



March 22, 2024

***VIA E-FILING***

Debbie-Anne A. Reese, Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

**Subject: Rumford Falls Hydroelectric Project (FERC No. 2333-094)  
Comments on the Draft Environmental Assessment**

Dear Acting Secretary Reese:

On February 22, 2024, the Federal Energy Regulatory Commission (FERC or Commission) issued a Draft Environmental Assessment (DEA) for the Rumford Falls Hydroelectric Project (Project) (FERC No. 2333). Rumford Falls Hydro LLC, a subsidiary of Brookfield Renewable and the licensee of the Project, respectfully submits the attached limited comments and clarifications on the DEA for the Commission's consideration.

Sincerely,

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

Luke T. Anderson  
Senior Manager, Licensing  
Brookfield Renewable

Attachment (1)

- Attachment A - Rumford Falls Hydro LLC's comments on the Draft Environmental Assessment for the Rumford Falls Hydroelectric Project (FERC No. 2333-094)

Attachment A  
Rumford Falls Hydro LLC's comments on the Draft Environmental  
Assessment for the Rumford Falls Hydroelectric Project  
(FERC Project No. 2333-094)

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## 1. Middle Dam Bypassed Reach Minimum Flows

Throughout the Draft Environmental Assessment (DEA), the Federal Energy Regulatory Commission (FERC) recommended adopting Rumford Falls Hydro LLC's (RFH's) proposed minimum flows in the Middle Dam bypassed reach. For example (emphasis added):

- DEA, FERC's Conclusions and Recommendations p. 52: "Therefore, we recommend including the following measures in any new license issued for the Rumford Falls Project: ...
  - Increase the minimum flow in the Middle Dam bypassed reach from 21 cfs year-round to *95 cfs from May 1 to October 31* and 54 cfs from November 1 to April 30 primarily via notched flashboards. ..."
- DEA, FERC's Comprehensive Development p. F-11, Appendix F
  - "We find that RFH's proposed flows would provide a substantial enhancement of aquatic habitat at a reasonable cost. However, the additional habitat improvements provided by Maine TU's or Maine DIFW's proposed flows are not worth the cost. Therefore, we recommend RFH provide a minimum flow of *95 cfs from May 1 to October 31* and 54 cfs from November 1 to April 30. Of the alternatives considered, this staff recommended alternative would strike the appropriate balance between flow used for aquatic habitat improvement and flow used for project generation."

However, there appears to have been an error in the corresponding draft license article in Appendix G (emphasis added):

- DEA p. G-1, Appendix G – Draft Article 002, Item 3
  - "maintain a continuous minimum flow of *160 cfs from May 1st to October 31st* and 54 cfs from November 1st to April 30th, or inflow, whichever is less to the Middle Dam bypassed reach."

The only other place in the DEA where this error occurred is in the following (emphasis added):

- DEA p. D-5, Appendix D – Biological Assessment
  - "Increasing the minimum flow from 21 cfs to either 54 cfs or *160 cfs* depending on the time of year in the lower bypassed reach..."

RFH requests that reference to 160 cfs in License Article 002 and in the Biological Assessment be corrected to 95 cfs to be consistent with FERC's analysis, conclusions, and recommendations in the DEA.

## 2. Cost Analysis of Minimum Flow

In its analyses, FERC provided the estimated annualized cost of releasing various minimum flow scenarios in Table 13 in Appendix C, on pp. C-26 and C-27. While FERC did not recommend

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implementing minimum flows considered in 4b and 4c in Table 13, RFH notes that the annual costs in FERC's analyses for 4c are 55% greater than 4b. However, 4c includes year-round flows for both developments (4b only includes minimum flows in the Middle Dam bypassed reach and reduced flows for a 5-month period). Finally, almost two thirds of the Project's capacity is from the Upper Station Development<sup>1</sup>, therefore RFH believes that the annual costs for scenario 4c would be considerably higher.

### 3. Recreation Monitoring to Determine if Recreation Needs Are Changing

In the DEA, FERC recommends that RFH include a monitoring component with the Recreation Management Plan to determine if recreation needs are changing in response to the enhancements and over time.

