

## ERRATA SHEET

DEPOSITION OF: LOWER MOUSAM PROJECT SCOPING MEETING 1:00PM

DATE OF DEPOSITION: 12/11/17

Page	Line	Correction
		** The format used below follows: <del>DELETE</del> <b>ADD</b> **
4	20	we use dockets so under <del>148567</del> <b>14856</b> is difference than
6	20	We also regulate <b>non</b> -federal hydropower projects
8	9	<del>Anybody in</del> <b>The integrated</b> licensing process is
9	13	project <del>could</del> would be <del>used in</del> <b>using</b> the integrated licensing process
9	18	This notice will also <del>lists</del> <b>solicit</b>
9	21	FERC will use the information in the record including <del>included in</del> the
9	22	license application <del>— there is also</del> <b>and also</b> the studies to issue a
10	4	<del>Going with</del> <b>The Goal of</b> the initial document that was filed by
10	9	<del>Going over</del> <b>The Goal of</b> the scoping process is to solicit your
43	13	March of 2022 -- that's two years before <del>regulations</del> <b>expiration</b> .
54	25	From this line until page 56, line 2, the speaker is Aman, not Kartalia
56	3	From this line through line 5, the speaker is Kartalia, not Aman
56	6	The speaker is Aman, not Kartalia
83	23	Change “lingo” to “Conowingo”
85	21	able to go forward <del>but</del> in terms of our environmental
86	4	of <del>then</del> <b>them</b> not being able to meet that responsibility. So I
86	21	application and we <b>can't</b> move forward with the environmental

1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 LOWER MOUSAM PROJECT

4 PROJECT NO. 14856-000

5 AMERICA FIRST HYDRO, LLC

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8 SCOPING MEETING

9

10 Kennebunk Town Hall Auditorium

11 1 Summer Street

12 Kennebunk, Maine 04043

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14 Monday, December 11, 2017

15 1:00 p.m.

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- 1 SPEAKER LIST
- 2
- 3 MICHAEL WATTS, CHAIRMAN
- 4 STEVE KARTALIA
- 5 NICK TACKETT
- 6 TODD SHEY
- 7 IAN CLARK
- 8 PAUL MULLEN
- 9 KYLE SCARDINO
- 10 KATHY HOWATT
- 11 JEFF REARDON
- 12 JOHN BURROWS
- 13 PETER ASHLEY
- 14 BILL PASQUILL
- 15 ALBERT KOLFF
- 16 BILL HARMON
- 17 BARRY BRADDICK
- 18 BEVERLY FREUDENREICH
- 19 JOHN REDMAN
- 20 STEPHEN HEINZ
- 21 JACOB AMAN
- 22 LANDIS HUDSON
- 23 JOHN POLLETTO
- 24 RACHEL PHIPPS
- 25 LIONEL MENARD

1 ALEX MENDELSON

2 CURTIS MILDNER

3 BILL MCDAVITT

4 SUSAN BLOOMFIELD

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1 P R O C E E D I N G S

2 MR. WATTS: Good afternoon everyone. I'd like to  
3 welcome you to the Federal Energy Regulatory Commission or  
4 FERC for short scoping meeting for the Lower Mousam  
5 Hydroelectric Project.

6 My name is Mike Watts and I'm the Project  
7 Engineer at FERC. I'm also the Project Coordinator. With  
8 me from the FERC are staff members and at this time I'll  
9 have them introduce themselves and say what their duties are  
10 at the FERC.

11 MR. TACKETT: Thank you Mike. I'm Nick Tackett.  
12 I'm a Branch Chief for the New England region at FERC in the  
13 Division of Hydropower Licensing, thank you very much. And  
14 I just wanted to welcome you all here today. I won't be  
15 doing much of the speaking but nonetheless welcome full  
16 engagement.

17 We are here to hear your opinion, to get oriented  
18 better with the project. We only know what is on the record  
19 in this proceeding. It's of note that this proceeding under  
20 -- we use dockets so under 148567 is difference than the  
21 current licensed designated project under 5362.

22 So I know you have or may have participated in  
23 the current discussions led by the current licensee but I  
24 just encourage you to express your opinions anew -- to let  
25 us know. We are here for NEPA scoping purposes so

1 environmental purposes to discuss the potential issues --  
2 environmental issues, cultural, socio-economic issues that  
3 are at issue here for this project.

4 So definitely welcome full participation and  
5 again echo thank you for coming.

6 MR. KARTALIA: My name is Steve Kartalia. I'm a  
7 Fisheries Biologist and I work with Mike and Nick so I'll be  
8 addressing issues of fisheries and water quality and those  
9 sorts of things.

10 MR. WATTS: Thank you Steve. Just a few  
11 housekeeping items before we get started. I'd like to point  
12 out that we have two sign-in sheets -- one is a general  
13 sign-in sheet for all that are in attendance to sign and  
14 there's a second sign-in sheet for those of you who were  
15 planning on giving verbal comments.

16 If you are planning on giving verbal comments we  
17 do have a court reporter with us today. The court reporter  
18 will be making the transcript of today's meeting and while  
19 we generally like to keep things as informal as possible, we  
20 do ask that you state your full name and affiliation before  
21 speaking so the court reporter can attribute your comments  
22 to you.

23 We do have handouts and they're in the back of  
24 the room on the table -- sure. Yes, state your name and  
25 affiliation before speaking. We also have like I said,

1 copies of the scoping document and some licensing brochures  
2 to help education you about the FERC process. Feel free to  
3 grab a copy of those for your reference.

4           Here's an outline and an agenda -- an outline of  
5 today's meeting so you can know what to expect. We're going  
6 to start off by talking a little bit about FERC. We'll then  
7 go over the licensing process and then we'll invite the  
8 current licensee, Kennebunk Light and Power to give us an  
9 overview of the project facilities and operations, after  
10 which we'll have the potential applicant -- America First,  
11 give us an overview of the proposal for the project.

12           The second half of my presentation I'll talk a  
13 little bit about the scoping document, particularly those  
14 issues that we've identified for analysis in our NEPA  
15 document. Then we'll go over next steps and then we'll talk  
16 about how you can stay involved.

17           So we are FERC, we are an independent agency  
18 under the Department of Energy but we're independent. We  
19 regulate interstate transmission of natural gas, oil and  
20 electricity. We also regulate federal hydropower projects  
21 and natural gas projects.

22           At the top of the FERC organization there are  
23 five Commissioners including one Chairman that's appointed  
24 by the President and confirmed by the U.S. Senate --  
25 actually anecdotal information -- just last week we just got

1 up to full capacity.

2           Since the election there was some turnover at  
3 FERC as far as Commissioners but just in time for the  
4 scoping meeting FERC is now at full capacity as far as the  
5 total amount of Commissioners at the FERC.

6           The Office of Energy Projects, where I'm from is  
7 about 20% of a total FERC workforce. And hydro licensing  
8 includes three divisions. There's a Division of Dam Safety,  
9 which is responsible for making sure structures are safe and  
10 for overseeing the new construction.

11           There's the Department of Hydropower Compliance  
12 at the bottom there that is responsible for making sure that  
13 the licensees complies with the terms and conditions of  
14 their licenses and there is hydro licensing which is us  
15 which is responsible for renewing new licenses and  
16 re-license application.

17           Drilling down further hydro licensing is spread  
18 out across about six different branches. We are from the  
19 New England branch and we are responsible for hydro projects  
20 obviously within the New England states, including the state  
21 of Maine.

22           Across our branches we interact with the licensee  
23 resource agencies, tribes, NGO's and local stakeholders. So  
24 authority to regulate hydropower projects comes from the  
25 Federal Power Act and projects under our jurisdiction are



1 either located in navigable waterways, they affect  
2 interstate or foreign commerce, they're located on federal  
3 lands or public lands or they use a surplus water from a  
4 federal dam.

5           So FERC issues licenses for between 30 and 50  
6 years using three licensing processes. There is the  
7 integrated licensing process which is our default process  
8 and there's a traditional process and there's the  
9 alternative process. Anybody in the licensing process is  
10 our default process so you do have to get permission to use  
11 the other two processes.

12           In this case we made the decision that this  
13 project could be used in the integrated licensing process  
14 and that decision is made on a case by case basis. It  
15 happens that this project is more aligned with the  
16 integrated licensing process.

17           The major difference between an integrated  
18 licensing process and the traditional or alternative  
19 licensing process is that the integrated licensing process  
20 includes a fixed schedule and that's outlined in Appendix B  
21 of the scoping document and it also includes early FERC  
22 involvement which is why we are here so early in the process  
23 -- normally FERC doesn't get involved, especially in the  
24 traditional licensing process until a license application is  
25 filed.

1           So the integrated licensing process -- I  
2 apologize about the screen, some of the words are off but it  
3 includes a pre-filing process and a post-filing process,  
4 pre-filing is initiated when the filing for pre-application  
5 document and notice of intent.

6           We're currently in the scoping phase of the  
7 project and then over the next several months we and the  
8 stakeholders will be working together to develop a study  
9 plan. Once that study plan is approved American First will  
10 implement the studies and use the information from the  
11 studies to develop a license application.

12           Once the studies are completed and the license  
13 application is filed, that concludes pre-filing and brings  
14 us right into the post-filing phase of the project.  
15 Post-filing begins with the filing of the license  
16 application followed by an adequacy review and if the  
17 application is adequate, FERC will issue a ready for  
18 environmental assessment notice. This notice will also list  
19 the terms and conditions, comments, prescriptions from the  
20 agencies and once those comments and prescriptions come in  
21 FERC will use the information in the record included in the  
22 license application -- there is also the studies to issue a  
23 NEPA document.

24           And once a NEPA document is issued, followed by a  
25 comment period, the license application will be ready for a

1 Commission licensing decision. As you can see pre-filing  
2 can take anywhere from 1 to 3 years while the post-filing  
3 process takes about a year and a half.

4           Going with the initial document that was filed by  
5 America First is to identify existing information, identify  
6 issues and study needs, being the first document to file it  
7 also sets the schedule and it pretty much lays the framework  
8 for future documents.

9           Going over the scoping process is to solicit your  
10 input and information in the scoping document, particularly  
11 those issues in Section 4.2 that we've identified to study  
12 the NEPA process.

13           Scoping also identifies existing conditions as  
14 well -- as the affect that the project will have on  
15 environmental resources. Scoping also identifies cumulative  
16 effects, alternatives to the project as well as issues that  
17 need to be addressed in the project.

18           We also identify an adequate geographic scope  
19 during the scoping process. The purpose of the study plan  
20 is to pretty much set the framework for which pertinent  
21 information can be gathered to address the issues identified  
22 during the scoping process and the goal for studies itself  
23 is to -- like I said before, develop information that's  
24 needed to file an adequate license application.

25           So that is the first half of my presentation. If

1 there are no immediate questions right now I propose that we  
2 get through these presentations and then we can save our  
3 questions for when we open up for comments and questions.  
4 And at this time I'd like to invite a member from the  
5 current licensee, Kennebunk Light and Power to give us an  
6 overview of the project facilities and operations, thank  
7 you.

8 MR. SHEY: Good afternoon ladies and gentleman.  
9 My name is Todd Shey, I'm the General Manager of Kennebunk  
10 Light and Power District who currently operates the three  
11 facilities on the Mousam River, under license P-5362.

12 Many of you have familiar faces so I've seen you  
13 in the audience and I just recommend, as Michael said  
14 earlier, in the project number 14856 that you are to speak  
15 this evening with the assumption that FERC does not know  
16 what you folks have said to KYPD because that was a  
17 completely license.

18 So Kennebunk Light and Power owns three dams and  
19 associated hydropower facilities on the Mousam located in  
20 the town of Kennebunk -- the Kessler Dam, the Twine Mill Dam  
21 and the Dane Perkins Dam. Kessler is the most downstream on  
22 the Mousam River. It's been in place since the 1800's to  
23 provide power to the Kessler shoe factory.

24 The impoundment has a surface area of  
25 approximately 20 to 25 acres and the generation has an end

1 plate capacity at 150 kilowatts and produces 2400 volt  
2 3-phase power at a frequency of 60 hertz.

3 Dane Perkins -- I said that at the top but that's  
4 okay, nope -- that's Twine Mill. All right the Twine Mill  
5 facility is located approximately two linear miles as the  
6 crow flies upstream of the Kesslen Impoundment -- about 3.6  
7 river miles.

8 The original dam was breached around 1960 and  
9 reconstructed in '80-'81. That empowerment has an  
10 approximate surface area of 12 acres and the name plate is  
11 rated at 300 kilowatts and produces 480 volt 3-phase power  
12 at a frequency of 60 hertz.

13 You can go to the next one -- Dane Perkins, this  
14 is located approximately half a linear mile and river mile  
15 upstream from the Twine Mill, the smallest impoundment that  
16 we have. It's approximately 25 acres. The original dam was  
17 breached in '77 and reconstructed in 1980-81 -- the main  
18 plate once again is rated at 150 kilowatts and produces 2400  
19 volt, 3-phase power at 60 hertz. Many of you might not be  
20 familiar with the two former but the one facility that most  
21 are familiar with is the Kesslen which is adjacent to the  
22 Lafayette Center and that's basically all I have to say  
23 Michael unless you need me to say anything else.

24 MR. WATTS: Does anybody have any questions about  
25 the project facilities, anybody have questions? Thank you.

1 If not, we're going to invite the potential applicant --  
2 America First, to give us a brief overview of what their  
3 proposing to do with the project. State your name and  
4 affiliation.

5 MR. CLARK: My name is Ian Clark and I'm the  
6 managing partner -- or managing member I should say of the  
7 American First Hydro. We saw an opportunity with the  
8 Kennebunk Hydro where we believed we could go forward, offer  
9 redevelopment strategies for the folks of the town and offer  
10 a way out of Kennebunk Light and Power so they wouldn't have  
11 to spend exorbitant amounts of money doing studies and all  
12 that.

13 I'll give you a brief background of who we are.  
14 I'm Ian Clark, I'm the managing partner of the Dichotomy  
15 Capital. We are an investment firm that invests in energy  
16 products, specifically around hydroelectric.

