

July 27, 2020

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



**Via online submission to: <http://www/ferc.gov>**

**Subject: Comments of Maine Council of Trout Unlimited on the Revised Study Plan (RSP) for the Rumford Falls Hydroelectric Project (FERC No. 2333)**

Dear Secretary Bose:

On behalf of its chapters and their over 2,000 members, Maine Council of Trout Unlimited (TU) submits these comments on Brookfield's Rumford Falls Hydro LLC Revised Study Plan (RSP) for the Rumford Falls Project (P-2333-0091) on the Androscoggin River in Rumford Maine dated July 7, 2020.

The project contains the third largest generation capacity of any single generation facility in Maine. Located on the site of Maine's largest waterfall --the largest falls in the United States east of Niagara Falls -- the two dams the project includes marginalize views of the falls, and under low flow conditions, currently authorized minimum flows dewater the falls and the bypass.

The response by the people of Rumford and the surrounding area to Brookfield's fencing off of walking paths that have provided views of the falls for many years was overwhelming. The people of Rumford see the falls as the heart of their community and resent being denied the views that they formerly enjoyed. Many of them posted comments to that effect to the FERC Rumford Falls Project docket.

People from the town attempted to discuss recreational study plan content at the Revised Study Plan Teleconference held April 7, 2020 - the Brookfield response was the tell them to submit a FERC Study Request. The town obliged Brookfield and submitted a FERC Study Request along with a specific whitewater study.<sup>1</sup> FERC subsequently commented on the Brookfield study plans,<sup>2</sup> specifically the Angler Creel Survey Study and the Recreational Study Plan asking for more details to be added as to how the studies were to be conducted. Based on continuing comments, FERC later requested that Brookfield conduct an aesthetic flow study<sup>3</sup> stating: *"There is insufficient information in the record to evaluate the need and benefit and cost of such releases."* We agree and would like to point out that this does open the possibility of change to project operations. While we can assume that the project will remain run of river, change from the current minimum flows of minimum flow of 1 cfs from the Upper Dam and 21 cfs from the Middle Dam are matter to be considered by the relicensing process. This will bear on our further comments regarding study requests.

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<sup>1</sup> Town of Rumford Letter dated June 5, 2020

<sup>2</sup> FERC Letter dated May 8, 2020, Subj: Comments on Proposed Studies

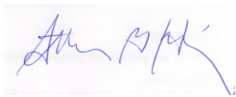
<sup>3</sup> FERC Letter dated June 2, 2020, Subj: Staff Study Request

Comments filed by the Director of Mahoosuc Pathways on July 26, 2020<sup>4</sup> detailed how the Recreational Study included in the RSP by Brookfield falls short of what the Town had requested. TU supports this filing, and that an inclusive recreational plan should be developed along the timetable specified in his filing. The Town's study request should take precedence, especially after Brookfield asked the Town to submit it.

MDIFW reiterated its study requests for Brown and Rainbow Trout Radio Telemetry and Minimum Flow Analysis in their RSP Comments.<sup>5</sup> The Brookfield assertion that there is no nexus because the project does not affect the movements of trout continues to puzzle us, especially for a project that allows such extremely low minimum flows. How the project is operated can affect trout in the project area and too little is known of how trout interact with the Rumford Falls Project. Radio telemetry is the best science available to determine this, and if project operations may be potentially affected by aesthetic considerations, they may also be for the recreational opportunity trout fishing supplies. TU continues to support these studies, as did a number of other organizations and individuals in their PSP comments including the Town of Rumford and the Maine Bureau of Parks and Lands as a review of the comment letters included with the RSP will show. Telemetry studies should be considered common practice as they have been conducted on Rapid River/Umbagog Lake and Magalloway River/Umbagog Lake, Moosehead Lake, Brassua Lake and in reservoirs or tailwaters of hydroelectric projects whose licenses are currently held by Brookfield.

Maine Council of Trout Unlimited appreciates this opportunity to comment. COVID-19 delayed our response to the RSP and we trust that the Commission will accept these comments.

Respectfully,

A handwritten signature in blue ink, appearing to read "Stephen Heinz", is placed over a light blue rectangular background.

Stephen G. Heinz  
Maine TU Council FERC Coordinator

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<sup>4</sup> John Preble letter dated July 26, 2020, Subj: Rumford Falls Hydroelectric Project: FERC Docket 2333-001 Revised Study Plan – Recreation Study Plan Comments

<sup>5</sup> Maine Department of Inland Fisheries and Wildlife letter dated July 24, 2020