

## **Federal Energy Regulatory Commission to hold Meetings on Dec. 11 for Licensing of Kennebunk Dams**

The Federal Energy Regulatory Commission is currently reviewing the Pre-Application Document submitted by America First Hydro, LLC for licensing the Lower Mousam Project (FERC No. 14856). The project consists of the Dane Perkins, Twine Mill, and Kesslen developments. The project is located on Mousam River in Kennebunk, Maine.

Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a license for the project. To support and assist their environmental review, they are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

They invite those interested to attend one or both of the scoping meetings.

### **Daytime Scoping Meeting**

Monday, December 11, 2017, at 1:00 p.m.

Kennebunk Town Hall Auditorium

1 Summer Street

Kennebunk, ME 04043

Phone Number: (207)-985-3311

### **Evening Scoping Meeting**

Monday, December 11, 2017, at 6:00 p.m.

Kennebunk Town Hall Auditorium

1 Summer Street

Kennebunk, ME 04043

Phone Number: (207)-985-3311

Further information on their environmental site review and scoping meetings is available in the enclosed information.

FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

November 8, 2017

OFFICE OF ENERGY PROJECTS

Project No. 14856-000 – Maine  
Lower Mousam Project  
America First Hydro, LLC

**Subject: Scoping Document 1 for the Lower Mousam Project,  
P-14856-000**

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by America First Hydro, LLC (America First Hydro) for licensing the Lower Mousam Project (FERC No. 14856). The project consists of the Dane Perkins, Twine Mill, and Kesslen developments. The project is located on Mousam River in York County, Maine. The project does not occupy lands of the United States.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental assessment (EA), which will be used by the Commission to determine whether, and under what conditions, to issue a license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Lower Mousam Project. We are soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. We are also requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration, as necessary for the Commission to prepare the EA for the project.

We will hold two scoping meetings for the Lower Mousam Project to receive input on the scope of the EA. A daytime meeting will be held at 1:00 p.m. on December 11, 2017, at the Kennebunk Town Hall Auditorium, located at 1 Summer St., Kennebunk, ME 04043. An evening meeting will be held at 6:00 p.m. on December 11, 2017, at the same location. We will also visit the project facilities on December 12, 2017, starting at 9:00 a.m. and ending at or about 12:00 p.m.

Project No. 14856-000

2

We invite all interested agencies, Indian tribes, non-governmental organizations, and individuals to attend one or all of these meetings. Further information on our environmental site review and scoping meetings is available in the enclosed SD1.

SD1 is being distributed to both America First Hydro's distribution list and the Commission's official mailing list (see section 10.0 of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426. All written or emailed requests must specify your wish to be added to or removed from the mailing list and must clearly identify the following on the first page: **Lower Mousam Project No. 14856-000**.

Please review SD1 and, if you wish to provide comments, follow the instructions in section 6.0, *Request for Information and Studies*. If you have any questions about SD1, the scoping process, or how Commission staff will develop the EA for this project, please contact Michael Watts at (202) 502-6123 or [michael.watts@ferc.gov](mailto:michael.watts@ferc.gov). Additional information about the Commission's licensing process and the Lower Mousam Project may be obtained from our website, [www.ferc.gov](http://www.ferc.gov). Comments are due within 60 days of the issuance date of this letter. The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

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SCOPING DOCUMENT 1  
LOWER MOUSAM PROJECT  
MAINE  
FERC PROJECT NO. 14856-000



Federal Energy Regulatory Commission  
Office of Energy Projects  
Division of Hydropower Licensing  
Washington, DC

November 2017

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## TABLE OF CONTENTS

<b>1.0 INTRODUCTION .....</b>	<b>1</b>
<b>2.0 SCOPING.....</b>	<b>4</b>
<b>2.1 PURPOSES OF SCOPING .....</b>	<b>4</b>
<b>2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW .....</b>	<b>4</b>
<b>3.0 PROPOSED ACTION AND ALTERNATIVES.....</b>	<b>6</b>
<b>3.1 NO-ACTION ALTERNATIVE .....</b>	<b>7</b>
<b>3.1.1 Existing Project Facilities.....</b>	<b>7</b>
<b>3.1.2 Existing Project Operation.....</b>	<b>9</b>
<b>3.2 APPLICANT’S PROPOSAL .....</b>	<b>10</b>
<b>3.2.1 Proposed Project Facilities and Operation.....</b>	<b>10</b>
<b>3.2.2 Proposed Environmental Measures .....</b>	<b>10</b>
<b>3.3 DAM SAFETY.....</b>	<b>10</b>
<b>3.4 ALTERNATIVES TO THE PROPOSED ACTION .....</b>	<b>10</b>
<b>3.4.1 Decommissioning .....</b>	<b>10</b>
<b>3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY .....</b>	<b>11</b>
<b>4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES.....</b>	<b>11</b>
<b>4.1 CUMULATIVE EFFECTS .....</b>	<b>11</b>
<b>4.1.1 Resources that could be Cumulatively Affected .....</b>	<b>11</b>
<b>4.1.2 Geographic Scope .....</b>	<b>11</b>
<b>4.1.3 Temporal Scope .....</b>	<b>12</b>
<b>4.2 RESOURCE ISSUES.....</b>	<b>12</b>
<b>4.2.1 Aquatic Resources.....</b>	<b>12</b>
<b>4.2.2 Terrestrial Resources.....</b>	<b>13</b>
<b>4.2.3 Threatened and Endangered Species .....</b>	<b>13</b>
<b>4.2.4 Recreation and Aesthetic Resources .....</b>	<b>13</b>
<b>4.2.5 Cultural Resources.....</b>	<b>13</b>
<b>4.2.6 Developmental Resources.....</b>	<b>13</b>
<b>5.0 PROPOSED STUDIES .....</b>	<b>13</b>
<b>6.0 REQUEST FOR INFORMATION AND STUDIES.....</b>	<b>13</b>
<b>7.0 EA PREPARATION .....</b>	<b>15</b>