17 Paul Nolan is also a managing member of us --  
18 with us. He has done a number of FERC re-licensings, has a  
19 slew of opportunity and existing experience within  
20 hydroelectric, cool.

21 Within our actual projects we own a number of  
22 projects around here. We have a deep pipeline throughout  
23 the United States. We have three projects in New Hampshire  
24 that we actively own, operate and are currently relicensing.  
25 Those include Avery Hydro, Campton Hydro and Woodsville,

1 Rochester. The closest one is Woodsville, Rochester which  
2 is right over the border of New Hampshire, allowing us  
3 plenty of opportunity to keep an eye on everything that's  
4 going on here.

5 We saw the Kennebunk hydro facilities we thought  
6 there was widespread support overall. We thought there was  
7 a great opportunity to come in here and help the folks of  
8 the town out. We licensed a couple of projects that needed  
9 a little bit of help and needed a little bit of push in the  
10 right direction.

11 There's widespread support overall between the  
12 Governor's office and the town of Kennebunk itself. There'  
13 obviously significant environmental interests here -- as  
14 many of them are out here right now.

15 We working to balance those with understanding  
16 what needs to happen within the fish passage, water quality,  
17 aesthetics, recreation, dam removal, et cetera, et cetera --  
18 all that will be addressed over time.

19 The overall deal is we are looking for  
20 redevelopment objectives and we're trying to work with all  
21 the stakeholders involved, work with everybody to come to an  
22 overall conclusion where we can push forward and make a  
23 solution for everybody to get activity involved.

24 The key take home message I think that we want to  
25 do is we want to make sure that the re-licensing procedure

1 is based on facts. We want everything to be based simply,  
2 strictly on the science going forward and how we can help  
3 everyone involved and what the numbers and actual facts are  
4 rather than feelings or what things should be or could be or  
5 want to be. Let's push forward with facts, rather than what  
6 we simply think should happen.

7 As a quick primer we filed a comment on the  
8 scoping document -- we were looking to potentially combine  
9 the P5362 which is the existing Kennebunk Light and Power  
10 filing along with RS14856.

11 The hope was that by consolidating the procedures  
12 we allowed this to move forward quickly and with a simple  
13 procedure of allowing a lot of extraneous hearings and  
14 allowing us to not have to go through multiple duplicative  
15 processes each time.

16 We're also looking for a little bit of  
17 clarification on the decommissioning responsibility as far  
18 as KLPD, as far as we go. We're looking to potentially  
19 pursue partial or full re-licensing of one, all some of the  
20 facilities and we'd like to understand the ramifications  
21 around all of that.

22 And then we'd also like to finally promise to  
23 keep everything simple and keep everything fact based on  
24 non-emotion based but we'd like to avoid the dumping of  
25 documents. We want things again to be fact based, simple,



1 clean procedure as we go through each time.

2           So over to redevelopment strategy -- we're  
3 looking to re-license some or all of the facilities. We  
4 think that these facilities have tremendous potential --  
5 whether or not they are in the hole or we take some sort of  
6 portion of them -- redevelopment. KLPD has gone with the  
7 objective over the past few years that these projects may  
8 not make it through the relicensing process and as such they  
9 have treated those projects as they were.

10           We're looking at that at a little bit differently  
11 and trying to think about things 10, 20, 30 years from now.  
12 Do the folks of the town want this project? Do the folks of  
13 the town think this project adds value? Well we think it  
14 does and we think that we can add value to that on top of  
15 it.

16           You guys are not redevelopment strategists in the  
17 sense that you don't work in existing hydropower plants on a  
18 daily basis. Paul and I do -- we understand this project  
19 and we understand what needs to take place to push it  
20 forward into the 21st, 22nd, and heck if we do our jobs  
21 right -- 23rd century.

22           So we'll go over looking to we just want to work  
23 to get the project up and going. We want to refurbish the  
24 turbines, potentially replace existing turbines with more  
25 efficient turbine technologies that would allow us to run at

1 different flows. And by doing so we think we could actually  
2 get the turbines to produce significantly more production  
3 overall.

4 This would be one of the big counter items down  
5 the road as we could eventually push production higher and  
6 higher, allow it to become a meaningful part of KLPD.

7 Paul and I have numerous resources which we can  
8 call upon to help us develop this project through. Whether  
9 it will be engineering, environmental, local resources, you  
10 name it -- we were able to get this and push this through  
11 without having to bend on the back and rely on the town or  
12 rely on KLPD to help us and exclusively push us through this  
13 overall.

14 Next one -- we have a lot of benefits that we  
15 believe would take place. Redevelopment, I think is widely  
16 supported by a number of people in this room right now.  
17 It's well understood why this happened. We bring another  
18 perspective to that too though where we believe  
19 redevelopment of the projects would add a number of  
20 ancillary benefits to the town and a number of ancillary  
21 benefits to the citizens of the town because it would allow  
22 you to keep low cost production in the town, keeping your  
23 overall costs lower without having to rely on intermittent  
24 resources that you don't have predictability upon.

25 So in our view hydro is one of the best solutions

1 overall to the grid of the next world where we're looking to  
2 balance the overall needs of the environment with the needs  
3 immediately on electrical production streaming.

4           If you want electricity on right away you need a  
5 very clean overall power source that doesn't have  
6 intermittent needs and hence some of the solar benefits and  
7 everything I have talked about may not be the best solution  
8 in our eyes.

9           And Paul, I believe you had one thing you wanted  
10 to say?

11           MR. MULLEN: Paul Mullen, I'm the regulatory  
12 consultant attorney. I'm an attorney by training. I have  
13 some FERC experience going back to 1985. I think it would  
14 help if everyone could take the time and FERC can certainly  
15 make this available or you can email me.

16           I think we need to look at the policy statements  
17 on decommissioning. The new FERC policy statement on  
18 license terms, there's a policy statement on the use and  
19 support of settlement agreements because they have to be  
20 somewhat scientifically based -- they just can't be us all  
21 get together and split the difference as much as I would  
22 like to do that.

23           So I encourage you all to look at those policy  
24 statements. As far as comments go I would appreciate  
25 comments either now or in response. I'm not taking virtual

1 but the actual process because a lot of those things are  
2 asking us to propose study plans in response to your  
3 comments but at the same time they may be addressing whether  
4 we need a second scoping document.

5 I think it's a very compressed schedule to try to  
6 get it done by the deadline for filing applications. It  
7 looks like we're looking at some studies are going to have  
8 to be conducted after we file. I think you all should  
9 comment on those because I think that has a big impact on  
10 how you view the process being fair to your interest. With  
11 that I'll just shut up.

12 MR. WATTS: Thank you both. So section 4.2 of  
13 the scoping document includes a preliminary set of issues  
14 that we've identified from the information in the  
15 pre-application document to analyze the NEPA document. This  
16 list of issues is not meant to be exhaustive or final and  
17 we're mostly interested in hearing from you whether or not  
18 we've got this list of issues right.

19 From a broad category -- the categories we are  
20 looking at is aquatic resources, terrestrial resources,  
21 threatened and endangered species, recreation and land use  
22 and aesthetics, cultural resources and developmental  
23 resources.

24 I'm going to read through these issues real  
25 quick, just the way we described them in the document -- in

1 the scoping document and then at the end of the meeting we  
2 can bring back this slide and use it to frame any  
3 discussions we may have around the issues.

4           So under aquatic resources we will be looking at  
5 the effects of continued project operation on dissolved  
6 oxygen and water temperature in the Mousam River, effects of  
7 continued project operation on aquatic habitat for  
8 residential and migratory fish and aquatic  
9 macro-invertebrates, the effects of continued product  
10 operation and migratory fish passage at the three project  
11 dams.

12           Under terrestrial resources we are proposing to  
13 look at the effects of continued project operation under  
14 riparian and wetland habitat and associated wildlife,  
15 including water fowl and wetland dependent birds, effects of  
16 continued project operation on upland and wildlife habitat  
17 and associated wildlife.

18           Under threatened and endangered species -- I know  
19 it's hard to see there, we'll be looking at the effects  
20 there's two threatened species, Canada Lynx and the northern  
21 long eared bat and we will be looking at the effects of  
22 product operation on these two species.

23           Under recreational land use -- we'll be looking  
24 at the effects of continued product operation and  
25 maintenance and land use within the project area. Under

1 cultural resources we propose to look at the effects of  
2 continued project operation on historic properties and  
3 archeological resources.

4 And finally, under developmental resources we are  
5 proposing to look at the economics of the proposed project  
6 and the effects of the recommended environmental measures on  
7 the project economics.

8 Like I said later on we will open up the meeting  
9 for comments and questions. We can always come back to  
10 these slides to frame any discussions we may have around  
11 those issues.

12 This slide includes a list of upcoming important  
13 dates -- sort of like what's next. First comments on the  
14 America First pre-application document and a request for  
15 studies are due by January 7, 2018.

16 America First will then -- four to five days  
17 after comments were filed will file the proposed study plan  
18 with the Commission. They will then have 90 days to hold  
19 study plan meetings to discuss their proposed study plan and  
20 further advise that study plan.

21 Following those meetings they'll have 30 days to  
22 file a revised set of plans with the Commission and once  
23 this revised set of plans is filed the Commission office  
24 director will issue a study plan determination.

25 The study plan determination along with the

1 revised study plan will constitute an approved study plan  
2 and America First will implement those studies based on the  
3 proofs of the plan and use the information to develop this  
4 license application.

5 A more detailed schedule can be found in Appendix  
6 B of your scoping document and that schedule actually  
7 includes the actual date when these milestones are due so  
8 please refer to that for more reference.

9 In addition to commenting on the pre-application  
10 document, now is also the time for you to start thinking  
11 about sending in study requests. Section 5.9 of the  
12 Commission regulations requires that any requests for  
13 studies address these seven important -- very important  
14 criteria.

15 This criteria is important because they help to  
16 set clear the objective and goals of the study and how they  
17 relate back to project operation. These criteria can also  
18 be found in your scoping document as well.

19 So, just to go through them real quickly -- if  
20 you are planning to send in a study request, please make  
21 sure you describe the goals and objectives of the study,  
22 explain relevant resource measurement goals, explain the  
23 relevant public interest considerations, describe what is  
24 this information and the need for more information.

25 And this one is actually important -- explain the

1 nexus between project operation and the effects of how the  
2 results of the study would form a license requirement.  
3 Describe stated methodology and how it's consistent with  
4 accepted practices. And, finally, describe the level of  
5 effort and costs and why an alternative study would not  
6 suffice.

7           This slide talks about how you can stay involved.  
8 FERC has a number of web resources to help you navigate the  
9 licensing process. The first one is our main website which  
10 includes the licensing portion -- [www.ferc.gov](http://www.ferc.gov) -- it  
11 includes an overview of the product licensing program.

12           It also includes a summary list of issued  
13 licenses and permits and it also includes several handbooks  
14 and guidance documents that help you navigate the process.  
15 There's also e-library which is our electronic researchable  
16 database. This allows you to search for a document on the  
17 record for any project including this one.

18           And then there is e-subscription which allows you  
19 to e-subscribe to a project and you will get email  
20 notification of all issuances and filings in the projects so  
21 whatever document FERC issues or whatever document a  
22 stakeholder files on the record for that project, you'll get  
23 an email notification as well as a link to that document  
24 itself.

25           There's also e-filing which the Commission



1 strongly encourages. E-filing allows stakeholders to file  
2 documents on the record directly without having to send it  
3 through a post office.

4           This slide talks about mailing list and this is a  
5 very important point. The mailing list that's included in  
6 the scoping document actually was sent out to both the  
7 Commission's office notice for the project and America's  
8 First distribution list.

9           However, future documents from the Commission  
10 will only be going to the Commission mailing list so if you  
11 would like to be added to the mailing list and receive  
12 future issuance from the Commission, please make sure you  
13 send the request, addressed to the Secretary of the  
14 Commission.

15           Kindly state in the project name and number so  
16 please review the mailing list in the back of the scoping  
17 document and if you are not on it and you would like to be  
18 added, please send a request to do so.

19           Or you could easily e-subscribe like we talked  
20 about and that way you'll get all email notifications as  
21 well as a link -- hyperlink to all of our issuances and  
22 filing on the project.

23           So good so we got through yes there's a question.  
24 Use the microphone and state your name and affiliation,  
25 thank you.

1                   MR. SCARDINO: Hello, my name is Kyle Scardino.  
2 I'm a registered Maine guide resident of Kennebunk. One of  
3 the things I didn't see on the website up here when I  
4 visited the page at home there was an area for e-comments  
5 and one of my concerns is that there won't be ample time to  
6 hear all that needs to be heard from everybody. Will an  
7 e-comment be given the same levity as testimony from people  
8 in the hall today?

9                   MR. WATTS: Absolutely, yes, by any means. So  
10 whether it's comments here or comments on the transcript or  
11 whether you write your comments in there will be the same  
12 level -- they will be given the same weight pretty much so  
13 one doesn't outweigh the other.

14                   MR. SCARDINO: Okay, I'm listed as number 12 --  
15 if I need to leave to get my son -- I just didn't want to  
16 look like I just disappeared and make sure I was able to put  
17 my opinions in.

18                   MR. WATTS: Okay thank you for your comment. A  
19 number of you have indicated that you'd like to give verbal  
20 comments at today's meeting and I'm just going to -- it's  
21 about -- I'm not going to limit time initially -- yes sir,  
22 state your name and affiliation.

23                   (Off mic)

24                   MR. TACKETT: Thank you very much, I appreciate  
25 the comment. So right now as far as the process goes the

1 integrated licensing process is what we're using and as Mike  
2 showed we're in the pre-filing portion of that.

3           So pre-filing will lead up to the filing of a  
4 formal final license application. After that final license  
5 application is filed, we will have the proposal as it stands  
6 finalized. During this pre-filing process, of course, the  
7 idea is to get the resource issues in to discuss the issues  
8 to develop the record and we did receive the pre-application  
9 document, notice of intent, all the information on the  
10 record as notarized, but if you are able to discuss with the  
11 potential applicant -- the potential applicant of course,  
12 can move forward in the process and I think that it is fair  
13 enough to recognize that the process can evolve as they find  
14 out more information, you know, the general public and the  
15 resource agencies find out information so that the exact  
16 project filed in the pre-application document might not be  
17 exactly the same as the final license application that's  
18 filed in the year 2020.

