

MATTHEW D. MANAHAN

Merrill's Wharf
254 Commercial Street
Portland, ME 04101

P 207.791.1189
F 207.791.1350
C 207.807.4653
mmanahan@pierceatwood.com
pierceatwood.com

Admitted in: MA, ME, NH

August 11, 2022

VIA ELECTRONIC MAIL

Kyle Olcott
Hydropower Coordinator
Bureau of Land Resources
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Shawmut Hydroelectric Project, FERC No. 2322
Draft Order, Brookfield White Pine Hydro LLC, L-019751-33-I-N

Dear Kyle:

Please accept these comments on behalf of Sappi North America, Inc. ("Sappi") on the draft water quality certification order for the Shawmut Hydroelectric Project, issued on July 29, 2022. Sappi is disappointed that the DEP is not proposing to issue the water quality certification as requested by Brookfield. As we stated in our August 18, 2021 letter to DEP, the DEP's water quality certification determination must consider the quality of water, not the physical attributes of the river channel, such as the presence of a dam. The focus of the applicable water quality statutes is on water quality, not physical obstructions in the water. The DEP's justification for the draft denial without prejudice is entirely related to aspects of the FERC relicensing process that may (or may not) impact the fish passage facilities proposed by Brookfield. That justification has nothing to do with water quality; the evidence before DEP is that the project will continue to meet all applicable water quality standards. For that reason, DEP must issue the water quality certification.

Further, as we also stated in our August 18, 2021 letter, the logical result of denial of the water quality certification would be removal of the Shawmut Dam, which would have devastating economic effects on Sappi's Somerset Mill, its employees, and its suppliers, and thus a similarly devastating impact on the surrounding communities whose economies rely to a large extent on the Somerset Mill. Until the DEP issues the water quality certification, Sappi's Somerset mill is operating under a cloud of uncertainty. For that reason, we strongly encourage the DEP to issue the requested certification without further delay.

We incorporate by reference herein our prior comments submitted to DEP in these proceedings, including the August 18, 2021 letter referred to above and my July 23, 2021 letter to DEP. We also support and join in Brookfield's comments on the draft denial, dated August 5, 2022.

Kyle Olcott
August 11, 2022
Page 2

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Manahan", with a long, sweeping horizontal stroke extending to the right.

Matthew D. Manahan

cc: James Brooks
Briana O'Regan, Esq.