



wellsreserve

# Wells National Estuarine Research Reserve

Research • Education • Stewardship

May 21, 2021

Ms. Kimberly Bose  
Secretary, Federal Energy Regulatory Commission  
888 First Street N.W.  
Washington, DC 20426

## COMMENTS

Application for Surrender of License  
Project No. 5362-021  
Lower Mousam Hydroelectric Project  
Kennebunk Light and Power District

Dear Secretary Bose,

In response to the NOTICE OF APPLICATION FOR SURRENDER OF LICENSE, SOLICITING COMMENTS, MOTIONS TO INTERVENE, AND PROTESTS issued by the FERC on April 21, 2021 the Wells National Estuarine Research Reserve (WNERR) submits the following comments:

The Wells National Estuarine Research Reserve (Wells Reserve) works to expand knowledge of coasts and estuaries, engage people in environmental learning, and involve communities in conserving natural resources, with a goal of protecting and restoring coastal ecosystems around the Gulf of Maine. The Wells Reserve was designated a National Estuarine Research Reserve by the National Oceanic and Atmospheric Administration (NOAA) in 1984. The Wells Reserve is overseen by the Wells Reserve Management Authority (RMA), which was established in 1990 as an independent state agency by the 114<sup>th</sup> Maine Legislature (Private and Special Law #108). The research, education, and conservation programs of the Wells Reserve serve the communities and coastal watersheds of Southern Maine.

In their surrender application the Kennebunk Light and Power District (KLPD) asserts that the decommissioning plan for the three dams “would have no environmental impacts.” The Wells Reserve has previously provided documentation of diadromous fish populations below Kesslen dam filed under Docket P-14856. In the same filing we provided documentation of water quality impairments in the impoundments that degrade habitat for native eastern brook trout and create barriers to cold water refugia in Coldwater Brook and Day Brook. KLPD is proposing to leave all three dams in place with no fish passage structures, which if approved would prevent diadromous fish from accessing upstream habitat. Additionally, the continued impoundment of the river will maintain impaired water quality.

KLPD also asserts that the Mousam River at the sites of the three dams was historically impassible to diadromous fish species. Documentation of conditions in the river prior to the construction of the existing dams is sparse, however there is some record of diadromous species accessing the Mousam River, and these historical accounts have been submitted into the public record by Maine Rivers and the Mousam and Kennebunk Rivers Alliance in their previous filings. Historical photos obtained from the Brickstore Museum appear to show the sites of all three dams in various stages of construction that indicate a natural channel gradient that would have been passable to River Herring, Atlantic salmon, American eel, Sea Lamprey, and Brook Trout. It is our understanding that these photos will be filed at a subsequent time by Maine Rivers.



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KLPD also asserts that the cost to provide fish passage would constitute an undue financial burden for District rate payers and is therefore prohibitive of any improvements that would enhance the quality and accessibility of riparian habitat in the Mousam River. WNERR, NOAA, Maine Rivers, and other partners have previously made the District aware that dam removal could be eligible for funding through federal grant programs. This was also noted in a study KLPD commissioned by Wright Pierce in 2016 to explore alternatives and associated costs. KLPD has never reached out to the Wells Reserve or to our knowledge any of the Federal or State agencies that could provide support for developing grant applications to defray these costs.

The Wells Reserve is aware that the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Maine Department of Marine Resources, Maine Department of Environmental Protection, and Maine Department of Inland Fisheries and Wildlife have all requested the removal of all three of the lower Mousam River dams as the preferred alternative to address ongoing environmental issues, and we are supportive of agency comments. The license surrender process represents the best chance to improve habitat conditions in the Mousam River and we urge the FERC to support agency requests for dam removal as the most effective means to address ongoing environmental degradation in the lower Mousam River and maximize benefits to the public and the river ecosystem.

If you have any questions related to these comments please contact Jacob Aman by email at [jaman@wellsnerr.org](mailto:jaman@wellsnerr.org), or by phone at 207-646-1555.

Sincerely,

Handwritten signature of Paul M. Dest in black ink.

Paul Dest, Executive Director

Handwritten signature of Jacob Aman in black ink.

Jacob Aman, Stewardship Director

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