19           So I expect to see some variation as we go  
20 forward. I'm not sure exactly how the proposal has changed  
21 since they filed the pre-application document and that is  
22 something that they can speak to if they would like.

23           It's up to them to -- yeah, so this this meeting  
24 can be and I think Mike reflected earlier one where we can  
25 speak freely on the issues, all of the information is on the

1 record and I think Paul has something else to say up here.

2 MR. MULLEN: What we're trying to address is that  
3 we want to show flexibility in our thinking process as to  
4 how we would proceed in addressing the concerns that I have  
5 seen. Because, yes, we are going to talk about the PAD that  
6 we filed but there was another PAD filed that wasn't  
7 accepted and you have had multiple years of public meetings  
8 dealing with the current relicense.

9 In all of those proceedings there's a certain  
10 chorus if you will -- I won't say Green tragedy, but of what  
11 other people want to see done. And for me to come up here  
12 and say all we're going to do is just license as is where is  
13 and that's all I'm going to talk about, then we don't even  
14 have to have this meeting.

15 So that's all I was trying to do throughout our  
16 filing is to show a little flexibility -- flexibility with a  
17 non-power license for one or more of the dams, flexibility  
18 of doing additional capacity to pay for more mitigation,  
19 that's all I was trying to do.

20 I'm not trying to say we have changed our  
21 unequivocal intent to license because that is our intent --  
22 is to relicense but what you actually end up relicensing  
23 will depend upon what we all have to say and how we work  
24 together.

25 UNMICED UNIDENTIFIED SPEAKER:

1           MR. WATTS: Sir, if you are going to ask  
2 questions we ask that you use the microphone just so the  
3 court reporter can hear you. There's a microphone in the  
4 front.

5           MR. REARDON: Again, I'm looking at about a four  
6 week period to write study plan requests that are due in  
7 early January and a filing you just made about a potential  
8 simultaneous surrender -- I think this is what you were  
9 intending, a simultaneous surrender and licensing that may  
10 or may not include some or all of the dams.

11           The study request I would file for a surrender  
12 process would be really different than the study request  
13 comments I might give if you are licensing the three dams to  
14 operate as they are today. And so if that's going to  
15 change, I guess I'd look to FERC and say if what the intent  
16 of the application is and right now I'm going to go on what the  
17 PAD says.

18           The intent of the application changes when we  
19 have a request -- an opportunity to change our study request  
20 because it would be very different for a different kind of  
21 application -- Jeff Reardon, from Manchester, Maine and I  
22 work for Trout Limited.

23           MR. WATTS: Thank you for your comments Jeff. I  
24 really want to -- Jeff, one second, could you spell your  
25 name for the record please?

1                   MR. REARDON: Sure, it's Jeff Reardon,  
2 R-e-a-r-d-o-n J-e-f-f- and actually r-e-y not e-r-y and  
3 definitely not with a G and I work for Trout Unlimited.

4                   MR. WATTS: Thank you Jeff. I really want to get  
5 through the resource issues that we talked about earlier and  
6 I want to -- before I get into, I'm going over and start  
7 calling out names of those of you who said you planned to  
8 give verbal comments.

9                   I just want to bring back the slide about the  
10 resource issues that were in the scoping document and ask if  
11 there are any specific questions on those resource issues  
12 because at the end of the day that is the purpose of this  
13 meeting. So does anyone have any specific questions about  
14 the resource issues that we are attending and analyzing in  
15 our NEPA document? Yes?

16                  MS. HOWATT: Hi, my name is Kathy Howatt. I work  
17 with the Department of Environmental Protection and there  
18 were no studies proposed for water quality resources and so  
19 I just wanted to make sure that you all know and that the  
20 applicants know that in order for FERC to issue a license --  
21 the state needs to certify that the project as proposed  
22 meets water quality standards.

23                  And so the Department will be proposing some  
24 studies for you to undertake that will be able to do that,  
25 look at that information and the protocols for those

1 samples.

2 MR. WATTS: Thank you. Are there additional  
3 questions on the resource issues, yes sir?

4 MR. BORROWS: Thank you my name is John Borrows,  
5 I'm with the Mousam Committee on Rivers Alliance. I do have  
6 some other comments for later but since we are talking about  
7 this now I wanted to raise a few other of these issues.

8 One issue which is a big unknown is we have  
9 issues in the Mousam estuary related to low dioxide oxygen  
10 -- other things. The way the river or the dams are operated  
11 may or may not contribute to that -- may or may not help  
12 that depending on what happens.

13 If we wanted to have that be looked at what would  
14 -- I guess I'm asking FERC, what would be the appropriate  
15 way for members of the public most of whom in this room have  
16 never done a study request actually to propose that? Could  
17 you walk us through an example of how to do that for the  
18 majority of folks here who don't have a clue how to do that?

19 MR. WATTS: Okay so it will relate to those  
20 slides we will talk about -- those study request criteria.  
21 I will pretty much go through and address each of those  
22 criteria and if you want our website, like I said, they're  
23 public website includes tons of examples of other projects  
24 that have gone through this process and requested a study.

25 So if you want an example to look at, you can go

1 through -- pull up a project and look at examples of study  
2 requests but the bottom line is that you can address those  
3 criteria -- just address those 7 criteria and that's  
4 normally how we address study requests. Steve do you have  
5 something to add?

6 MR. KARTALIA: Steve Kartalia with FERC. Because  
7 this deals with water quality I'd like to say something just  
8 to remind people one thing we're here today to do is to help  
9 us identify existing studies that might be out there that we  
10 don't know about and try and get those in the record.

11 So for example with water quality -- if there are  
12 basin-wide studies that would be relevant to these site  
13 specific projects we want to try and get that information  
14 into the record. And that will help us determine what  
15 studies need to be done because we don't feel like we would  
16 need to necessarily repeat a study that's already been done  
17 and done well.

18 That will help us scope things out.

19 MR. BURROWS: No, that's great and certainly just  
20 to follow-up on that I know DEP has looked at -- is looking  
21 currently at the estuary issues and we can raise that and  
22 get the right folks there to chime in on that.

23 In addition through the DEP's volunteer river  
24 monitoring program we've got about 7 or 8 years of data  
25 which is following DEP protocol upstream and downstream of



1 the dams and the impoundments.

2 We can submit that as well to the record just to  
3 show kind of just those baseline conditions that are out  
4 there, it would be helpful.

5 MR. KARTALIA: Excellent, yeah, that's exactly  
6 the kind of thing we want to get into the record so not only  
7 we can look at it but everyone else who is interested can  
8 look at it.

9 MR. BURROWS: Okay, just two other points. So I  
10 want to raise a concern then -- both within the PAD's and  
11 also with what Todd Shey said earlier -- the project is, you  
12 talk about being kind of run of river. I just wanted to  
13 point out it is not licensed as run of river.

14 The license for the project is, you know,  
15 requires 60 CFS for two months of the year and a minimum  
16 flow of 5 CFS for ten months of the year. And looking at  
17 regional fish and wildlife service streamflow guidance those  
18 numbers are off by about an order of 92.

19 And so even those the river -- the dams may or  
20 may not be operated as run of river -- they're not licensed  
21 that way and so that's the concern that we'd want to see  
22 looked at and addressed, you know, in the future.

23 And just one last question relating to water  
24 quality just so folks are aware -- the Mousam from the  
25 Kesslen Dam up to the top of the Dane Perkins impoundment is

1 on the 303 D list as impaired water. Its impairment is  
2 because of the of lack of anadromous fish species and so  
3 under the PAD there's no plan or mention of providing fish  
4 passage or doing anything else.

5 The way I see it -- the only way to get a 401  
6 certification is to either build fish ways or move the dam.  
7 Again, there's no discussion about how to do that so I want  
8 to make sure folks are aware of that not meeting water  
9 quality standards for that reason.

10 MR. KARTALIA: Okay, thank you for your comment.

11 MR. WATTS: Yes sir, name and affiliation before  
12 you speak, can you spell your name for the court reporter  
13 too.

14 MR. ASHLEY: Did you say spell?

15 MR. WATTS: Yeah.

16 MR. ASHLEY: P-e-t-e-r A-s-h-l-e-y.

17 MR. WATTS: Thank you.

18 MR. ASHLEY: I'm from Cape Neddick, Maine and I  
19 helped build two upstream plants and I'm learning more and  
20 more all the years since then. And I hold in my hand a  
21 report from Biologist Number 3 Barry Mower of the Maine  
22 Department of Environmental Protection and he goes into the  
23 mercury content and other things in the fish sampling. And  
24 I've been waiting for some entity somewhere and he has too.

25 He last said to us data from those samples would

1 be available at a later date and this may be an opportunity  
2 to find out where the clog is in getting the data this  
3 further on down the river and get reports on that.

4 Barry Mower is a -- as I said a biologist with  
5 the Maine Department of Environmental Protection in Augusta,  
6 Maine. Barry.f.mower m-o-w-e-r @ maine.gov telephone  
7 207-215-0291. His second paragraph basically states that  
8 the CDC has listed all rivers and ponds and lakes in the  
9 state of Maine as a problem area for mercury content and a  
10 limitation of ingestion of the fish by all parties in the  
11 public.

12 If you want a copy of this I will be able to give  
13 it to you at a later time. The last data there has to do  
14 with the PFC's -- it's a group of compounds around 200 or  
15 so, it's highly persistent in mobile chemicals that may have  
16 many specialized industrial commercial uses and he goes on  
17 to state some -- so this is coming basically out of the FI  
18 into SD's through a pipeline from the sewer plant.

19 MR. WATTS: Thank you. So are there any  
20 questions around these resource issues because I want to get  
21 through these resources issues and then we can open it up  
22 for comments and questions using the sign-up sheet that  
23 folks signed to give verbal comments, yes sir?

24 MR. PASQUILL: I'm Bill Pasquill,  
25 P-a-s-q-u-i-l-l. I'd like to welcome you gentlemen here to

1 Kennebunk and you folks also. I just want to make one  
2 statement. There have been studies in the past -- I would  
3 question that there possibly could be a bias in those for  
4 whatever reasons which I won't go into but I would  
5 recommend no studies with unbiased people doing it, thank  
6 you.

7 MR. WATTS: Thank you, any more questions related  
8 to these resource areas? If not I'll start from the first  
9 come first served -- whoever signed the sign-up sheet first  
10 for verbal comments and the first person on the list would  
11 be Albert Kolff?

12 MR. KOLFF: My name is Albert Kolff, K-o-l-f-f.  
13 I'm a ratepayer of electricity from KLPD. I wanted to thank  
14 you for coming all the way from Washington, D.C. to see  
15 first-hand our historic Kessler dams and the hydropower they  
16 currently produce.

17 I'm also a Kendall voter. I voted with informed  
18 emotion voting yes with 66% of the total voters to keep  
19 hydropower, save the dams and improve the water. While you  
20 are here I recommend that you have dinner at Duffy's Tavern.  
21 It's a fairly nice restaurant and you can ask the proprietor  
22 who is Chris Club to take you down to the basement because  
23 you'll be sitting right above the Kessler generator.

24 And Bob Postine of KLPD has the key to the  
25 basement. You won't get electrocuted because the dam has

1 its own generator and electricity from the last few months.  
2 Because you're visiting Kennebunk I'll give you a copy of a  
3 beautiful property map.

4 This is a map that's actually produced by the  
5 Kennebunk Light Land Trust. It's a property map of  
6 Kennebunk. The use of this map does not endorse one way or  
7 another the future of the dams by the land trust.

8 But the reason I use this map is because it has  
9 beautiful detail of all of Kennebunk and I've added others  
10 that are FERC licensed. But on this map is also shows the  
11 fourth and fifth dam. They're non-licensed, they're exempt  
12 dams.

13 The fourth one is called Old Wells Dam and the  
14 fifth one is Estee's Lake Dam. They are still on this map  
15 but the key is that there are 11 dams on Mousam and I want  
16 to make sure that we include all of those dams in our  
17 evaluation of the impact of the three dams that we are  
18 looking at, will produce and will now create for water  
19 clarity, for whatever.

20 I eventually drafted and I won't  
21 go into this three page description of the map. I also want  
22 to hand you the map and encourage you to take a break at  
23 lunchtime when you come back from these scoping matters to  
24 see the museum in the streets and there's a fabulous picture  
25 of the Kessler Dam in 1903 when the center of town burned

1 down including what is now the replaced Lafayette building.

2 And it shows -- actually the outflow of the  
3 Kessler generator. And this is great entertainment for a  
4 brief respite for the heavy lifting you'll be doing here in  
5 Kennebunk so I'll submit both of these to you.

6 MR. WATTS: Thank you Albert. The next person is  
7 Bill Harmon.

8 MR. HARMON: Bill Harmon, H-a-r-m-o-n. I'm a  
9 concerned resident. I have 550 feet or so of property along  
10 the Mousam River. I have just about the Twine Mill Dam  
11 there are only two pieces of property between the dam and  
12 the railroad trestle and I am the one just upstream of the  
13 other piece of property that abuts the Bin-Dam.

14 So I have very personal and maybe a little more  
15 interest than the average ratepayer because of the property  
16 I have and I just want to be -- I want you to be aware of  
17 the beauty, the environment, the ecology that is there.

18 It's -- I have a lot of concerns not only about  
19 all of these issues, power production -- I love the fact  
20 that these dams are producing green power. It's one of the  
21 principal reasons I bought that property 22 years ago.

22 It's offered me everything I wanted and I am  
23 concerned about what's going to happen in the future on  
24 those. So if anyone wants to visit that, I know you're in a  
25 town for a while and you want to visit the dams -- I think

1 you can get a look at the dams and the impoundment above the  
2 dam if you wanted to just give me a call I'd be glad to take  
3 you down and show you, thank you.