- DEA p. 13: "... (4) include a recreation monitoring plan to determine if recreation needs are changing in response to the enhancements and over time..."
- DEA pp. 37-38  
"With the proposed upgrades to recreation facilities and boating flow schedules, new opportunities for recreation at the project area would be created. According to the U.S. Bureau of Economic Analysis, Maine's outdoor recreation economy grew by more than 16% from 2021 to 2022, with 2022 being the biggest year for Maine to date at \$3.3 billion. According to the report, fishing contributes the most to Maine's overall outdoor recreation economy at \$412 million. Similarly, Maine's State Comprehensive Outdoor Recreation Plan (SCORP) released in 2020 shows that fishing license sales to non-residents increased by 2.6% over the last five years. If similar trends continue, it is reasonable to expect that recreation demand at the project may increase over the term of any new license issued. Further, the proposed recreation enhancements could increase recreation use at the project. Monitoring would ensure that the improvements would continue to meet future needs, such as parking and angler access. A good monitoring plan would include a schedule and methods for reviewing recreation needs at the project. Including this information in the Recreation Plan would ensure that the monitoring data is captured at reasonable intervals and the data clearly describe recreational use."
- DEA p. G-4: "The Recreation Management Plan must also include the following additional measures: ... (11) A plan and schedule for monitoring recreation at the project and updating the Recreation Plan every 10 years."

RFH's March 6, 2023 response to FERC's Additional Information Request (AIR) provided information demonstrating that, given the urban nature of the Project area, there is abundant parking in the area of proposed enhancements for parking and angler access. The March 6, 2023 response details the following:

- Parking is available at the Rumford Public Library lower asphalt lot, which has approximately 12 public parking spaces for immediate access to the planned Class I-III whitewater boating put-in.

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<sup>1</sup> The total installed capacity the Upper Station development is 29.3 megawatt (MW), while the total capacity for the Project is 44.5 MW.

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- There is also an adjacent upper parking lot at the library with approximately 7 parking spots, which is close to the main library entrance, and is connected to the lower parking area via a relatively short asphalt driveway.
- There is well over 100 public parking spaces available along the length of River Street, from Bridge Street/Route 108 to the Portland Street Bridge, which is approximately 0.3 mile long. Boaters can walk from River Street for approximately 750 feet across the Portland Street Bridge to the Rumford Public Library, where they can access the Class I-III put-in (and as also noted, the 100 public parking spaces on River Street are available for the Class IV/V segment as well).
- The whitewater take-out is located at the MDACF Boat Launch in the Town of Mexico. Immediately adjacent to the boat launch, there are approximately 19 parking spaces for cars adjacent to the river off of Riverside Avenue as well as 3 parking spaces for vehicles with trailers also immediately adjacent to the boat launch. The boat launch is composed of concrete and is of modest slope, allowing boaters to easily carry out their boat and be approximately 110 to 450 feet from their vehicles. There is additional parking available in the nearby shopping plaza located between Riverside Avenue and U.S. Route 2.

In addition, at the West Viewing Area, RFH will develop a dedicated public parking area for four vehicles. The nearby J. Eugen Boivin Park contains a large, paved parking area shared with the Rumford Information Center (spaces not delineated). As noted in RFH's June 9, 2023 AIR response to FERC, it is an approximately 600-foot-long walk from J. Eugene Boivin Park along the existing pedestrian sidewalk on Prospect Avenue/Route 2 to the Upper Station powerhouse driveway, where the West Viewing Area is located.

In 2022, RFH conducted a comprehensive Recreation Study to determine if there is a need to enhance the Project's existing formal recreation facilities in support of a new license or if there is a need for additional recreation facilities to support the current and future public recreation demand at the Project. The Recreation Study Report, filed with FERC on March 30, 2023, concluded that, given the current utilization of the existing recreational facilities within, adjacent to, or in the proximity of the Project boundary coupled with the estimated population projections in Oxford County<sup>2</sup>, the recreational facilities meet current demand and are expected to meet future demand.

In summary, the Rumford Falls Project area has abundant recreation facilities, which were evaluated in a comprehensive recreation study and report. The study involved a robust stakeholder engagement process. In addition, RFH has proposed a number of significant recreation enhancements, which FERC has approved and expanded on with Staff modifications in the DEA, and which include abundant parking and access. The existing documented use and planned recreation enhancements with ample parking and access are expected to meet demand over the term of the next license; therefore, RFH believes periodic recreation monitoring to

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<sup>2</sup> As summarized in the Recreation Study Report, according to the U.S. Census Bureau and Maine Department of Administrative and Financial Services, utilizing data from 2018, Oxford County, ME, is expected to have a population decrease of 0.5 percent within the next 5 years - 2023 to 2028 (MDAFS 2021a) - and a 3.6 percent decrease within the next 20 years - 2018 to 2038 (MDAFS 2021b).

**Attachment A**

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determine if recreation needs are changing in response to the enhancements and over time is not warranted.

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