**8.0 PROPOSED EA OUTLINE ..... 16**  
**9.0 COMPREHENSIVE PLANS ..... 17**  
**10.0 MAILING LIST ..... 20**

**APPENDIX A—STUDY PLAN CRITERIA**

**APPENDIX B—PROCESS PLAN AND SCHEDULE**

**LIST OF FIGURES**

**Figure 1. Location of the Lower Mousam Project and other FERC-licensed hydroelectric projects in the Piscataqua watershed (Source: Staff). ..... 3**  
**Figure 2. Aerial view of the Dane Perkins and Twine Mill Developments (Source: Staff)..... 8**  
**Figure 3. Aerial view of the Kesslen Development (Source: Staff). ..... 9**

## SCOPING DOCUMENT 1

### Lower Mousam Project No. 14856-000

#### 1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),<sup>1</sup> may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. Kennebunk Light and Power District (Kennebunk Light) currently owns and operates the Lower Mousam Project (project) under a license issued by the Commission.<sup>2</sup> On March 29, 2017, Kennebunk Light filed a notice of intent (NOI) stating that it did not intend to file an application for a subsequent license. On May 15, 2017, the Commission issued a notice of the existing licensee's NOI not to file a subsequent license application, and solicited pre-application documents (PADs) and NOIs to file a license application. On September 11, 2017, America First Hydro, LLC (America First Hydro) filed a PAD, NOI, and request to use the Traditional Licensing Process (TLP) to prepare an application for a license for the project.<sup>3</sup> On October 31, 2017, Commission staff denied the TLP request and required America First Hydro to use the Integrated Licensing Process to prepare the license application.

The Lower Mousam Project is located on the Mousam River in York County, Maine. The Project consists of the Dane Perkins, Twine Mill, and Kesslen Developments, and has a total installed capacity of 600 kilowatts (kW). The total average annual generation of the Lower Mousam Project from 2013 to 2016 was 1,123,855 kilowatt-hours. A detailed description of the project is provided in section 3.0 (Proposed Action and Alternatives). The location of the project is shown on Figure 1. The Lower Mousam Project does not occupy lands of the United States.

The National Environmental Policy Act (NEPA) of 1969,<sup>4</sup> the Commission's regulations, and other applicable laws require that we independently evaluate the

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<sup>1</sup> 16 U.S.C. § 791(a)-825(r) (2012).

<sup>2</sup> The Lower Mousam Project is currently licensed and designated as Project No. 5362. *See Kennebunk Light and Power District*, 19 FERC ¶ 62,061 (1982).

<sup>3</sup> *Save the Mousam: Keep the Kennebunk Dams, LLC* also filed a PAD, NOI, and TLP request, which were dismissed by the Commission on October 31, 2017. *See Save the Mousam: Keep the Kennebunk Dams, LLC*, 161 FERC ¶ 62,066 (2017).

<sup>4</sup> 42 U.S.C. §§ 4321-4370(f) (2012).

environmental effects of licensing the Lower Mousam Project as proposed, and also consider reasonable alternatives to the proposed action. At this time, we intend to prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure identification and analysis of all pertinent issues.

Although our current intent is to prepare an EA, there is a possibility that an environmental impact statement (EIS) will be required. The scoping process will satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

