

Howatt, Kathy

From: Ledwin, Sean M
Sent: Monday, January 03, 2022 4:42 PM
To: Howatt, Kathy
Cc: Clark, Casey
Subject: Shawmut Hydroelectric WQC-Agency Review Request
Attachments: MDMR COMMENTS on Kennebec River EIS Scoping.pdf; Attachment A Kleinschmidt Press Release 2017-2018.pdf; Attachment E Impacts of Passage Delays on Salmon.pdf

Dear Kathy,

Thank you for providing us the opportunity to review the new water quality certification application for the Shawmut Hydroelectric Project.

Brookfield White Pine Hydro LLC (BWPH) has incorporated into their application by reference the measures included and effects analysis within FERC's Draft Environmental Assessment (DEA) and states that those "comprise the entirety of the actions the Department should consider" and that those findings represent a "comprehensive analysis". However, since this application was submitted, FERC has indicated that they intend to prepare an Environmental Impact Statement (EIS) to evaluate the effects of relicensing the Shawmut Project and amend the licenses of all four projects to incorporate the measures in the Interim and Final Plans. This is a major reevaluation of the DEA findings for the Shawmut project and demonstrates that there are *major environmental impacts* and significant cumulative impacts with respect to Brookfield's proposals at the four projects that include: (1) effects of construction of proposed fish passage facilities on water quality and aquatic habitat; (2) effects of operation of existing and proposed fish passage facilities on upstream and downstream migration of diadromous fish populations, including threatened and endangered species and critical habitat; and (3) effects of proposed fish passage facility construction on cultural resources at the projects. DMR will continue to update DEP regarding this new development with respect to fish passage considerations.

BWPH, in its application, makes many erroneous and misleading claims, which are too numerous to respond to individually at this time. DMR has provided specific recommendations for consideration for improving upstream and downstream passage in our recent comments to FERC on the EIS dated 12/22/21. Those comments and supporting documents are attached. DMR is committed to developing fish passage recommendations that ensure that the Sappi Somerset Mill is not negatively impacted. Please let us know if you have any questions and we appreciate the opportunity to review the proposed application.

Sincerely,

Sean Ledwin