4 MR. WATTS: Thank you. Cathy do you want to  
5 comment again -- oh you're fine okay, Barry Braddick?

6 MR. BRADDICK: Good afternoon my name is Barry  
7 Braddick, spelled B-r-a-d-d-i-c-k. I'm a resident and  
8 ratepayer in the town of Kennebunk, a member of the KMRA and  
9 also a volunteer at Wells Reserve for doing fish studies in  
10 the Mousam River. I participated in a number of studies in  
11 the last few years -- volunteer work.

12 I own property on the Mousam River about 150 feet  
13 of frontage, I boat, kayak and fish for a majority of the  
14 year on the Mousam. I observe the migration during the  
15 early spring of shad, river herring that make their way in  
16 the Mousam estuary.

17 I've witnessed scores of shad numbering in the  
18 thousands moving up that river ultimately ending their  
19 journey at the Kessler Dam. So my question or concern I  
20 guess to FERC is I want to make sure -- ultimately I support  
21 dam removal but if that is not able to happen, if an  
22 operator is able to come in and generate power  
23 economically, then I just want to make sure the right  
24 studies are made for -- that include American shad and also  
25 that the fish ways and fish ladders are supported so they

1 don't shatter in place, thank you.

2 MR. WATTS: John Borrows.

3 MR. BURROWS: Just briefly again, John Burrows,  
4 B-u-r-r-o-w-s. I'm speaking on behalf this afternoon for  
5 the Mousam and Kennebunk Rivers Alliance which is a  
6 grassroots organization. It was founded nearly a decade ago  
7 to work on fisheries issues, water quality and recreation on  
8 the river.

9 So our big concerns are related to fisheries and  
10 wildlife, water quality and then public access and  
11 recreation. And a number of those concerns are shared by us  
12 as well as folks who want to retain the dams.

13 So I think there's great value in doing some  
14 studies that fully assess the impacts of current project  
15 operations as well as changes to the river albeit dam  
16 removal, fish ways or other things in actually assessing  
17 what happens to the eco-system in those changes so we would  
18 support that.

19 In addition within Scoping Document 1 we support  
20 the assessment of looking at the water shed basically from  
21 Mousam Lake to the Ocean. We think that's important. Other  
22 folks have raised that and we think that that is, you know,  
23 it's unusual actually to see a broad area of assessment so  
24 early and so we applaud that and we think that's important.

25 We do think that essentially restoring the 9



1 miles of river which are currently impounded, connecting  
2 that with a formal estuary having 13 miles of river is a  
3 huge deal if we could get that. And so despite anything  
4 happening further upstream or not, that's a big deal for  
5 coastal southern Maine to restore that kind of river.

6           So that being said, in the scoping document it  
7 did say that project decommissioning dam removal would  
8 likely be considered we want to make sure that that is  
9 considered that that study needs to happen and we'll send in  
10 comments to that effect. But the question we have for you  
11 in terms of procedure America First has made this very clear  
12 in their latest filing and rightly so they have no financial  
13 interest in the dams at this point.

14           They do not want to be responsible for  
15 decommissioning and that's rightly so but how do you go  
16 about looking at dam removal, project decommissioning with  
17 all of the information that's out there without actually  
18 requiring the applicant or someone else to do studies that  
19 are fully certainly focused on dam removal in those changes?

20           MR. WATTS: I think under -- this is a usual  
21 case, I think under usual aisle P the applicant would be  
22 responsible for the studies unless they're -- like Steve  
23 said earlier existing information and that's part of the  
24 reason why we're here is to see what their existing  
25 information that's out there that may or may not require

1 study and I think -- correct me if I'm wrong, but there's  
2 been some studies done on this decommission issue.

3 MR. BURROWS: Yeah, a lot of the studies which  
4 have been done to date are more focused on the economics,  
5 looking at removing the dam versus the cost of putting in  
6 fish ways, keeping the project as is and looking at the  
7 payback period for that over a 20 year period.

8 There's really only been a cursory look at  
9 changes to the environment or the things -- the issue of  
10 flooding was actually looked at and that's something we'd  
11 want to see a more further study on because upstream  
12 flooding that the dams contribute to but there's a whole  
13 suite of things which have been touched on but really not a  
14 lot in depth detail in terms of water quality improvements,  
15 fisheries, wildlife from both sides.

16 You know we have had a lot of concerns locally  
17 about the changes to the eco-system, the aesthetics of the  
18 river, the whole suite of things that you guys probably all  
19 hear everywhere a potential dam that comes up for removal,  
20 but there hasn't been that level of detailed study going  
21 into that.

22 And so that's I think a question we all have is,  
23 you know, what information does FERC ultimately need in  
24 order to balance power benefits versus the non-power  
25 benefits when right here as we stand, we fully believe that

1 the economics of this thing alone or these dams are enough  
2 to warrant them not being licensed.

3 And we could go down through years of study what  
4 data and information do you actually need and how can the  
5 public actually request that or what will you be going back  
6 and saying you know, this is what we've heard.

7 We think these other studies which weren't in  
8 Scoping Document 1 should be brought up regardless of maybe  
9 the public asking for them or agencies asking for them. So  
10 it's just a question of your process and procedure for how  
11 you go about gathering the information that you fully need  
12 so two or three years from now when you get to doing the  
13 environmental assessment you have what you need.

14 MR. WATTS: Yeah, and just like you're a  
15 stakeholder, FERC staff is considered a stakeholder too. So  
16 the extent that we need information we are allowed to submit  
17 study requests as well but like I said first is to sort of  
18 get an assessment of what's out there and there are these  
19 studies out there that deal with this issue and the first  
20 step would be to look at those studies and see if they  
21 satisfy what FERC would need for those studies.

22 MR. BURROWS: Okay.

23 MR. WATTS: So that's how we deal with that  
24 before we even get into a study request.

25 MR. BURROWS: Okay great, thank you very much.

1 MR. WATTS: Thank you. Nick?

2 MR. TACKETT: That would be useful also to give  
3 some background. You know we brought forward in this  
4 scoping document decommissioning as a potential alternative.  
5 If you've read the scoping document you know that.

6 Our regulations provide for the surrender  
7 proceeding in any project to begin if an application isn't  
8 filed within two years of the expiration of the current  
9 license. The current license is going to expire in March of  
10 2022 so the surrender proceeding officially, according to  
11 the regulations, wouldn't begin until under the  
12 circumstances if nobody filed a license application, as of  
13 March of 2022 -- that's two years before regulations.

14 Now we will have to treat this situation somewhat  
15 unique as Mike said where we have a project currently  
16 licensed under 5362 and then we are starting our docket here  
17 with a new proceeding. So we will consider these issues  
18 fully once we receive the study request and as we go through  
19 the study plan determination process as we continue forward.

20 MR. WATTS: Thank you. I apologize if I am  
21 mispronouncing names -- I should have said that. The next  
22 person on the list is Bill Kahn -- did I say that right?  
23 No? B-i-l-l K-a-h-n, maybe you left, maybe -- okay. Well  
24 the next person is Jerry Slatnick.

25 UNIDENTIFIED SPEAKER: She had to leave for a

1 doctor's appointment, she'll be coming later.

2 MR. WATTS: Okay, Beverly Freudenreich, thank  
3 you. I was looking for you.

4 MS. FREUDENREICH: I'll spell this last name for  
5 sure. Beverly and the last name is Freudenreich,  
6 F-r-e-u-d-e-n-r-e-i-c-h. And first of all welcome to our  
7 town and I hope that you get a feel for why so many people  
8 come here to visit it and then they want to stay and I'm one  
9 of them.

10 Why local residents keep wanting to stay here --  
11 so, so many communities cannot keep their residents, they  
12 can't keep the young people. This town really works  
13 cohesively together. They get involved and you're starting  
14 to discover this, on all kinds of issues.

15 We've worked through trying to look at advancing  
16 our educational system -- it took two elections to get to a  
17 dollar amount of 54 million that we agreed on to fix our  
18 high school, to fix our middle school, to fix an elementary  
19 school in Kennebunkport. Those are investments we are  
20 making in this town and one of the investments that the  
21 public did vote for.

22 There was a petition to put on the ballot to ask  
23 the public -- and I don't think you find that very often.  
24 When you come in at the start of a scoping event to find  
25 that the public voted to say yes we'd like to keep the

1 hydro. They like the green energy.

2 We recently had an election where we said we  
3 don't want any plastic. We're very careful on our  
4 environmental but we want to do our part to do it right.  
5 And in the most recent years from 2013 to 2016 I don't think  
6 the dams are producing at the level that they can and  
7 obviously the data is there that there is the potential.

8 It's the what and the will and the maybes. I  
9 want to make a comment about the recreation. I live in  
10 Kennebunk. I am a ratepayer and I've worked with Kennebunk  
11 to keep the Kennebunk dams, to save the Mousam. I live  
12 three houses down from the Kesslen Dam. Across from that is  
13 one of the ways that people can input canoes and kayaks.

14 I can see it from my window every day. I can  
15 hear it when I come home after 5 o'clock and I hear laughs  
16 and giggles as people are putting their canoes and kayaks  
17 into that because there's sufficient water. And when  
18 comments are made -- there will be enough water to be able  
19 to kayak and canoe and mercy, the job of watching the young  
20 people with paddleboards now. If only we could all do that,  
21 okay?

22 There is use of it. I watched the rings of ducks  
23 left on the water. They come in waterfall. We have a  
24 beautiful ecology and we're going to try to guess about  
25 taking that away for certain reasons? Please stop and think

1 and look carefully at what is here and I thank you.

2 MR. WATTS: Thank you. The next person is John  
3 Redman.

4 MR. REDMAN: Good afternoon, my name is John  
5 Redman, R-e-d-m-a-n and I live in Biddeford, about 15  
6 minutes from here. My purpose in coming is to ask that you  
7 keep one question front and center within your scoping  
8 process, particularly with your staff of economists.

9 And that is what specific parameters must a  
10 business plan meet to demonstrate persuasively that the  
11 operation of the dams will be economically viable and won't  
12 conversely somehow lead to large sustained losses over the  
13 terms of the license's losses sufficient that they will  
14 ultimately force bankruptcy or closure.

15 And let me outline some of the facts that led me  
16 to be here to ask you this question. Assuming fish passage  
17 designed to accommodate shad which you just heard Barry and  
18 other people say are present at the foot of Kesslen Dam,  
19 that 2016 report prepared for KLPD by the engineering firm  
20 Wright and Pierce estimated that the post-relicensing cost  
21 per kilowatt hour or dam generation would be 25 cents.

22 This is over three times the 8 cents that KLPD  
23 was paying for a kilowatt hour off the grid at that time.  
24 Put another way the 8 cents revenue would cover less than  
25 one-third of the 25 cent cost of production.

1           I would offer that no business plan can survive  
2 that kind of a sustained loss. Wright Pierce further stated  
3 that it is uneconomic to either replace existing capacity  
4 with more modern equipment or to significantly expand the  
5 capacity through new investment, most importantly because  
6 the river flow is simply too small to repay over a  
7 reasonable period any significant new investment.

8           In other words, greatly expanding hydro revenue  
9 through technical upgrades or new capacity is not  
10 economically feasible. Two other engineering firms -- GSA  
11 and Klineschmidt Associates were retained by KLPD in the  
12 town of Kennebunk to independently verify the reasonableness  
13 of this Wright Pierce analysis.

14           Both firms subsequently confirmed that the  
15 analysis was indeed reasonable. In fact, further  
16 underscoring the reasonableness of the analysis is that  
17 KLPD, the town of Kennebunk and a number of private  
18 individuals, proactively marketed over a multi-year period  
19 other hydro operators to interest them in buying the dams,  
20 however, not a single offer to buy was forthcoming.

21           And finally in its most recent FERC filing as has  
22 been pointed out already, America First appears to have  
23 equivocated on its supposedly unequivocal intent to assume  
24 the license. And I would ask you and your staff to ask  
25 yourself what would be the reason for that and my personal



1 opinion is I think that part of that may well be that they  
2 don't have a viable business plan.

3 So in sum, I believe it is very important to keep  
4 central to your discussion the question of whether or not  
5 it's possible -- even hypothetically, to see a clear path to  
6 the financial viability of the dams operations and if you  
7 can't see a clear path, is there really any reason to  
8 proceed with the relicensing of operations? Thank you very  
9 much.

10 MR. WATTS: Thank you. The next person is  
11 Stephen Hering, did I spell that right -- sorry.

12 MR. HEINZ: It's Stephen Heinz and I'm from  
13 Cumberland Foreside, Maine and I'm representing a chapter of  
14 Trout Unlimited. The spelling of my name is H-e-i-n-z.

15 So the chapter has about 625 members in  
16 southwestern Maine. Our membership area is from the arm  
17 southwest to New Hampshire. The river watershed is really  
18 pretty much in the center of the coastal portion of our  
19 membership area.

20 And I'll tell you when you do go to take your  
21 site visit tomorrow and go down to Route 1 right by Duffy's  
22 and look southwest across the Route 1 bridge you're going to  
23 see two things -- you're going to look downstream and you're  
24 going to see a trout stream.

25 You're going to see some beautiful water and

1 certain times of the year you're going to see certain people  
2 fishing there and they're going to be enjoying their fishing  
3 because there's some decent trout fishing there.

4           You're going to look upstream and you're going to  
5 see a big wall and you're not going to see anything that  
6 let's marine organisms get upstream or downstream like they  
7 would like to and there's really a lot of contrast there and  
8 it's amazing contrast.

9           And really what we were hoping the process is  
10 going to result in is a return to a more natural  
11 environment. And I think when you're taking that thinking  
12 it's not going to be hard to figure out which one of the  
13 environments is the natural one.

14           This is also some really, you know, crucial  
15 environment -- some special environment here too. The trout  
16 there once upon a time could go up and down in fresh water  
17 to salt water and if there was an abundant grass shrimp,  
18 something like that there into the next stream, and then  
19 hightail it back up stream into the fresh water.

20           And you know, we'd like going forward if the  
21 licensee -- the potential licensee is really serious about  
22 trying to get to do something to keep the environment  
23 appropriate, really what they're going to need to do is  
24 figure out a way to restore that. That's what the natural  
25 course should have been.