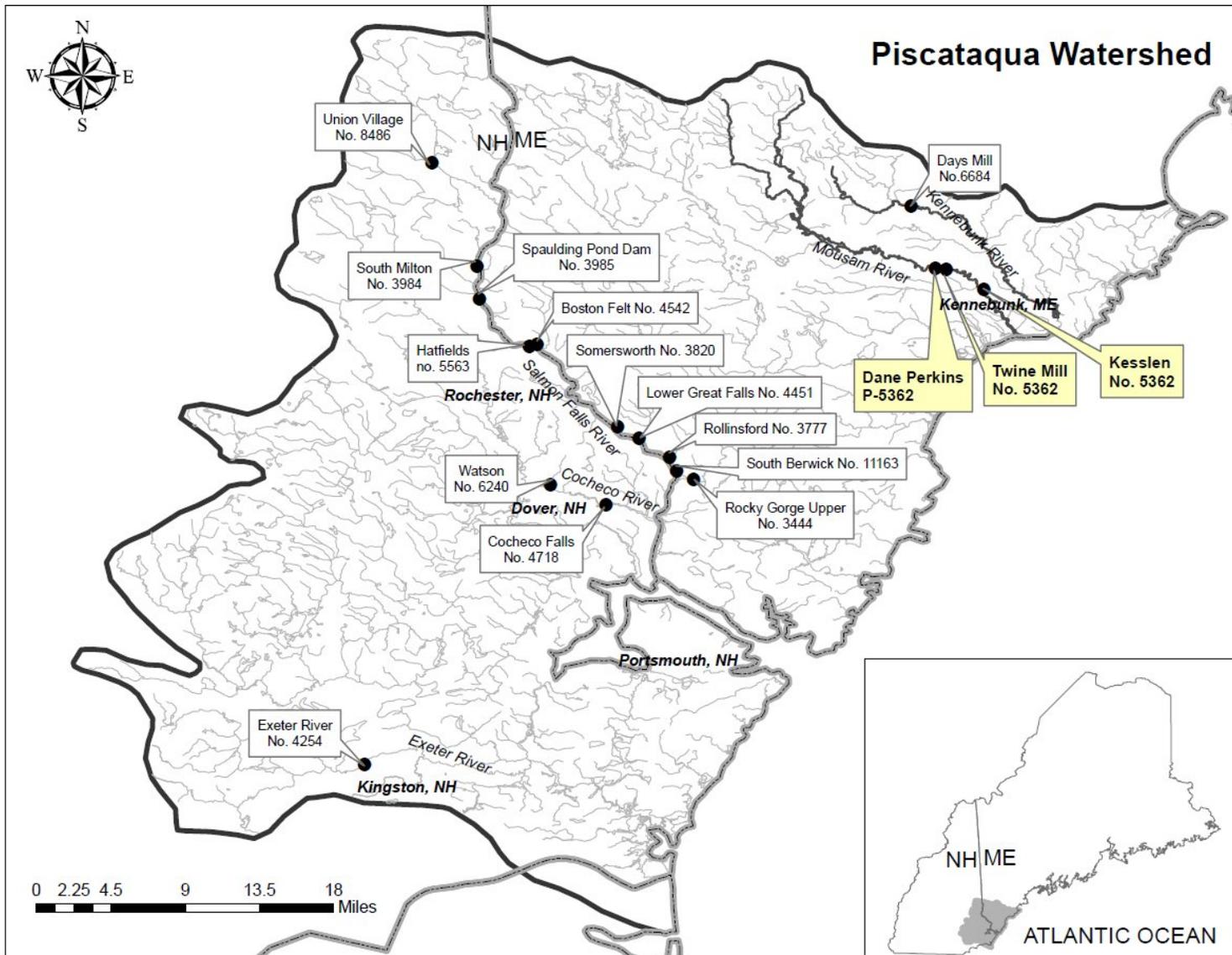


Figure 1. Location of the Lower Mousam Project and other FERC-licensed hydroelectric projects in the Piscataqua watershed (Source: Staff).

## **2.0 SCOPING**

This Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the preparation of the license application; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EA outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

### **2.1 PURPOSES OF SCOPING**

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

- invite participation of federal, state, and local resource agencies; Indian tribes; non-governmental organizations (NGOs); and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the EA;
- solicit from participants available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

### **2.2 COMMENTS, SCOPING MEETINGS, AND ENVIRONMENTAL SITE REVIEW**

During preparation of the EA, there will be several opportunities for the resource agencies, Indian tribes, NGOs, and the public to provide input. These opportunities occur:

- during the public scoping process and study plan meetings when we solicit oral and written comments regarding the scope of issues and analysis for the EA;
- in response to the Commission's notice that the project is ready for environmental analysis; and
- after issuance of the EA when we solicit written comments on the EA.

In addition to written comments solicited by this SD1, we will hold two public scoping meetings and an environmental site review in the vicinity of the project. A daytime meeting will focus on concerns of the resource agencies, NGOs, and Indian tribes, and an evening meeting will focus on receiving input from the public. We invite all interested agencies, Indian tribes, NGOs, and individuals to attend one or both of the meetings to assist us in identifying the scope of environmental issues that should be analyzed in the EA. All interested parties are also invited to participate in the environmental site review. The times and locations of the meetings and environmental site review are as follows:

### **Daytime Scoping Meeting**

Date and Time: Monday, December 11, 2017, at 1:00 p.m.  
 Location: Kennebunk Town Hall Auditorium  
 1 Summer Street  
 Kennebunk, ME 04043  
 Phone Number: (207)-985-3311

### **Evening Scoping Meeting**

Date and Time: Monday, December 11, 2017, at 6:00 p.m.  
 Location: Kennebunk Town Hall Auditorium  
 1 Summer Street  
 Kennebunk, ME 04043  
 Phone Number: (207)-985-3311

### **Environmental Site Review**

Date and Time: Tuesday, December 12, 2017, at 9:00 a.m.  
 Location: Berry Court Road  
 Kennebunk, ME 04043  
 Phone Number: (207)-985-3311

Please notify Mr. Todd Shea of Kennebunk Light and Power District at (207-985-3311) **on or before December 12, 2017**, if you plan to attend the environmental site review. Participants should meet at 9:00 a.m. in the parking lot, located next to the Kesslen Dam on Berry Court.

