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Filed via "eFiling"

August 25, 2023

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Division  
888 First Street, N.E.  
Washington, D.C. 20426

**RE: COMMENTS AND RECOMMENDATIONS IN RESPONSE TO APPLICATION  
ACCEPTED FOR FILING, READY FOR ENVIRONMENTAL ANALYSIS AND  
SOLICITING COMMENTS AND RECOMMENDATIONS, RUMFORD FALLS  
PROJECT (FERC No. 2333-094)**

Dear Secretary Bose,

These comments are in response to the Notice of Application Accepted for Filing issued by FERC on June 26, 2023. In large part, we reiterate here, in abridged form, a portion of our comments submitted to FERC on May 17, 2023 in response to Rumford Falls Hydro, LLC's (RFH) March 30, 2023 Addendum to Final License Application. We also offer new comments and recommendations based on our review of RFH's responses to FERC's Oct 31, 2022 and May 11, 2023 additional information requests as pertains to Recreation, Whitewater Boating and Aesthetics Study Reports and proposed protection, mitigation and enhancement measures, which RFH submitted on March 6, 2023 and June 9, 2023, respectively.

We offer the following comments and recommendations for additions or revisions to the proposed environmental measures.

Proposed Aesthetic Flows – Upper Dam Bypass Reach

We continue to view the proposed aesthetic flows of 1200-1500 cfs on three summer days (June through August) as an inadequate improvement over current flows. We again recommend that license conditions require a substantial increase in the number of scheduled releases above the three proposed, in consultation with the Town of Rumford. We note that the Town of Rumford in their comments submitted to FERC on July 14, 2023 reiterates their request for 10 days of aesthetic flows. The Bureau supports this request.

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As detailed in our May 17 comments, based on data provided in the Final License Application the annual reduction in generation associated with the proposed aesthetic flows appears to be minimal. RFH's March 6, 2023 response to FERC's question regarding why three days of flow releases was chosen focuses nearly exclusively on lost power generation, without quantifying the losses, nor providing a justification for the proposed limited flow releases that balances power generation with other needs and potential benefits. We anticipate the equal consideration of non-power generation values, including aesthetics and related recreational benefits, in FERC's environmental analysis of this application, as required by the Federal Power Act.

#### Proposed Whitewater Flows – Middle Dam Bypass Reach

The Bureau reiterates the recommendation that RFH consult with the Town of Rumford and American Whitewater regarding the sufficiency of the proposal proposed whitewater flows of 1200-1500 cfs on three summer days (June through August). We note that the Town of Rumford in their comments submitted to FERC on July 14, 2023 reiterates their request for 10 days of whitewater flows. The Bureau supports this request.

As detailed in our May 17 comments, based on data provided in the Final License Application the annual reduction in generation associated with the proposed whitewater flows appears to be quite small. Similar to the aesthetic flows discussed above, RFH's March 6, 2023 response to FERC's question regarding why three days of whitewater flow releases was chosen focuses nearly exclusively on lost power generation, without quantifying the losses, nor providing a justification for the limited proposed flow releases that balances power generation with other needs and potential benefits. Again, we anticipate the equal consideration of non-power generation values, including whitewater recreational opportunities, in FERC's environmental analysis of this application, as required by the Federal Power Act.

#### Proposed and Recommended Additional Recreation Enhancements

##### **West Viewing Area**

The Bureau supports and appreciates the proposed enhancements for the West Viewing Area, including additional details provided by RFH in their responses to FERC's additional information requests. This restored amenity will provide the public with the best opportunity to enjoy and benefit from the proposed aesthetic flows at Rumford Falls (Upper Dam bypass reach). Based on the additional information RFH has provided in their June 9, 2023 submittal, we withdraw the recommendation for the development of a footpath to the West Viewing Area from Boivin Park, as suggested by some stakeholders during the Recreation Study.

##### **Logan Brook Carry-in Boat Access to Upper Impoundment**

The Bureau continues to recommend formalization of this site, with license conditions that include a recreation enhancement that would move the access nearer to the boat barrier or further upstream on the inlet, on the same RFH-owned parcel, where there appears to be the opportunity for the development of a new facility, including space for limited designated parking off the road. This location also appears to provide the potential for a shorter portage around the dams than the present route, and with the added advantage of locating part of the portage on a trail rather than roadside or sidewalk. The portage trail is discussed in more detail below.

**Angling Access Enhancements to Middle Dam Bypass Reach and Canal**

The Bureau continues to recommend, with MDIFW, additional access improvements in the Middle Dam bypass and canal areas, possibly including improved accessibility measures such as stairways and/or safety railings. These improvements would enhance access to existing and potentially improved fishery in these areas, with improved flow and MDIFW stocking. RFH's proposed improved access and/or steps from the lower Rumford Public Library lower parking area to the ledges and cascades near the middle of the bypass reach for whitewater boating does not appear sufficient to meet this need.

**Portage Route Around Upper and Lower Developments**

RFH, in the June 9, 2023 response to FERC's May 11, 2023 additional information request provides a description and map figure of the existing portage route around the dams. The start of the portage is at the MDACF boat launch in Rumford, nearly 2 miles upstream of the boat barrier above the Upper Dam. The entire 3.6-mile portage route is on road shoulders and sidewalks.

With the formalization and possible relocation of the Logan Brook carry-in access as recommended by the Bureau, the potential exists to shorten the portage by over a mile. In addition, the portage route could remain on the south side of the river while bypassing the Upper Station Development, following the Rumford Falls Trail, thus relocating a portion of the route off roadsides and sidewalks. The Bureau recommends that recreation enhancements include the installation of signage and other necessary marking of the portage route/trail.

Thank you for the opportunity to submit these comments. Please feel free to contact me at (207) 287-2163 or via email at [Jim.Vogel@maine.gov](mailto:Jim.Vogel@maine.gov) if you have any questions.

Sincerely,



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Bureau of Parks and Lands

Cc: Andrew Cutko, Director  
Kyle Olcott/Laura Paye, Maine Department of Environmental Protection  
John Perry, Maine Department of Inland Fisheries and Wildlife

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