating flows in the bypassed reach during the recreational boating season whenever sufficient inflows are present; 4) Provide aesthetic flows over the Upper Falls and Middle Dam; and, 5) Provide real-time and advance flow notifications of flows into the project bypassed reach.

American Whitewater supports comments filed by Maine Council of Trout Unlimited filed in this relicensing and requests that FERC’s give equal consideration of non-power values that will protect, mitigate and enhance environmental values that are adversely impacted by the licensee’s degradation of public trust resources.

The following is the name and address of the representative American Whitewater who should be added to the service list for this proceeding:

Robert Nasdor
Northeast Stewardship & Legal Director
American Whitewater
65 Blueberry Hill Ln.
Sudbury MA 01776

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CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission’s Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing American Whitewater Motion to Intervene in Relicensing of Rumford Falls Hydroelectric Project No. P-2333-094 to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 22nd day of August 2023



Robert Nasdor
American Whitewater

Document Content(s)

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