The scoping meetings will be recorded by a court reporter, and all statements (oral and written) will become part of the Commission's public record for the project. Before each meeting, all individuals who attend, especially those who intend to make statements, will be asked to sign in and clearly identify themselves for the record. Interested parties who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in section 6.0 (Request for Information and Studies). These meetings, along with other related information, are posted on the Commission's calendar located on the internet at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx).

Meeting participants should come prepared to discuss their issues and/or concerns as they pertain to the licensing of the Lower Mousam Project. It is advised that participants review the PAD in preparation for the scoping meetings. Copies of the PAD are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website ([www.ferc.gov](http://www.ferc.gov)), using the "eLibrary" link. Enter the docket number, P-14856-000, to access the documents. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Following the scoping meetings and comment period, all issues raised will be reviewed and decisions will be made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The EA will address recommendations and input received during the scoping process.

### **3.0 PROPOSED ACTION AND ALTERNATIVES**

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

### 3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Lower Mousam Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

#### 3.1.1 Existing Project Facilities

The existing Lower Mousam Project consists of the following three developments:

##### *Dane Perkins Development*

The existing Dane Perkins Development consists of: (1) a 12-foot-high, 83-foot-long concrete gravity dam with a 50-foot-long spillway section that has a crest elevation of 81.8 feet mean seal level (msl) plus 2.5-foot-high flashboards; (2) a 25-acre impoundment with a normal maximum elevation of 84.3 feet msl; (3) a powerhouse containing a single turbine-generator unit rated at 150 kW; (4) a generator lead connecting the turbine-generator unit to the regional grid; and (5) appurtenant facilities (Figure 2).

##### *Twine Mill Development*

The Twine Mill Development is located approximately 0.5 mile downstream from the Dane Perkins Development and consists of: (1) an 18-foot-high, 223-foot-long concrete gravity dam with an 81-foot-long spillway section that has a crest elevation of 68.8 feet msl plus 3.0-foot-high flashboards; (2) a 12-acre impoundment with a normal maximum elevation of 71.8 feet msl; (3) a powerhouse containing a single turbine-generator unit rated at 300 kW; (4) a generator lead connecting the turbine-generator unit to the regional grid; and (5) appurtenant facilities (Figure 2).

##### *Kesslen Development*

The Kesslen Development is located approximately 2.5 miles downstream from the Twine Mill Development and consists of: (1) an 18-foot-high, 140-foot-long concrete gravity dam with a 114-foot-long spillway section that has a crest elevation of 42.2 feet msl plus 1.5-foot-high flashboards; (2) a 20-acre impoundment with a normal maximum elevation of 43.7 feet msl; (3) a powerhouse containing a single turbine-generator unit rated at 150 kW; (4) a generator lead connecting the turbine-generator unit to the regional grid; and (5) appurtenant facilities (Figure 3).



Figure 2. Aerial view of the Dane Perkins and Twine Mill Developments (Source: Staff).



Figure 3. Aerial view of the Kesslen Development (Source: Staff).

### 3.1.2 Existing Project Operation

The project operates in a run-of-river mode. The current license requires an instantaneous minimum flow of 60 cubic feet per second (cfs) or inflow, whichever is less, downstream of the Kesslen Development from April 1 through June 1 each year; and a minimum flow of 5 cfs or inflow downstream of the Kesslen Development from June 2 through March 31.

The annual energy production of the project averaged 1,123,855 kilowatt-hours from 2013 to 2016.

## **3.2 APPLICANT'S PROPOSAL**

### **3.2.1 Proposed Project Facilities and Operation**

America First Hydro proposes to continue operating the Lower Mousam Project in a run-of-river mode. America First Hydro does not propose to construct or modify any new project facilities, or change project operation at this time. The current license for the project expires on March 31, 2022.

### **3.2.2 Proposed Environmental Measures**

America First Hydro proposes the following protection, mitigation, and enhancement (PM&E) measures for the Lower Mousam Project:

- continue operating the project in a run of river mode; and
- continue releasing a minimum flow of 60 cfs or inflow, whichever is less, downstream of the Kesslen Development from April 1 through June 1 each year, and a minimum flow of 5 cfs or inflow from June 2 through March 31.

## **3.3 DAM SAFETY**

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the engineering guidelines (<http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp>).

## **3.4 ALTERNATIVES TO THE PROPOSED ACTION**

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as PM&E measures identified by staff, federal and state agencies, Indian tribes, NGOs, and the public.

