



STATE OF MAINE
DEPARTMENT OF
INLAND FISHERIES & WILDLIFE
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VIA ELECTRONIC FILING

May 21, 2021

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

Subject: NOTICE OF INTERVENTION and Comments on Notice of Application for Surrender of License for the Lower Mousam Hydroelectric Project (P-5362)

Dear Secretary Bose:

On April 21, 2021, the Commission issued a *Notice of Application for Surrender of License, Soliciting Comments, Motions to Intervene, and Protests in response to the Surrender Application the Lower Mousam Hydroelectric Project (Project No. 5362-021)*, located on the Mousam River in York County, Maine. By this letter the Maine Department of Inland Fisheries and Wildlife (MDIFW) provides notice pursuant to 18 C.F.R. §385.214(a), as amended, that our Agency is requesting intervenor status in this proceeding. Under Maine State Law (12 MRSA, §10051), the Maine Department of Inland Fisheries and Wildlife's (MDIFW) mandate is "...to preserve, protect, and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources." Intervenor status will provide opportunity for participation.

Comments

The Project consists of three dams: the Kesslen Dam (the downstream-most dam, located 100-foot upstream of the US Route 1/Main Street Bridge in Kennebunk); the Twine Mill Dam (approximately 3.3 miles upstream from the Kesslen Dam); and the Dane Perkins Dam (approximately 0.5 miles upstream from the Twine Mill Dam).

On March 31, 2021, Kennebunk Light and Power District (Applicant) filed a surrender application for the Project with FERC. As part of the surrender, the Applicant proposes to decommission the Project by removing all flashboards, disconnecting leads from generators, removing all generation and electrical equipment, as well securing each individual development with fencing. However, the Applicant is proposing to leave the three dams in place without provisions for fish passage.

MDIFW remains supportive of the restoration of diadromous fish species to the Mousam River watershed, and as such we support the Maine Department of Marine Resources in their request that FERC require the Applicant to remove or breach the dams as a preferred alternative, or, at a

minimum, provide fish passage and establish a sufficient dedicated fund for the long-term maintenance of the dams in order to ensure the conditions of surrender can be met following license surrender.

Specific to recreational access at the Project, to reiterate our comments in our letter dated March 15, 2021, recreational access to the resource for the public is inadequate along the Lower Mousam River and needs to be addressed prior to a surrender. Public access to surface waters is an important State and Department goal that gives residents and visitors an opportunity to participate in various traditional outdoor activities including fishing, hunting, and multiple forms of recreational boating. Maintaining and expanding public access opportunities is particularly important in southern Maine, as traditional access opportunities to these important resources are being lost at an alarming rate due to development, land posting, and other changes in land use.

We appreciate that the Applicant proposes to make no changes to the District-maintained public boat launch on District-owned land along the Dane Perkins impoundment, a Town of Kennebunk-maintained public boat launch at Intervale Park, and a boat launch located upstream of the Kesslen Dam at Berry Court. However, both the Berry Court and Intervale launches are located on the Kesslen impoundment, with no amenities to the Twine Mill impoundment. Additionally, to our knowledge the Dane Perkins property provides no clearly defined public access site. As a condition of the surrender we recommend that adequate public access and associated signage, and designated parking areas be secured at both the Twine Mill and Dane Perkins impoundments. Finally, there are no known public access provisions at any of the three tailraces, and as a condition of the surrender we recommend that provisions for public access and adequate signage be incorporated at these locations.

If you have any specific questions, please feel free to contact me directly by phone at 207-287-5254 or by email at john.perry@maine.gov.

Best regards,



John Perry
Environmental Review Coordinator

Cc: James Pellerin, Scott Lindsay—MDIFW Region A
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