1           Right now the dams -- what are they doing to the  
2 natural environment? They're a very small fishery that  
3 exists right now. They're making the water warmer, they're  
4 making it so that it cannot hold oxygen -- they're really  
5 doing a lot of things to make that less suitable for trout.

6           The other thing that they're doing is they're  
7 keeping sediments of the root sort -- gravels, those things,  
8 from floating downstream with the water which is part of the  
9 natural process that maintains the river system.

10           And we really think there are no adequate studies  
11 in place that address either how we could -- that this  
12 environment, what could be maximized or see the fish passage  
13 restored. I guess the last thing I'd like to say is that  
14 really this could be -- if those dams are gone, the best  
15 coastal trout fishery south of Nobscoot Bay.

16           I have no doubt about it -- the land miles we are  
17 talking about you have got good gradiance, you've got good  
18 water and you've got good gravels there that are conducive  
19 to the production of trout.

20           That is really what should be there and I guess  
21 I'm just asking FERC please hold the applicants to the  
22 highest standards.

23           MR. WATTS: Thank you. The next person is Jacob  
24 A-m-a-n.

25           MR. AMAN: Hi, my name is Jacob J-a-c-o-b Aman,

1 A-m-a-n and I work at the Wells National Estuary Research  
2 Reserve which is located in Wells, Maine -- just down the  
3 street. And the Reserve has conducted a number of limited  
4 studies starting in 2009 of both water quality and fisheries  
5 in the Mousam River and none of these studies -- I would not  
6 describe any of these studies as comprehensive but we do  
7 have present absence data for diadromos and resident fish  
8 species in the Mousam River and I can say that that species  
9 list includes American shad, blueback herring alewives,  
10 striped bass, rainbow smelt and American eel.

11 We've also undertaken a study of water  
12 temperature in the impounded regions between the Kesslen Dam  
13 and Old Falls Dam and that study is available on our website  
14 and I'm going to submit a list of the studies that we've  
15 conducted along with where those documents can be found.

16 We've also conducted some video documentation of  
17 fish in the river below the Kesslen Dam and for what they're  
18 worth those videos are available online as well and I'll  
19 submit references to those.

20 And so I guess the one question that I have and I  
21 appreciate the information about being able to access  
22 example studies for other relicensing processes because I  
23 think that's going to be useful in making my comments.

24 The one thing that I'd be interested to know is  
25 from a fisheries standpoint, what type of information would

1 FERC be looking for to help inform this process? In other  
2 words, is a presence -- is presence absence adequate  
3 information to inform this process moving forward or would  
4 there be something more quantitative needed because I think  
5 as the years have gone by there have been some references to  
6 the limited work that we've done and I think that people  
7 have erroneously concluded that there are minimal -- there's  
8 minimal fisheries potential in the Mousam River based on the  
9 limited catch data and that's, you know, that's all based on  
10 limited effort.

11           And those studies were not designed to quantify  
12 population size in any way. I think there has been some  
13 references to that information over the years so if you  
14 could clarify what type of information you'd be looking for  
15 I think that would help. That would certainly help me in my  
16 recommendations for additional information that ought to be  
17 sought by the applicant.

18           MR. KARTALIA: Okay thank you very much. Stay  
19 there just in case we have back and forth. We deal with a  
20 wide range of information in the record and have at multiple  
21 different hydro proceedings over the years so obviously  
22 everyone prefers lots of very quantitative data but really  
23 that's often what we have to work with in the NGO's and  
24 agencies making recommendations and then FERC considering  
25 those recommendations and determining whether they end up as

1 license conditions.

2           So really anything you have with presence  
3 abundance as well as run timing or if you have any  
4 historical information about where spawning areas might have  
5 been historically within the basin that are now obstructed.  
6 Anything is useful for our analysis, you know.

7           The more information we have the more -- the  
8 better our analysis can be. As you know with regard to fish  
9 passage -- Fish and Wildlife Service and National Marine  
10 Fisheries Service and also the DEP have, if they choose, the  
11 authority to prescribe or require passage measures.

12           And sometimes they rely on very quantitative data  
13 and sometimes they rely on presence, absence and usually  
14 they have an administrative record that supports their  
15 recommendation and can be challenged -- there are always  
16 checks and balances.

17           But at this stage in the process if you have  
18 something that you think would inform the licensing decision  
19 in the way of data, absolutely submit it and make us aware  
20 of it and make it the whole group of stakeholders aware of  
21 it.

22           And then if you have a study request that you  
23 feel needs to be conducted in order for us to properly look  
24 at the range of issues, just provide the most detailed  
25 justification you can. One of the most important criteria

1 of the seven is nexus -- how the project affects the  
2 resource.

3 So making that case describing the level of  
4 effort, describing existing conditions and why -- or  
5 existing information and why we couldn't go forward with  
6 existing data -- how a new study would be necessary for us  
7 to do our job, those are all things to consider and that  
8 applies to fisheries and any resource area -- you know,  
9 recreation for example as well.

10 If you have information about usage, you know, in  
11 the number of anglers, number of kayakers, that information  
12 can get into the record if you -- and would help inform  
13 whether additional study is necessary.

14 So the specific answer is, you know, not every  
15 study is justified on very quantitative data. Sometimes  
16 less quantitative data is enough to require a study and it  
17 depends also what we find out during this process about what  
18 already exists.

19 Also, I heard -- I won't put him on the spot but  
20 I heard earlier today someone mentioning that he thought  
21 hickory shad might be in the area as well. Does that -- do  
22 you know whether they've been located in the Mousam?

23 MR. AMAN: No, none of our studies have uncovered  
24 -- have documented hickory shad in the Mousam River.

25 MR. KARTALIA: Yeah so that's very helpful so

1 thank you and I think that we would recommend that  
2 additional study of the fisheries in the Mousam should be  
3 conducted I think on one hand to expand the temporal scale  
4 of the data that's been collected so far because none of our  
5 studies have fully documented the total temporal range of  
6 any of the spawning runs of these species.

7           And I think also -- another piece of information  
8 that we'd like to provide is an analysis that we conducted  
9 -- a GIS analysis that quantifies the habitat productivity  
10 potential for shad and alewives and blueback herring in  
11 upstream reaches of the river and that analysis is based on  
12 methodology that is used by the Department of Marine  
13 Resources which was published in the management plan for the  
14 Presumpscot River.

15           I don't know if there are any representatives  
16 from the Department of Marine Resources that are going to  
17 submit comments or they're here today and that information,  
18 along with our fisheries data has been shared with the  
19 Department as well so it may be that some of this  
20 information comes in from multiple directions, but that's  
21 something that we'll share too.

22           And I'm assuming that that type of information  
23 would be required in any sort of fish passage engineering  
24 study in order to determine what type of fish passage would  
25 be needed for the numbers of fish that would have the



1 potential to return each year but if that would be useful  
2 then we can provide that information as well.

3 MR. AMAN: Yeah, that does sound like information  
4 that would be useful for our analysis and for determining  
5 the rationale for studies.

6 MR. KARTALIA: Yep great, thank you.

7 MR. WATTS: The next person is Kyle  
8 Scardino? He left, okay very good -- is that Landis Hudson?

9 MS. HUDSON: My name is Landis Hudson,  
10 L-a-n-d-i-s Hudson, H-u-d-s-o-n and I'm here on behalf of  
11 Maine Rivers and I'm from Yarmouth. I would like to thank  
12 you all for coming here to learn about this river.

13 Speaking on behalf of Maine Rivers we take a wide  
14 view and work throughout the state. As I've been hearing  
15 people's comments I am reminded that 50 years ago we had  
16 sewage and other contaminants flowing through this river and  
17 other rivers in Maine.

18 So the work that has been done in Maine following  
19 the Clean Water Act has cleaned up our rivers tremendously  
20 and it's something we can all be proud of however the work  
21 is not done. Just because we're not seeing raw sewage in  
22 our rivers, just because we don't have big sources of  
23 pollution -- our native species in rivers like the Mousam  
24 should be at much higher levels than they are.

25 In some of my work learning about this river I

1 spent time in the archives, in libraries, looking into the  
2 history of the river and yes this river did have diadromous  
3 species, sea run species which we believe should be present  
4 going forward.

5           As such we would be very interested in making  
6 sure that although America First Hydro does not propose to  
7 construct or modify any new project facilities or change  
8 project operations at this time, we believe that fully and  
9 adequately addressing the needs of sea run fish is  
10 absolutely necessary.

11           And I would like to make sure that the economics  
12 and the logistics of doing this are fully and completely  
13 thought through as early in the process as possible. If you  
14 do indeed find yourselves at Duffy's and perhaps have a tour  
15 of the facility, you might want to ask how this could be  
16 done.

17           The dam is right there, the generating facility  
18 is tightly located within the building, putting fish passage  
19 into the Kesslen Dam would be a major economic and  
20 logistical undertaking. I've thought about it, I think it's  
21 certainly challenging.

22           Similarly, any form of upgrading or changing the  
23 hydropower mechanisms would be similarly, obviously  
24 economically challenging and I think logistically  
25 challenging as well. So I would ask you to keep that in

1 mind and thank you for your work on this.

2 MR. WATTS: Thank you. The next person on the  
3 list is John Polletto.

4 MR. POLLETTO: I'm John Polletto, my last name is  
5 spelled P-o-l-l-e-t-t-o. I live at 70 Fletcher Street and I  
6 have a storm water runoff culvert that terminates -- it goes  
7 through my property terminates at the Mousam River.

8 Kennebunk Light and Power District has drawn down  
9 the water level of the river to work on equipment just right  
10 above the Kesslen Dam. I've noticed that a fair structure  
11 of land  
12 that was submerged when the river is at its normal depth, is  
13 now appearing.

14 And what's happening is that the outfall from the  
15 culvert gets trapped at this now finger formation of land  
16 that's now above the river level. So I have an  
17 environmental concern here. If the dams are taken down and  
18 the width of the river is greatly reduced, this finger list  
19 of lands is going to appear.

20 I'm going to have trapped stagnant water between  
21 the outflow from the culvert and the single formation of  
22 land. If this produces mosquito breeding ground which I'm  
23 afraid is going to happen, if this happens will I have the  
24 right to request dredging to remove this finger strip of  
25 land and if the dredging is approved will I be financially

1 responsible for it since I'm talking about the way the river  
2 goes directly in my backyard.

3           And I understand -- I don't know for certain but  
4 I understand there are other storm water runoff culverts in  
5 the Mousam as well so I don't know if my situation is one of  
6 a kind or if this might apply to other culverts, thank you  
7 very much.

8           MR. TACKETT: Thank you for your comments.  
9 That's definitely a difficult issue, to bring your attention  
10 to it. I guess the quick way to answer it is that we are  
11 here today in general to discuss the proposal in front of us  
12 and that is the America First proposal and so an issue that  
13 could involve potential dam removal down the road and how  
14 that could affect the local environment would be at issue in  
15 a separate proceeding later down the road.

16           And if that proceeding is initiated than those  
17 environmental issues that you brought up would be handled in  
18 that proceeding, thank you.

19           MR. WATTS: Rachel Phipps?

20           MS. PHIPPS: Hi, Rachel Phipps, R-a-c-h-e-l  
21 P-h-i-p-p-s. I'm a resident of Kennebunk and no  
22 associations although I'm a passionate scientific  
23 environmentalist and my I'm here today speaking for the fish  
24 because they can't speak for themselves.

25           I also left work today to be here it's that

1 important to me. Just so you know tonight might be a little  
2 crowded by Kennebunk High School's holiday concert is this  
3 evening at 7 o'clock so you are going to be missing a lot of  
4 people that would have been here otherwise and it's kind of  
5 important to be here.

6 And it's sad that Ian just left the room because  
7 I actually -- FERC I'm making my remarks to America First as  
8 well as FERC since this is the first time I've had any  
9 chance to communicate with them.

10 I just wanted to say first of all I just want to  
11 take the vote issue head on because in Kennebunk I have  
12 voted every single vote for the last 30 years I've lived  
13 here. I got involved with this issue after the vote because  
14 of the Petition that was put on the ballot I felt was  
15 incredibly manipulative.

16 It was a very -- it was a strategic move by a  
17 group that has, you know, is really advocating around a  
18 particular issue. I mean that's their right to do that but  
19 the vote has zero fiscal note -- it had absolutely no  
20 figures on it, none.

21 And there were also no alternatives given -- it  
22 was do you want to continue hydropower. It didn't say  
23 versus or would you like to remove the dams or would you  
24 like know that we have alternatives. So I just have to take  
25 the issue of the vote head on and I really want to request

1 that America First Hydro in their PowerPoint -- it's the  
2 first time I've seen that as well.

3           They said they have support of the town of  
4 Kennebunk. I don't know how they define that. I'm here as  
5 a resident to say that again with my home association there  
6 are lots and lots of us that live in this town and that  
7 support decommissioning and removal of the dams and  
8 restoring the river to its native state.

9           I am and I use the river below the Kesslen Dam a  
10 lot. I actually find it very hard as just a member of the  
11 public to access recreation on the upper dam, it is supposed  
12 to be all public property and it's all private property and  
13 it's very hard as the public to access it.

14           I also -- in America's First slide show again  
15 tries talking about the importance of maintaining the  
16 property values well I don't really think that's a ratepayer  
17 issue and there's as much research to show that the valleys  
18 remain the same after dams have been removed so I really  
19 hope that's not hydro -- America First Hydro's focus there  
20 because as a ratepayer that does not remove any impoundments  
21 and I don't appreciate that.

22           So I want to say too that you know, I support dam  
23 removal and I also want to say right here that I would not  
24 support our town being involved in any way in funding any  
25 kind of licensing because I have looked at the numbers, I've

1 looked at the data and I don't see how that will ever be  
2 financially fiscally responsible for our town.

3 All right so I think that's really what I need to  
4 say. Thank you very much I do appreciate you being here and  
5 taking this comment.

6 MR. WATTS: Okay thank you, Paul on this list do  
7 you have a comment or you're good, alright. The next person  
8 is Kenny DeCosto.