### **3.4.1 Decommissioning**

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the license application and surrender or termination of the existing license with appropriate conditions. There would be significant costs involved with decommissioning the project and/or removing any project facilities. The project provides a viable, safe, and clean renewable source of power to the

region and with decommissioning, the project would no longer be authorized to generate power and provide these benefits.

Parties have raised project decommissioning as an issue in this proceeding based on the need for fish passage and based on project economics. Therefore, project decommissioning appears to be a reasonably foreseeable alternative that should be addressed in the EA.

### **3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY**

Commission staff has not identified any alternatives that should be eliminated from detailed study in the EA at this time.

## **4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES**

### **4.1 CUMULATIVE EFFECTS**

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

#### **4.1.1 Resources that could be Cumulatively Affected**

Based on information in the PAD for the Lower Mousam Project, and preliminary staff analysis, we have identified migratory fisheries as a resource that could be cumulatively affected by the proposed continued operation and maintenance of the Lower Mousam Project in combination with other dams on the Mousam River.

#### **4.1.2 Geographic Scope**

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other dams within the river basin. We have identified the geographic scope for migratory fisheries to include the Mousam River from Mousam Lake in Shapleigh until it enters the Gulf of Maine in Kennebunk. We chose this geographic scope because the operation and maintenance of the Lower Mousam Project's three dams, in combination with several other dams on the mainstem of the Mousam River,<sup>5</sup> may affect migratory fisheries resources in the Mousam River Basin.

### 4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the EA will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

## 4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the EA. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Lower Mousam Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the EA. Those issues identified by an asterisk (\*) will be analyzed for both cumulative and site-specific effects.

### 4.2.1 Aquatic Resources

- Effects of continued project operation on dissolved oxygen and water temperature in the Mousam River.
- Effects of continued project operation on aquatic habitat for resident and migratory fish and aquatic macroinvertebrates.\*

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<sup>5</sup> U.S. Army Corps of Engineers, *National Inventory of Dams* (Oct. 2016), available at <http://nid.usace.army.mil>.

- Effects of continued project operation on migratory fish passage at the three project dams.\*

#### **4.2.2 Terrestrial Resources**

- Effects of continued project operation on riparian and wetland habitat and associated wildlife, including waterfowl and wetland-dependent birds.
- Effects of continued project operation on upland wildlife habitat and associated wildlife.

#### **4.2.3 Threatened and Endangered Species**

- Effects of continued project operation on the federally threatened northern long-eared bat.

#### **4.2.4 Recreation and Aesthetic Resources**

- Effects of continued project operation on recreational use in the vicinity of the project.

#### **4.2.5 Cultural Resources**

- Effects of continued project operation on historic properties and archaeological resources.

#### **4.2.6 Developmental Resources**

- Economics of the project and the effects of any recommended environmental measures on the project's economics.

### **5.0 PROPOSED STUDIES**

America First Hydro is not proposing any resource studies at this time.

### **6.0 REQUEST FOR INFORMATION AND STUDIES**

We are asking federal, state, and local resource agencies; Indian tribes; NGOs; and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with licensing the Lower Mousam Project. The types of information requested include, but are not limited to:

- information, quantitative data, or professional opinions that may help define the geographic and temporal scope of the analysis (both site-specific and cumulative effects), and that helps identify significant environmental issues;
- identification of, and information from, any other EA, EIS, or similar environmental study (previous, ongoing, or planned) relevant to the proposed licensing of the Lower Mousam Project;
- existing information and any data that would help to describe the past and present actions and effects of the project and other developmental activities on environmental and socioeconomic resources;
- information that would help characterize the existing environmental conditions and habitats;
- the identification of any federal, state, or local resource plans, and any future project proposals in the affected resource area (e.g., proposals to construct or operate water treatment facilities, recreation areas, water diversions, timber harvest activities, or fish management programs), along with any implementation schedules;
- documentation that the proposed project would or would not contribute to cumulative adverse or beneficial effects on any resources. Documentation can include, but need not be limited to, how the project would interact with other projects in the area and other developmental activities; study results; resource management policies; and reports from federal and state agencies, local agencies, Indian tribes, NGOs, and the public;
- documentation showing why any resources should be excluded from further study or consideration; and
- study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the EA for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix A, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission within 60 days of issuance of this SD1. All filings must clearly identify the following on the first page: **Lower Mousam Project (P-14856-000)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs->

[filing/efiling.asp](#). Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Register online at <http://www.ferc.gov/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

Any questions concerning the scoping meetings, site visit, or how to file written comments with the Commission should be directed to Michael Watts at (202) 502-6123 or [michael.watts@ferc.gov](mailto:michael.watts@ferc.gov). Additional information about the Commission's licensing process and the Lower Mousam Project may be obtained from the Commission's website, [www.ferc.gov](http://www.ferc.gov).

