



United States Department of the Interior



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March 12, 2021

Mr. Todd Shea
General Manager
Kennebunk Light and Power District
4 Factory Pasture Lane
Kennebunk, ME 04043

RE: Comments on the Draft Surrender Application for the Lower Mousam Hydroelectric Project (P-5362)

Dear Mr. Shea,

This letter responds to the Draft Surrender Application (Application; Attachment A) for the Lower Mousam Hydroelectric Project (FERC No. 5362; Project), located on the Mousam River in York County, Maine. The Lower Mousam Hydroelectric Project consists of three developments (Kesslan, Twine Mill, and Dane Perkins) on the mainstem Mousam River with a combined capacity of 600 kilowatts. The Application was submitted to the resource agencies by Kennebunk Power and Light District (District; Licensee) on February 12, 2021. The Service has reviewed the Application, attended a meeting held by the District on March 2, 2021, and offers the following comments.

The Federal Energy Regulatory Commission (FERC) issued a license for the Project on April 16, 1982 for a 40-year term expiring on March 31, 2022. The District decided not to seek a new license as “the District has ample access to more reliable and cost-effective sources of electricity, and the Project is no longer economically efficient for the District to maintain or operate.”¹ The Licensee proposes to decommission the Project by removing generation infrastructure and leaving the dams in place. The Application states, “Following decommissioning, ownership and responsibility for the Project property will remain with the District.”² While the Service agrees with the surrender, we are concerned that the Draft Application does not address several considerations, including how the District plans to address existing aquatic connectivity issues, water quality, and maintenance after the developments are surrendered in place.

¹ Draft Surrender Application Page 6, Section II

² Draft Surrender Application, Page 13, Section VI

Several diadromous fishes currently use the Mousam River, including American eel (*Anguilla rostrata*), alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), American shad (*Alosa sapidissima*), and striped bass (*Morone saxatilis*). There is suitable habitat for several of these species upstream of the Project, which would be inaccessible under the current provisions of the draft Application. Therefore, leaving the dams in place, without appropriate passage measures, limits the habitat available to migratory fishes within the watershed.

Maine Department of Environmental Protection (MEDEP) has also raised concerns about water quality in association with these developments. Studies on dissolved oxygen concentrations within the Dane Perkins and Twine Mills impoundments indicated, “Dane Perkins and Twine Mill impoundments are not in attainment of Maine’s Class B water quality standards for the designated use of habitat for fish and other aquatic species which requires sufficient habitat for indigenous species, including dissolved oxygen concentrations equal to or greater than 7.0 ppm.”³ Further, MEDEP noted that benthic macroinvertebrate community samples below Twine Mills did not meet Class B aquatic life and habitat criteria. The Service shares MEDEP’s concern, given that no measures were proposed in the Application to address the non-attainment of Maine water quality standards.

The Application also lacks sufficient details to assess the Licensee’s ability to minimize risks associated with public safety. The Application states, “Following execution of this decommissioning plan, the District will regularly inspect the dams, will consult with state regulatory authorities overseeing the dams, will make repairs as needed, and will carry appropriate liability insurance.”⁴ However, no details are provided in regard to the frequency and focus of the inspections, nor are there details on budget allocation for maintenance and inspection activities. Further, the Application lacks specificity on what the District’s responsibilities would be for the property in the future.

We appreciate the opportunity to comment and look forward to working with the District to address these concerns. If you have any questions, please contact Corbin Hilling at corbin_hilling@fws.gov.

Sincerely,

Peter Lamothe
Complex Manager
Maine-New Hampshire
Fish and Wildlife Service Complex

cc:

³ Accession No. 20200122-5036

⁴ Draft Surrender Application Page 7, Section IV

KLPD – Todd Shea (e-mail)

Maine DEP – Kathy Howatt (e-mail)

MDMR – Casey Clark, Sean Ledwin, Gail Whippelhauser (e-mail)

NMFS – William McDavitt (e-mail)

ATTACHMENT A
DRAFT LICENSE SURRENDER APPLICATION
KENNEBUNK POWER AND LIGHT DISTRICT
LOWER MOUSAM HYDROPOWER PROJECT (FERC No. 5362)