9 MR. DECOSTO: I was going to speak this evening.

10 MR. WATTS: Okay, that's fine. So moving on --  
11 Peter Ashley?

12 MR. ASHLEY: Peter Ashley from Cape Neddick. I  
13 helped build two of the dams. I've been interested in  
14 hydropower my whole life and have a degree in aeronautical  
15 engineering from Boston University.

16 Before I spoke about the contaminants in the  
17 water and those contaminants are coming down the river but  
18 how fast? Whenever you're interested in hydropower you want  
19 to know how many pounds of water, cubic feet per second are  
20 going by and at what kind of a slope and what kind of an  
21 opportunity you might find somewhere at a solid base tied to  
22 the planet so the dam will move.

23 And then you get really interested and forget to  
24 eat so this is a problem I've had all the way through all of  
25 these years is hearing comments from people or reading

1 comments from people, or looking in government documents.

2           And I thought incorrect statements -- information  
3 that's misstated or twisted so this sheet here has to deal  
4 with this sheet, they go together. And the first one is the  
5 dam crest at Kesslen is 14 feet not 18 feet.

6           It was designed that way and the turbine was  
7 bought in 1928 from James Leffle Company and I talked with  
8 the manager there, he pulled out the card within a few  
9 seconds and gave the information about the turbine. The  
10 number of W1451 type F, Francis Runner diameter 40.5 inches  
11 et cetera, et cetera, tied directly to a Skinectody, New  
12 York electric company manufactured it.

13           It's not a Kaplan as the document says it's a  
14 Francis. It doesn't have any speed increaser or reducer and  
15 it's been running faithfully for many, many years -- 1928.  
16 So that's in this shape here but in order to run properly  
17 you have to know the head and the pond level and the tail  
18 level level and that's based on the main sea level when  
19 you're doing surveying.

20           And this is a report from Mr. Kyle Bragga when  
21 they redid the bridge out here they put in a new survey  
22 marker in the concrete sidewalk about 15 feet southwest of  
23 the corner of Duffy's Restaurant and that's mentioned in  
24 here.

25           The disc -- the new grid -- National Grid is



1 mentioned in here in relationship and his phone number so  
2 that you can deal with him directly and he's in the property  
3 office of the Maine DOT.

4           It's not USGS anymore it's DOT has put the marker  
5 in there and all the information is in here. So the pond  
6 level is incorrect. The scale on the sidewall of the pond  
7 that the dam operator uses, that indicates the improper  
8 number of the level of the water.

9           So I think this should be added and I think  
10 that's just about it except that when you have a slope and  
11 you are making water move to get it off the land and get it  
12 back in the ocean again you want to know what the velocity  
13 is and when you are talking about fish you want to know  
14 about the velocity of the eggs, they adhere to the bottom  
15 when they hatch they're in the position of floating down  
16 with the currents.

17           It doesn't take more than a few minutes to figure  
18 out that the time it takes for an alewife to drop its yolk  
19 sac and start freely swimming is longer than it takes to  
20 flow downstream for the big dam upstream all the way to the  
21 ocean.

22           So it's kind of a miracle if too many of them get  
23 there to the ocean, there's a lot of hungry fish and crabs,  
24 et cetera below Kesslen waiting to eat them. But this is  
25 very important for you and everybody interested in this

1 project and you'll get your new datum.

2 MR. WATTS: Thank you. The next person is Lionel  
3 M-e-n-a-r-d.

4 MR. MENARD: Lionel Menard, L-i-o-n-e-l  
5 M-e-n-a-r-d. I'm from Kennebunk and frankly I came to this  
6 meeting to understand exactly or try to understand what this  
7 process is going to be. I'm probably the least informed  
8 person in this room but I like to make informed decisions.

9 I really appreciate your time as well as America  
10 First for coming because here we heard from a lot of  
11 non-resident NGO's this afternoon and you know this --  
12 however this works out this will have an impact, you know.

13 And you know I heard Rachel's earlier regarding  
14 the number of people who voted for it and you know she  
15 didn't I guess appreciate that. But the fact of the matter  
16 is there is a lot of people who would like to see the dams  
17 stay and/or other compromise as to what is actually going to  
18 happen so there can be a balance between the environmental  
19 concerns that have been brought up as well as the  
20 recreational and financial concerns of the residents of  
21 this town.

22 You know, I'm on the river pretty frequently and  
23 frankly I enjoy it. And to -- you know we've talked a lot  
24 about the "studies". I was very impressed with this  
25 document that you handed out today because it really gave me

1 a good timeline as to -- hopefully it doesn't scare America  
2 First away frankly because everybody talks about studies.

3 And I don't know who is paying for these studies,  
4 and you know, if it is the burden -- you know it's very easy  
5 to get up here and for me or somebody else to say well we  
6 need a study on this and we need a study on this and as  
7 we've heard today it hasn't been -- even though we have all  
8 these interested groups here, there haven't been thoroughly  
9 enough studies.

10 I mean we could be studying this forever so  
11 either we'll miss the dates or it will cost frankly too much  
12 money for anybody to be ever interested in getting involved,  
13 you know, with this project.

14 So I'm glad FERC is here because they have -- the  
15 way I read this after everybody's input they have the final  
16 say in terms of what these studies are going to be and how  
17 they are going to be done.

18 But I really would like to know who is going to  
19 pay for all of these studies, especially since a lot of them  
20 haven't been done yet and can you answer my question?

21 MR. WATTS: Like I mentioned before --  
22 traditionally the applicant is responsible for the studies  
23 but we do have to consider if there is -- maybe there won't  
24 be a need for studies if there are already studies that are  
25 already done. So that could make some of the costs of the

1 studies if there's existing information to answer those  
2 questions that the study would look for.

3 MR. MENARD: Yeah, well I heard you ask for the  
4 request for studies because I mean obviously that's  
5 important but I also heard several people come up here and  
6 say there haven't been enough studies done.

7 And so, you know, I just wanted to confirm that  
8 the burden is going to be on America First once FERC agrees  
9 with America First where the money is going to have to come  
10 from from these studies.

11 And then they might find that this is just not  
12 financially viable frankly. Then -- and I think you  
13 answered half of the question -- my other half of the  
14 question was okay great, America First goes away now who's  
15 going to do all of these studies?

16 Still they are going to need to be done because  
17 you can't just well -- I don't think you can just take these  
18 dams out without doing any studies. They who pays for those  
19 studies and frankly they should be almost the same studies  
20 as we are talking about with America First.

21 So who pays for those studies and you may not  
22 want to answer this question but is it KLPD who is going to  
23 pay for the studies to get ready to take the dam down?

24 MR. WATTS: That would be a different proceeding.

25 MR. MENARD: I understand that sir.

1           MR. WATTS: Whoever is the applicant for the  
2 proceeding would be responsible. But I point you to that  
3 slide -- it's interesting that we have it up.

4           MR. MENARD: Yeah.

5           MR. WATTS: One of the bullets in the criteria is  
6 for us to consider the level of effort and costs so we're  
7 considering costs. That's one of the --

8           MR. MENARD: That's why I really appreciate the  
9 schedule but you know, to get you know, all the study  
10 dispute determinations done by October is really moving  
11 along.

12          MR. WATTS: It's a pretty tight schedule.

13          MR. MENARD: But anyway I appreciate your time  
14 and efforts and thank you for answering my question.

15          MR. WATTS: Thank you.

16          MR. MENARD: Good luck.

17          MR. WATTS: The next person is Alex Mendelsohn.

18          MR. MENDELSON: My name is Alex Mendelsohn,  
19 M-e-n-d-e-l-s-o-h-n and I really appreciate meeting with a  
20 federal agency it's quite unusual. I've worked as a  
21 volunteer in the state sanctioned Kennebunk Conversation  
22 Commission for over two decades, not in that Commission  
23 anymore.

24                 I have a baccalaureate degree with honors in  
25 human ecology. I studied under Dr. George Anaba and I have

1 33 years of experience in electrical engineering and  
2 electronics so I can fully appreciate what Mr. Ashley has to  
3 say about some of the things that have to do with  
4 hydroelectric generation.

5 That was the sum of my credentials. I recently  
6 met with the Union of Concerned Scientists and we met with a  
7 lot of scientists here in the state of Maine and the  
8 takeaway that I took from that meeting was something that I  
9 knew already that had to do with evidence.

10 There's a lot of hearsay, there's a lot of  
11 conjecture, there is a lot of politicization. I think  
12 Rachel Phipps discussed how that was covered in the election  
13 a year or two ago.

14 So I'm real grounded in evidence and of course  
15 there are studies and they cost a lot of money. We have  
16 spent thousands and thousands of dollars. You can refer to  
17 the Select Board here in town to see how many thousands and  
18 thousands and thousands of dollars, \$45,000 here, \$25,000  
19 there -- how much this town has spent of my taxpayer money  
20 in determining the evidence based on studies.

21 So as far as the effort cost of study -- a lot of  
22 it has already been done and I guess you gentlemen are aware  
23 of that. I brought to the attention in a very informal  
24 meeting that thankfully great Selectmen have held meetings  
25 on Saturday mornings where we have coffee and we sit around

1 and shoot the breeze.

2 And I brought to the attention of the Select  
3 Board and the other members who came to that informal  
4 meeting no less than 5 studies -- and we're going on studies  
5 that have already been done.

6 One was by Dr. Lou Neuss, Economics Department  
7 Chair, Faiths College. Another one was done by the Office  
8 of Coastal Zone Management done by the Division of  
9 Ecological Restoration in conjunction with the Department of  
10 Fish and Games River Ways Program and the Wetlands  
11 Restoration Program.

12 Another study that I cited was done by American  
13 Rivers and Trout Unlimited, you've already heard from and  
14 there was another scientific study in 2006 by the University  
15 of Wisconsin Madison.

16 And what these studies showed unequivocally is  
17 that after dam removal property values stay the same or they  
18 went up. None of these studies indicated the property  
19 values went down.

20 At my informal meeting with the Selectmen the  
21 former Director of the Kennebunk Light and Power District  
22 got up and refuted these studies saying, "Oh there are  
23 contradictory studies," but I have not seen the evidence.

24 So I thank you very much for coming to chat with  
25 us and I do assume that you will, you will always look at

1 the evidence because that's all we have to go on is what  
2 work has already been done. There are a lot of studies that  
3 have already been done. Thank you very much.

4 MR. WATTS: Thank you, the last person on my list  
5 is Jeff Reardon?

6 MR. REARDON: Thank you it's Jeff Reardon, Jeff  
7 J-e-f-f-r-e-y Reardon, R-e-a-r-d-o-n. I live in Manchester  
8 and I'm speaking on behalf of Trout Unlimited. For scoping  
9 -- a couple of things I just want you to be aware of.

10 The Mousam is a fairly unique resource. I've  
11 been working on hydropower projects in Maine since 1994,  
12 this was the first time -- not the first time somebody  
13 suggested that I should, but it's the first time that I felt  
14 comfortable coming to a public meeting and saying you need  
15 to be thinking about the impacts of this project on sea run  
16 brook trout which are unique and fairly rare resource that  
17 are present along the east coast from Long Island to Maine.

18 And again there's some potential that they might  
19 have been at some time in history in the main stem Kennebunk  
20 and the main stem Penobscott and subject to some of the  
21 licensings that have happened there in the last 20 years.

22 But here I think there's a very good chance based  
23 on the fact that just upstream -- in fact discharging into  
24 these impoundments through streams that hold wild brook  
25 trout are two of Maines heritage brook trout ponds.



1           So in terms that these are ponds that have never  
2 been stocked with brook trout, continue to maintain wild  
3 populations of brook trout -- Maine's got about 568 of them  
4 of which two are in the coastal plains of southern Maine and  
5 the only two are just upstream on the Kesslen Dam -- so  
6 there's a really high potential for brook trout here.

7           You should also be aware that this is one of the  
8 few Maine stem rivers in southern Maine that the eastern  
9 brook trout joint venture has assessed as containing an  
10 existing population of sea run brook trout which frankly is  
11 somewhat amazing given the level of impact in warming -- not  
12 just from these dams but from development.

13           You know a lot of southern Maine has lost its  
14 brook trout -- the Mousam River has not.

15           Similarly the sea run fish resources -- I think  
16 somebody earlier today said that it's kind of amazing to  
17 think about their being alewives or blueback herring or shad  
18 in this river but they have been here since I was a kid.

19           I grew up just north of here about half an hour  
20 north, 40 minutes north in Cape Elizabeth. When I was a kid  
21 the Mousam River was one of two places in Maine that we came  
22 to recreational shad fish. The other was Narraguagusa which  
23 was a lot farther from home.

24           So I have been spending time here since I got my  
25 driver's license in 1983 and coming to the Mousam to shad

1 fish like many other people have. It's fairly amazing given  
2 how little river is left between the Kesslen Dam and Tide  
3 Water, that that shad population has maintained itself at  
4 the quality and numbers that it has but it has.

5 So I think there are some fairly unique resources  
6 here and I'd like to ask you to pay attention to. In terms  
7 of issues that you have identified in the scoping document I  
8 do have a few comments.

9 One of which is I think normally in these  
10 documents I would have seen the selection labelled water  
11 quality and quantity and I don't know if that's assumed in  
12 your aquatic resources category and I think you identified  
13 the major water quality issues in terms of dissolved oxygen,  
14 fish habitat, aquatic converted habitat -- but I want to  
15 flab a water quantity question.

16 The PAD from the applicant describes this river  
17 as free flowing. Knowing what I do about how -- what I  
18 spent a lot of time down here 25 years ago, Estes Lake and  
19 Mousam Lake were operated -- I do not think the river is  
20 free flowing so with respect to relicensing these for run of  
21 river operation -- I think it's important that we understand  
22 what that means in terms of whether flows are regulated at  
23 relatively large impoundments upstream of here.

24 We definitely need some information about that.  
25 I didn't see it on either the applicant's document or the

1 PAD and I think that's going to be a significant hole in the  
2 analysis for example for fisheries studies which are going  
3 to depend upon what seasonal flows are et cetera.