## 7.0 EA PREPARATION

At this time, we anticipate the need to prepare a single EA. The EA will be sent to all persons and entities on the Commission's service and mailing lists for the Lower Mousam Project. The EA will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. All recipients will then have 30 days to review the EA and file written comments with the Commission.

The major milestones, with pre-filing target dates are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
Scoping Meetings	December 2017
License Application Filed	March 2020
Ready for Environmental Analysis Notice Issued	-
Deadline for Filing Comments, Recommendations, and-Agency Terms and Conditions/Prescriptions	-
Single EA Issued	-
Comments on EA Due	-
Deadline for Filing Modified Agency Recommendations	-
License Order Issued	-

A copy of the process plan and schedule, which has a complete list of pre-filing licensing milestones for the Lower Mousam Project, including those for developing the license application, is attached as Appendix B to this SD1.

## **8.0 PROPOSED EA OUTLINE**

The preliminary outline for the Lower Mousam Project EA is as follows:

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ACRONYMS AND ABBREVIATIONS

EXECUTIVE SUMMARY

### **1.0 INTRODUCTION**

1.1 Application

1.2 Purpose of Action and Need for Power

1.3 Statutory and Regulatory Requirements

1.3.1 Federal Power Act

1.3.1.1 Section 18 Fishway Prescriptions

1.3.1.2 Section 10(j) Recommendations

1.3.2 Clean Water Act

1.3.3 Endangered Species Act

1.3.4 Coastal Zone Management Act

1.3.5 National Historic Preservation Act

1.4 Public Review and Comment

1.4.1 Scoping

1.4.2 Interventions

1.4.3 Comments on the Application

### **2.0 PROPOSED ACTION AND ALTERNATIVES**

2.1 No-action Alternative

2.1.1 Existing Project Facilities

2.1.2 Project Safety

2.1.3 Existing Project Operation

2.1.4 Existing Environmental Measures

2.2 Applicant's Proposal

2.2.1 Proposed Project Facilities

2.2.2 Proposed Project Operation

2.2.3 Proposed Environmental Measures

2.2.4 Modifications to Applicant's Proposal—Mandatory Conditions

2.3 Decommissioning Alternative(s)

2.4 Staff Alternative

2.5 Staff Alternative with Mandatory Conditions

- 2.6 Other Alternatives (as appropriate)
- 2.7 Alternatives Considered but Eliminated from Detailed Study
- 3.0 ENVIRONMENTAL ANALYSIS
  - 3.1 General Description of the River Basin
  - 3.2 Scope of Cumulative Effects Analysis
    - 3.2.1 Geographic Scope
    - 3.2.2 Temporal Scope
  - 3.3 Proposed Action and Action Alternatives
    - 3.3.1 Aquatic Resources
    - 3.3.2 Terrestrial Resources
    - 3.3.3 Threatened and Endangered Species
    - 3.3.4 Recreation Resources
    - 3.3.5 Cultural Resources
  - 3.4 No-action Alternative
- 4.0 DEVELOPMENTAL ANALYSIS
  - 4.1 Power and Economic Benefits of the Project
  - 4.2 Comparison of Alternatives
  - 4.3 Cost of Environmental Measures
- 5.0 CONCLUSIONS AND RECOMMENDATIONS
  - 5.1 Comparison of Alternatives
  - 5.2 Comprehensive Development and Recommended Alternative
  - 5.3 Unavoidable Adverse Effects
  - 5.4 Recommendations of Fish and Wildlife Agencies
  - 5.5 Consistency with Comprehensive Plans
- 6.0 FINDING OF NO SIGNIFICANT IMPACT (OR OF SIGNIFICANT IMPACT)
- 7.0 LITERATURE CITED
- 8.0 LIST OF PREPARERS
- APPENDICES
  - A—Draft License Conditions Recommended by Staff

## **9.0 COMPREHENSIVE PLANS**

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Lower Mousam Project, located in Maine. Agencies are requested to review this list and inform Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Lower Mousam Project:

Atlantic States Marine Fisheries Commission. 1999. Amendment 1 to the Interstate Fishery Management Plan for shad and river herring. (Report No. 35). April 1999.

Atlantic States Marine Fisheries Commission. 2000. Technical Addendum 1 to Amendment 1 of the Interstate Fishery Management Plan for shad and river herring. February 9, 2000.

Atlantic States Marine Fisheries Commission. 2009. Amendment 2 to the Interstate Fishery Management Plan for shad and river herring, Arlington, Virginia. May 2009.

Atlantic States Marine Fisheries Commission. 2010. Amendment 3 to the Interstate Fishery Management Plan for shad and river herring, Arlington, Virginia. February 2010.

Atlantic States Marine Fisheries Commission. Interstate Fishery Management Plan for American eel (*Anguilla rostrata*). (Report No. 36). April 2000.

Maine Atlantic Sea-Run Salmon Commission. 1984. Strategic plan for management of Atlantic salmon in the State of Maine. Augusta, Maine. July 1984.

Maine Department of Agriculture, Conservation, & Forestry. Maine State Comprehensive Outdoor Recreation Plan (SCORP): 2014-2019. Augusta, Maine.

Maine Department of Conservation. 1982. Maine Rivers Study-final report. Augusta, Maine. May 1982.

Maine State Planning Office. 1987. Maine Comprehensive Rivers Management Plan. Augusta, Maine. May 1987.

Maine State Planning Office. 1992. Maine Comprehensive Rivers Management Plan. Volume 4. Augusta, Maine. December 1992.

National Marine Fisheries Service. 1998. Final Amendment #11 to the Northeast Multi-species Fishery Management Plan; Amendment #9 to the Atlantic sea scallop Fishery Management Plan; Amendment #1 to the monkfish Fishery Management Plan; Amendment #1 to the Atlantic salmon Fishery Management Plan; and Components of the Proposed Atlantic herring Fishery Management Plan for Essential Fish Habitat. Volume 1. October 7, 1998.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

U.S. Fish and Wildlife Service. 1989. Atlantic salmon restoration in New England: Final environmental impact statement 1989-2021. Department of the Interior, Newton Corner, Massachusetts. May 1989.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

## 10.0 MAILING LIST

The list below is the Commission's official mailing list for the Lower Mousam Project (FERC No. 14856). If you want to receive future mailings for the Lower Mousam Project and are not included in the list below, please send your request by email to [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: **Lower Mousam Project No. 14856-000**. You may use the same method if requesting removal from the mailing list below.

Register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

### Official Mailing List for the Lower Mousam Project

John T Eddins Advisory Council on Historic Preservation 401 F Street N.W. Suite 308 Washington, DC 20001-2637	Jason Seiders Maine Department of Inland Fisheries and Wildlife 270 Lyons Road Region B Sidney, ME 04330-9711
Paul V Nolan Energy Consultant Hydro Power, Inc. 5515 17th Street North Arlington, VA 22205-2722	John Perry Environmental Coordinator Maine Department of Inland Fisheries and Wildlife 284 State Street 41 SHS Augusta, ME 04333-0041
Ian Clark Managing Partner America First Hydro LLC 826 Scarsdale Ave Scarsdale, NY 10583	Frank Frost Fisheries Biologist Maine Department of Inland Fisheries and Wildlife 63 Station Street Ashland, ME 04732

<p>Todd Griset  Preti, Flaherty, Beliveau, Pachios &amp; Hal  Kennebunk Light &amp; Power District  PO Box 9546  Portland, ME 04112-9546</p>	<p>Gail Wippelhauser  Marine Resources Scientist  Maine Department of Marine Resources  21 State House Station  Augusta, ME 04333</p>
<p>Town of Kennebunk  Municipal Building  1 Summer St  Kennebunk, ME 04043-6641</p>	<p>Charles Verrill  Maine Rivers  118 East Shore Drive  Islesboro, ME 04848</p>
<p>Michael Kuhns  Director  Maine Bureau of Land and Water  Quality  Department of Environmental  Protection  State House Station 17  Augusta, ME 04333-0001</p>	<p>Massachusetts Dept. of Pub Utilities  Electric &amp; Gas Division  One South Station  Sitting Division  Boston, MA 02110</p>
<p>Kathy Davis Howatt  Hydropower Coordinator  Maine Department of Environmental  Protection  17 State House Station  Augusta, ME 04333-0017</p>	<p>Governor of Massachusetts  Massachusetts Office of the Governor  State House  Office of The Governor, Room 360  Boston, MA 02133</p>
<p>John Burrows  Mousam and Kennebunk Rivers  Alliance  524 Alewife Road  Kennebunk, ME 04043</p>	<p>Director  U.S. Environmental Protection Agency  Water Quality Control Branch (WQB)  5 Post Office Sq, Ste 100  Boston, MA 02109-3946</p>
<p>Sean P McDermott  Fisheries Biologist  NOAA  55 Great Republic Drive  Gloucester, MA 01930-2237</p>	<p>Regional Director  U.S. Fish &amp; Wildlife Service  Northeast Regional Office  300 Westgate Center Dr  Hadley, MA 01035-9587</p>
<p>Passamaquoddy Native American  Nation  Pleasant Point Reservation  Tribal Building Office  Route No. 190  Perry, ME 04667</p>	<p>Kevin Mendik, ESQ  NPS Hydro Prgm Coord  U.S. National Park Service  15 State Street  10th floor  Boston, MA 02109</p>

<p>Albert Kolff  Save the Mousam :Keep the  Kennebunk , LLC  8 River Oaks Drive  Kennebunk, ME 04043</p>	<p>Edward J Markey  Senator  U.S. Senate  218 Russell Senate Office Bldg  Washington, DC 20510</p>
<p>Stephen Heinz  Member, Royal River Alliance  3 Spruce Lane  Cumberland Foreside, ME 04110</p>	<p>Elizabeth Warren  Senator  U.S. Senate  317 Hart Senate Office Building  Washington, DC 20510</p>
<p>Joanna Tourangeau  Drummond Woodsum &amp; Macmahon  84 Marginal Way, Ste 600  Portland, ME 04101-2480</p>	<p>Jay Clement  U.S. Army Corps of Engineers  675 Western Avenue  Manchester, ME 04351</p>
<p>Divisional Office, Regulatory  U.S. Army Corps of Engineers  696 Virginia Rd  Concord, MA 01742-2718</p>	<p>Ralph Abele  U.S. Environmental Protection Agency  5 Post Office Square, Suite 100  MailCode OEP06-02  Boston, MA 02109</p>