4 We are going to step to threatened and endangered  
5 species. It strikes me that you have got a very short list.  
6 There are a lot of species that are listed -- I'm not  
7 looking here to have you list every state and federally  
8 listed species. I suspect the little brown bat -- what's  
9 the bat species that you have?

10 MR. KARTRALIA: The long-eared bat.

11 MR. REARDON: Long-eared bat -- I suspect they  
12 are present here. I think the other species you mentioned  
13 was Canada Lynx -- I'd be very surprised if you saw Canada  
14 Lynx down here and I think everybody else in the state would  
15 too. But I think there are some other listed species -- the  
16 ones that I know about are aquatic species that wouldn't  
17 surprise me so much.

18 Most head of tide licensings that I've  
19 participated in have analyzed the effects of the project on  
20 short nose and Atlantic sturgeon, both of which I believe  
21 are federally threatened listed.

22 Two state-listed fish species which may or may  
23 not be present in the Mousam but wouldn't be surprising at  
24 least the red and pickle rods which is a state-listed fish  
25 species. I think you should coordinate -- I'd ask you

1 probably Mary Gallagher, Maine Department of Known Fisheries  
2 and Wildlife would be the person to talk to about that.

3           And the other state-listed species that might be  
4 present here and I know nothing about their biology so I  
5 have no idea if it is reasonable to expect to be in the  
6 Mousam or not is swamp darter and there may be some  
7 potential that they would be here.

8           The other TE species that come up a lot in dam  
9 licensings and I don't know the Mousam well enough to know  
10 if they'd be here but it would be worth taking a look are  
11 several species of state-listed fresh water mussels, in  
12 particular tide water mucket and yellow lampmussel that's  
13 come up at multiple licensings that have happened in Maine.  
14 I think their distribution is more towards central Maine --  
15 they may not be present this far south in the state.

16           But another species that has at least been  
17 discussed in terms of being listed and I don't know if it  
18 has been added would be the brook floater mussel and I would  
19 suspect that given some of the freshwater habitat -- at  
20 least in the Mousam watershed, brook floater would be  
21 present and would likely be present in the impounded regions  
22 where they are not impounded.

23           And I think -- oh finally, and perhaps this  
24 doesn't come in at this stage but it certainly will when you  
25 write your EA with respect to -- I don't know if you're

1 looking for information at this point about the need for  
2 power but I guess I'd like to emphasize the relatively small  
3 amount of generation with these projects and I was surprised  
4 to hear this afternoon that the Kesslen Dam is no longer  
5 operating.

6 One of the things to think about if enhancements  
7 to increase generation are on the table with these projects  
8 is the difficulty of accessing some of these powerhouses to  
9 do that sort of work.

10 You got invited to Duffy's to enjoy a meal and I  
11 highly recommend it -- had lunch there on my way here. My  
12 understanding if somebody were to need to do turbine  
13 maintenance that turbine would have to come out through the  
14 floor of Duffy's Restaurant.

15 So in terms of the feasibility of these projects  
16 seeing significant power enhancements or even repair if  
17 they're not operating now, I think there's some legitimate  
18 issues there if that's in the cards in the licensee's plans.

19 And I appreciate your time and thank you for  
20 coming up to Maine.

21 MR. KARTALIA: Thank you for comments. Also I  
22 just wanted to clarify that it might be worded slightly  
23 differently than you are used to seeing but we will look at  
24 flows and any effect that the project has on regulating  
25 them.

1           And when we discuss the existing conditions that  
2 projects exist under -- any regulation of flows through the  
3 upstream areas and down river from the lowest dam, we'll  
4 discuss all of that in as close a detail as we can.

5           This project as far as I know we have site visits  
6 tomorrow but it does not have bypass reaches which makes it  
7 slightly different than a lot of the hydro projects we  
8 worked on but we will be looking at both water quality and  
9 quantity and any regulation of flows in the project reach.

10           MR. REARDON: I think -- again this is just my  
11 and there may be information out there I'm not aware of -- I  
12 think the water quantity issue is going to be difficult  
13 because again unlike other large basins that I've worked in  
14 I don't think there's a USGS gauge to tell you what's coming  
15 in and above these projects in the Mousam. I may be wrong  
16 about that and there may be some historic waging but I do  
17 think you know based on the configuration of dams upstream,  
18 there's fairly significant regulation here so understanding  
19 what's coming in seasonally is important to thinking about  
20 what the impacts are going to be on fish and what minimum  
21 flows are appropriate and achievable, and again thank you  
22 for your time.

23           MR. KARTALIA: Thanks.

24           MR. WATTS: Mr. Mildner?

25           MR. MILDNER: Thank you I have a business and I

1 just arrived to deliver some prepared remarks on this but my  
2 name is Curtis Mildner, I'm a 42 year resident of Kennebunk.  
3 Curtis Mildner, M-i-l-d-n-e-r and that's a 42 year resident  
4 -- not 42 years old -- I'm more than that.

5 I have several points to make and I'll read from  
6 prepared remarks so I get them right. I have canoed and  
7 fished the Mousam River both in the impoundment and the free  
8 flowing area below the Kesslen Dam with friends and families  
9 for many, many years.

10 The river and the experience in it are very  
11 important to me. It's interesting I was also involved in  
12 the 1970's in a federally funded project to identify  
13 opportunities for low head hydro power New England.

14 So I helped map dams, convene conference and  
15 encourage the redevelopment of dis-used dams and hydropower.  
16 One of the communities that I worked with is Kennebunk and  
17 the opportunity at the Kesslen Dam so my background goes all  
18 the way back to the '70's on this.

19 I was then and am now a proponent of  
20 environmentally friendly power generation. So this  
21 background kind of gives me a unique experience both as a  
22 user and as someone who understands a little bit about  
23 hydropower and I just have three points to make.

24 And the first is really about the Mousam River  
25 hydropower economics. It was pretty clear to me from my

1 first analysis of data provided by Kennebunk Light and Power  
2 that hydropower on the Mousam was not and is unlikely to be  
3 financially attractive.

4 In order to generate any net income, expenses for  
5 dam operations needed to be minimized and that is how they  
6 operated for many years without doing as little as possible,  
7 it's not automated -- it's a very simple hand operated  
8 operation.

9 But even with this the dams generate little more  
10 than the amount of funds to generate a good used car. So I  
11 want to point out that all the discussions we're having  
12 about dams related to economics which are very marginal.

13 If you modernize the hydropower to generate more  
14 power more efficiently, the capital costs eat up any gains  
15 and there's really no way to sugarcoat this. The operating  
16 hydropower on the Mousam is a loser. It is barely effective  
17 as it is and with the kind of improvements that are  
18 necessary for the long-term operation of the dams it makes  
19 it even more suspect.

20 The other issue I want to bring up is about  
21 restoring and repairing the river. For me, licensing  
22 presents a once in a- lifetime opportunity to restore the  
23 river to its natural state. And the current state of the  
24 river is just plain unacceptable.

25 And this is just not my assessment -- in 2014 the



1 state Department of Environmental Protection assessed the  
2 water quality of Maine rivers -- and this is a copy of the  
3 cover piece of the report.

4           And on a scale of 1 to 5 where 1 meets all water  
5 quality standards the Mousam was rated a 4 for impaired.  
6 Now there are some 32,000 miles of river in Maine but only  
7 1,300 miles or just 4.2% are rated as impaired. So this  
8 distinction for a river in my hometown is not something I'm  
9 proud of.

10           And I see this relicensing as an opportunity to  
11 restore the river in fact -- a once in a-lifetime  
12 opportunity which is why I'm standing here and taking time  
13 from my business today.

14           The third area I want to talk about briefly is  
15 the appearance of the river and this has been a key issue  
16 and I'm sure in hearings tonight you'll be hearing a lot  
17 about it.

18           There is among some residents, particular those  
19 who live on or near the river, a great deal of hysteria and  
20 that's a documented word hysteria -- it comes from many  
21 articles in the press about the restoration of the river.  
22 This hysteria seems to be based on fear but not fact. And  
23 the abutters cite two major concerns that get them excited.

24           One is the loss of property value if the dam's  
25 impoundment is removed. There is data from other

1 communities that remove dams and restored rivers that show  
2 this is not the case. This has not at all dissuaded  
3 opponents.

4           And if you think about it, it makes very little  
5 sense the property on the impoundment would have a higher  
6 value than waterfront property on the free flowing river.  
7 Again, the opinions of abutters are largely based on a fear  
8 of something that may not be true.

9           There's also great concern about the appearance  
10 of the river and the misleading information has been  
11 circulated about what the river would look like if dams were  
12 removed. This has further led to hysteria. On two or three  
13 occasions the Kesslen dam has been opened for dam  
14 maintenance and the flow of water stopped from the dams  
15 above -- like turning off the faucet.

16           The water was allowed to flow through the dams  
17 below. Obviously what appeared was an empty river bed with  
18 hundreds of years of accumulated sediment at the bottom.

19           Based on this view of the drained river,  
20 opponents have describe the Mousam as the ludsome -- that's  
21 a term you will find if you do some research. They say --  
22 and they likely believe that without the dams the flow would  
23 be a trickle and the bottom will be a mud flap. Of course  
24 this is not the case. Without dams spring will wash away  
25 the mud and will overtime scour the river bottom.

1           The river bed will become rocks and sand bar  
2 until it reaches the tides. Vegetation will quickly return  
3 to areas that are not in the main channel. The flow will be  
4 natural with no volume in the spring and less in the late  
5 summer and fall but it will never be a trickle.

6           There are places in the river immediately below  
7 the Kesslen, Twine Mill and other dams where the flow is  
8 more natural. These are picturesque stretches of river that  
9 anyone can see if they want to take a walk.

10           In these places, the river winds its way over  
11 rock outcroppings with both shallow places and deep pools.  
12 This is what the Mousam can be.

13           So kind of a summary here to get to the point, I  
14 get it. The abutters to the river are fearful of what might  
15 happen to the rivers. Others like me see relicensing as an  
16 opportunity to get it right for future generations.  
17 Literally, for me, this is a once in a life-time  
18 opportunity. For this reason I implore FERC to require  
19 those who wish to relicense the dams, to thoroughly document  
20 the impacts and the advantages of dam removal.

21           I am concerned about pressure to short-circuit  
22 the process and to minimize thorough fact gathering. Facts  
23 must be the basis for relicensing decisions. High-quality  
24 assessments are absolutely necessary, thank you, do you have  
25 any questions?

1 MR. WATTS: No, but thank you for your comment.

2 MR. MILDNER: Thank you.

3 MR. WATTS: That ends the list of folks  
4 indicating that they would like to speak, does anyone else  
5 -- we have got two.

6 Please state your name and spell your name for the court  
7 reporter.

8 MR. MCDAVITT: Bill McDavitt, M-c-D-a-v-i-t-t. I  
9 work under contract in a fishery service in Gloucester,  
10 Massachusetts. Really all of my questions are pretty much  
11 procedural.

12 Tomorrow is the environmental site review still  
13 on even given the weather -- the snow and rain in the  
14 forecast, okay, alright, okay great.

15 Next one -- It seems that there some possibility  
16 of a government shut-down. I don't know if FERC -- do you  
17 have any policies or is there any way to know if this  
18 schedule may or may not change if there is a shut-down?

19 MR. WATTS: In terms of the 60 day comment  
20 period, Steve?

21 MR. KARTALIA: I think recalling from another  
22 proceeding where a previous federal shut-down affected  
23 comment -- I'm thinking of the lingo here, I believe that  
24 affected the comment period and in that case the Commission  
25 did extend things because of that, but we'll just see what

1 happens here.

2 And yeah there would be an announcement to  
3 everyone that would be public that would make everyone aware  
4 that the schedule would change if that happens.

5 MR. MCDAVITT: Okay great, and then the third one  
6 I would like to hear the scoping for the America First  
7 proposal -- I wonder if I could just simply ask a procedural  
8 question on the 5362 KLPD side.

9 I realize that they put in a notice to not renew,  
10 I just want to know procedurally if there is anything more  
11 that we can expect on the docket? I mean are we kind of  
12 done with it or can we expect anything else on that side or  
13 is there any way to know if there might be a notice?

14 MR. WATTS: Yes, until surrender application has  
15 been filed that's pretty much where it stands is NOI but for  
16 now our focus is this project 14856 -- it's a process that  
17 IOP until like Nick said earlier 2022 is when surrender  
18 application would be due.  
19 But for now our focus is 1446.

20 MR. MCDAVITT: Great, thanks so much.

21 MR. SHEY: Sure. I'm sorry was it Bill McDavitt?  
22 Todd Shey, Kennebunk Light and Power -- we're actively  
23 monitoring the current license applicant in that process.  
24 KLPD's Board has yet to come forward with any additional  
25 information but we will actively be seeing out avenues that

1 we will proceed with should something happen in the current  
2 14856.

3 And I'm doing the environmental site review.  
4 Albeit come hell or high water I'll be there so Berry Court  
5 tomorrow morning, we're not going inside the facilities but  
6 it will be an external environmental site review, I  
7 recommend wearing boots.

8 MR. WATTS: Thank you. Are there -- yes?

9 MS. BLOOMFIELD: Hi my name is Susan Bloomfield,  
10 B-l-o-o-m-f-i-e-l-d. I'm a resident and a ratepayer. My  
11 question is I'm fully supportive of every study that's  
12 deemed required. I'm wondering if the applicant balks at  
13 this responsibility where does that leave us?

14 MR. TACKETT: The Commission would issue the  
15 study plan determination and that letter states that the  
16 following studies are required to be done for information  
17 purposes for putting together the EA and so if for instance,  
18 just to give you an example of the proceedings -- if studies  
19 are delayed or if something happens where we can't get the  
20 information we need then the license proceeding would not be  
21 able to go forward but in terms of our environmental  
22 review.

23 So we need that information to move forward --  
24 that's just how it would stand if we stated the information  
25 is required then it's required.

1 MS. BLOOMFIELD: And if they are not able to meet  
2 their responsibility or wish not to what happens?

3 MR. TACKETT: We would consider the circumstances  
4 of then not being able to meet that responsibility. So I  
5 think it would be circumstantial as to whether or not it was  
6 based on inclement weather, anomalous study results, you  
7 know, there are variations on the theme as to what could  
8 happen. We would just address it upon the circumstances.