**APPENDIX A**  
**STUDY PLAN CRITERIA**  
**18 CFR Section 5.9(b)**

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operation and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate field season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

## APPENDIX B LOWER MOUSAM PROJECT PROCESS PLAN AND SCHEDULE

Because the existing license filed an NOI stating that it would not file a subsequent license application for the project, and additional time was needed for other potential applicants to file NOIs and PADs, the Integrated Licensing Process cannot be completed according to the schedule required by the Commission's regulations. Instead, the preliminary licensing proposal (PLP), comments on the PLP, and filing of the final license application must occur prior to a Commission decision on the need for second year studies. If second year studies are needed, the completion and review of these studies would mostly occur after filing of the final license application.

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines. As appropriate, the process plan and schedule may be revised in the future.

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
America First Hydro	File NOI/PAD with FERC	9/11/17	5.5, 5.6
America First Hydro	Issue Public Notice for NOI/PAD	9/14/17	5.3(d)(2)
FERC	Tribal Consultation	10/11/17	5.7
FERC	Issue Notice of Commencement of Proceeding; Issue Scoping Document 1	11/8/17	5.8
FERC	Scoping Meetings and Project Site Visit	12/8/17	5.8(b)(3)(viii)
All stakeholders	PAD/SD1 Comments and Study Requests Due	1/7/18	5.9
FERC	Issue Scoping Document 2 (if necessary)	2/21/18	5.10
America First Hydro	File Proposed Study Plan (PSP)	2/21/18	5.11(a)
All stakeholders	Proposed Study Plan Meeting	3/23/18	5.11(e)
All stakeholders	Proposed Study Plan Comments Due	5/22/18	5.12

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
America First Hydro	File Revised Study Plan	6/21/18	5.13(a)
All stakeholders	Revised Study Plan Comments Due	7/6/18	5.13(b)
FERC	Director's Study Plan Determination	7/21/18	5.13(c)
Mandatory Conditioning Agencies	Any Study Disputes Due	8/10/18	5.14(a)
Dispute Panel	Third Dispute Panel Member Selected	8/25/18	5.14(d)(3)
Dispute Panel	Dispute Resolution Panel Convenes	8/30/18	5.14(d)
America First Hydro	Applicant Comments on Study Disputes Due	9/4/18	5.14(i)
Dispute Panel	Dispute Resolution Panel Technical Conference	9/9/18	5.14(j)
Dispute Panel	Dispute Resolution Panel Findings Issued	9/29/18	5.14(k)
FERC	Director's Study Dispute Determination	10/19/18	5.14(l)
America First Hydro	First Study Season	2018-2019	5.15(a)
America First Hydro	Initial Study Report	7/21/19	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	8/5/19	5.15(c)(2)
America First Hydro	Initial Study Report Meeting Summary	8/20/19	5.15(c)(3)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	9/19/19	5.15(c)(4)
All stakeholders	Responses to Disputes/Amendment Requests Due	10/19/19	5.15(c)(5)
FERC	Director's Determination on Disputes/Amendments	11/18/19	5.15(c)(6)
America First Hydro	Second Study Season	2019-2020	5.15(a)
America First	Updated Study Report due	7/20/20	5.15(f)

<b>Responsible Party</b>	<b>Pre-Filing Milestone</b>	<b>Date</b>	<b>FERC Regulation</b>
Hydro			
All stakeholders	Updated Study Report Meeting	8/4/20	5.15(f)
America First Hydro	Updated Study Report Meeting Summary	8/19/20	5.15(f)
All stakeholders	Any Disputes/Requests to Amend Study Plan Due	9/18/20	5.15(f)
All stakeholders	Responses to Disputes/Amendment Requests Due	10/18/20	5.15(f)
FERC	Director's Determination on Disputes/Amendments	11/17/20	5.15(f)
America First Hydro	File Preliminary Licensing Proposal	11/2/19	5.16(a)
All stakeholders	Preliminary Licensing Proposal Comments Due	1/31/20	5.16(e)
America First Hydro	File Final License Application	3/31/20 <sup>6</sup>	5.17
America First Hydro	Issue Public Notice of License Application Filing	4/14/20	5.17(d)(2)

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<sup>6</sup> Pursuant to the Federal Power Act section 15 and 18 C.F.R § 16.9, any application for a license for this project must be filed with the Commission at least 24 months prior to the expiration of the existing license. Because the current license expires on March 31, 2022, all applications for license for this project must be filed by March 31, 2020.

Document Content(s)

P-14856-000.DOCX.....1-31