9 MS. BLOOMFIELD: So there's a possibility that  
10 they could forfeit their application? Or you would forfeit  
11 it for them?

12 MR. TACKETT: I think we would just generally  
13 cross that bridge when we come to it so to speak. I cannot  
14 tell you because we are in pre-filing still and just to  
15 remember the date. So according to -- this might help,  
16 according to our statute, an application has to be filed 2  
17 years before the license expires.

18 And so they have to file that license application  
19 and we would see what information we have at that time. If  
20 we don't have enough information to accept the license  
21 application and we move forward with the environmental  
22 review then we would just be at that stage where we would  
23 have a process that wasn't completely informed.

24 We have a process that is in place for you know,  
25 the schedule produced and so if they can't undertake the

1 studies then the license proceeding would just basically be  
2 held in place and the license would basically expire and we  
3 would have to take appropriate recourse to be able to  
4 establish how to proceed forward with this proceeding.

5 So it would be basically phased right so we're in  
6 pre-filing we'd have to wait until post-filing and just  
7 evaluate the circumstances as to the occasion.

8 MS. BLOOMFIELD: Okay, thank you.

9 MR. TACKETT: Okay thank you.

10 MR. REDMAN: Hi, John Redman. I had a  
11 methodological question if I might in terms of the scoping.  
12 With your economic staff and your cost benefit methodology  
13 will you be taking into account any increase in recreational  
14 benefits that might occur if the dams are removed? Would  
15 that be within your scope?

16 The reason I bring that up is I think in terms of  
17 pricing assets that there's a long precedent I guess going  
18 all the way back to the Hell's Canyon case where daily  
19 recreational assets tend to increase much more rapidly than  
20 the value of energy assets.

21 And so if dam removal is going to be costed out  
22 then part of the benefits of that should be in attention to  
23 the increase in recreational benefits and the methodological  
24 issue becomes how they would be treated from a price cost  
25 going forward, what the present value will be over the



1 license term and I'd like to just make sure that you guys  
2 are aware that that would be an issue in terms of the cost  
3 benefit of dam removing versus hydro operations.

4 MR. WATTS: Yeah the purpose for economic  
5 analysis is to compare the costs of the project power versus  
6 a likely alternative and so we'd be looking at the cost of  
7 mitigation measures versus what the project would cost from  
8 an alternative energy point of view.

9 So could you clarify -- what do you mean by  
10 recreational benefits? Like recreational features or --

11 MR. REDMAN: Yes for example there used to be a  
12 shad run here and there are towns up and down the coast the  
13 east coast including here in Maine that have shad festivals  
14 -- you know, like tens of thousands of people come from all  
15 over so there's potential for a great deal of local revenue  
16 to be generated from that type of thing -- if you open up  
17 kayaking.

18 There's stretches of the Mousam now that I  
19 believe would qualify for wild and scenic river status  
20 already. If the dams comes out and that river is fully  
21 restored aesthetically then I think there would be miles  
22 more of the river that qualify for wild and scenic river  
23 status so that if that was the case that's going to draw  
24 people from all over the region.

25 So I think that in terms of valuing the dam

1 removal alternative it's important for you to look at the  
2 recreational issue and in pricing those two alternatives I  
3 think the value of the those recreational assets need to be  
4 priced at a much faster rate of value increase than energy.

5           We have the Energy Information Administration  
6 which is very well respected set of energy estimates -- is  
7 projecting that energy -- electricity costs in New England  
8 won't move much over the next 40 years.

9           However, the valley recreational assets here  
10 would be much, much higher so when you talk with your  
11 economists I think that's an issue that's of relevance and  
12 of real importance, thank you.

13           MR. WATTS: Good, thank you. Are there any  
14 additional questions, yes?

15           MR. ASHLEY: It's Peter Ashley again. The  
16 information that comes down over the years as I spoke about  
17 before there are inaccuracies in there and since we're  
18 collecting as much as we can right now to set the evidence  
19 kind of straight -- very often when the Twine Mill is  
20 described they talk about the 66 inch diameter butterfly  
21 valve operated by the hydraulic governor as a throttling  
22 device.

23           That turbine was never designed as a variable  
24 output machine like a Kaplan or a Francis motor. It's  
25 either on or off and they designed and installed a pond

1 control that does that. It costs less than \$150.00 because  
2 I used second-hand stuff.

3           So when you push the button for it to go there's  
4 a delay, make sure everything is running right and all the  
5 pressures are correct and then it starts up. And it starts  
6 up within about 14 seconds.

7           When it first starts up you hear the rumbling and  
8 as it is displaced from the machine and as it approaches  
9 more open it spills right out and no cavitation or anything  
10 and that's the way the machine is operated.

11           You push the stop the butterfly closes and the  
12 machine stops. That has been sprinkled with misinformation  
13 of throttling at the Twine Mill is completely incorrect. If  
14 you try and throttle it you will destroy the machine and the  
15 universals and the gear box as well.

16           The other thing is that as I said before, I have  
17 been interested in hydroelectric my whole life so I grew up  
18 between Newton upper paws and Newton lower paws in the  
19 Charles River and we used to kayak and chase the turtles et  
20 cetera as much as I could and enjoyed the whole affair.

21           Downstream from there was going to be the park  
22 that was serviced by the electric trolley run by the  
23 hydroelectric and it would combust enough to run a bigger  
24 park, the dance pavilion there.

25           And there were three different companies and when

1 the river was full on the weekend -- I mean full of canoes,  
2 and recreation at that scene was perennial.

3 And whatever small vessels -- you can see them on  
4 the cars going down the Maine turnpike, that has really  
5 increased in the last three years. You'll see all kinds of  
6 watercraft going down the road and people go wherever the  
7 wish, they launch their canoe, kayak, whatever and have a  
8 great weekend.

9 And this is vacationland you see it on every  
10 single license plate. My wife's uncle passed that bill in  
11 the state House and got vacationland on the ball and got it  
12 moving. So there's really a big insurgence in this area and  
13 when you look and paddle up the river you'll see lots of  
14 canoes on either side of the river. And the best place to  
15 canoe is above Dane Perkins because you have got 2 miles  
16 of beautiful scenery and you sometimes see deer and turkeys  
17 et cetera, that's enough, bye-bye.

18 MR. WATTS: Thank you. Yes sir?

19 MR. MENDELSON: Again Alex Mendelsohn. With  
20 respect to Peter Ashley's remarks -- there was a national  
21 well-respected study known as the End Plan Economic Model --  
22 you gentlemen may be familiar with that, look it up.

23 It indicates that if restoring the Mousam created  
24 two jobs in the leisure and hospitality industry the  
25 increase in local income is likely to exceed on a

1 continuing, ongoing basis, the local income benefits of  
2 hydro.

3           So for example, the analysis indicates again two  
4 jobs -- looking at people selling fuel, hotels, motels,  
5 restaurants, kayaks, canoes, fishing gear what have you, the  
6 list goes on and on as Mr. Ashley indicated.

7           We added over almost \$200,000 annually to local  
8 income whereas hydro unless America First comes up with  
9 something really revolutionary and the return on investment  
10 is realistic is probably half of that according to the end  
11 plan study, thank you.

12           MR. WATTS: Okay, if there are no additional  
13 questions I'd just like to remind you that comments on  
14 America First's pre-application document are due January 7,  
15 2018 as well as requests for studies. And if there are no  
16 other questions or comments this meeting is adjourned.

17           (Whereupon at 3:33 p.m., the hearing was  
18 adjourned.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding: LOWER MOUSAM PROJECT

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16 Docket No.: PROJECT NO. 14856-000

17 Place: Kennebunk, Maine

18 Date: Monday, December 11, 2017

19 were held as herein appears, and that this is the original  
20 transcript thereof for the file of the Federal Energy  
21 Regulatory Commission, and is a full correct transcription  
22 of the proceedings.

23

24

Larry Flowers

25

Official Reporter

1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 LOWER MOUSAM PROJECT

4 PROJECT NO. 14856-000

5 AMERICA FIRST HYDRO, LLC

6

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8 SCOPING MEETING

9

10 Kennebunk Town Hall Auditorium

11 1 Summer Street

12 Kennebunk, Maine 04043

13

14 Monday, December 11, 2017

15 1:00 p.m.

16

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- 1 SPEAKER LIST
- 2
- 3 MICHAEL WATTS, CHAIRMAN
- 4 STEVE KARTALIA
- 5 NICK TACKETT
- 6 TODD SHEY
- 7 IAN CLARK
- 8 PAUL MULLEN
- 9 KYLE SCARDINO
- 10 KATHY HOWATT
- 11 JEFF REARDON
- 12 JOHN BURROWS
- 13 PETER ASHLEY
- 14 BILL PASQUILL
- 15 ALBERT KOLFF
- 16 BILL HARMON
- 17 BARRY BRADDICK
- 18 BEVERLY FREUDENREICH
- 19 JOHN REDMAN
- 20 STEPHEN HEINZ
- 21 JACOB AMAN
- 22 LANDIS HUDSON
- 23 JOHN POLLETTO
- 24 RACHEL PHIPPS
- 25 LIONEL MENARD



- 1 ALEX MENDELSON
- 2 CURTIS MILDNER
- 3 BILL MCDAVITT
- 4 SUSAN BLOOMFIELD
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## 1 P R O C E E D I N G S

2 MR. WATTS: Good afternoon everyone. I'd like  
to  
3 welcome you to the Federal Energy Regulatory Commission or  
4 FERC for short scoping meeting for the Lower Mousam  
5 Hydroelectric Project.

6 My name is Mike Watts and I'm the Project  
7 Engineer at FERC. I'm also the Project Coordinator. With  
8 me from the FERC are staff members and at this time I'll  
9 have them introduce themselves and say what their duties  
are  
10 at the FERC.

11 MR. TACKETT: Thank you Mike. I'm Nick Tackett.  
12 I'm a Branch Chief for the New England region at FERC in  
the  
13 Division of Hydropower Licensing, thank you very much. And  
14 I just wanted to welcome you all here today. I won't be  
15 doing much of the speaking but nonetheless welcome full  
16 engagement.

17 We are here to hear your opinion, to get  
oriented  
18 better with the project. We only know what is on the  
record  
19 in this proceeding. It's of note that this proceeding  
under  
20 -- we use dockets so under 148567 is difference than the  
21 current licensed designated project under 5362.

22 So I know you have or may have participated in

23 the current discussions led by the current licensee but I  
24 just encourage you to express your opinions anew -- to let  
25 us know. We are here for NEPA scoping purposes so

1 environmental purposes to discuss the potential issues --  
2 environmental issues, cultural, socio-economic issues that  
3 are at issue here for this project.

4 So definitely welcome full participation and  
5 again echo thank you for coming.

6 MR. KARTALIA: My name is Steve Kartalia. I'm a  
7 Fisheries Biologist and I work with Mike and Nick so I'll  
8 addressing issues of fisheries and water quality and those  
9 sorts of things.

10 MR. WATTS: Thank you Steve. Just a few  
11 housekeeping items before we get started. I'd like to  
12 out that we have two sign-in sheets -- one is a general  
13 sign-in sheet for all that are in attendance to sign and  
14 there's a second sign-in sheet for those of you who were  
15 planning on giving verbal comments.

16 If you are planning on giving verbal comments we  
17 do have a court reporter with us today. The court reporter  
18 will be making the transcript of today's meeting and while  
19 we generally like to keep things as informal as possible,  
20 do ask that you state your full name and affiliation before  
21 speaking so the court reporter can attribute your comments  
22 to you.

23 We do have handouts and they're in the back of  
24 the room on the table -- sure. Yes, state your name and

be

point

we

25 affiliation before speaking. We also have like I said,



1 copies of the scoping document and some licensing brochures  
2 to help education you about the FERC process. Feel free to  
3 grab a copy of those for your reference.

4           Here's an outline and an agenda -- an outline of  
5 today's meeting so you can know what to expect. We're  
going  
6 to start off by talking a little bit about FERC. We'll  
then  
7 go over the licensing process and then we'll invite the  
8 current licensee, Kennebunk Light and Power to give us an  
9 overview of the project facilities and operations, after  
10 which we'll have the potential applicant -- America First,  
11 give us an overview of the proposal for the project.

12           The second half of my presentation I'll talk a  
13 little bit about the scoping document, particularly those  
14 issues that we've identified for analysis in our NEPA  
15 document. Then we'll go over next steps and then we'll  
talk  
16 about how you can stay involved.

17           So we are FERC, we are an independent agency  
18 under the Department of Energy but we're independent. We  
19 regulate interstate transmission of natural gas, oil and  
20 electricity. We also regulate federal hydropower projects  
21 and natural gas projects.

22           At the top of the FERC organization there are  
23 five Commissioners including one Chairman that's appointed  
24 by the President and confirmed by the U.S. Senate --

got 25 actually anecdotal information -- just last week we just

1 up to full capacity.

2           Since the election there was some turnover at  
3 FERC as far as Commissioners but just in time for the  
4 scoping meeting FERC is now at full capacity as far as the  
5 total amount of Commissioners at the FERC.

6           The Office of Energy Projects, where I'm from is  
7 about 20% of a total FERC workforce. And hydro licensing  
8 includes three divisions. There's a Division of Dam  
Safety,  
9 which is responsible for making sure structures are safe  
and  
10 for overseeing the new construction.

11           There's the Department of Hydropower Compliance  
12 at the bottom there that is responsible for making sure  
that  
13 the licensees complies with the terms and conditions of  
14 their licenses and there is hydro licensing which is us  
15 which is responsible for renewing new licenses and  
16 re-license application.

17           Drilling down further hydro licensing is spread  
18 out across about six different branches. We are from the  
19 New England branch and we are responsible for hydro  
projects  
20 obviously within the New England states, including the  
state  
21 of Maine.

22           Across our branches we interact with the  
licensee

So

23 resource agencies, tribes, NGO's and local stakeholders.

24 authority to regulate hydropower projects comes from the

25 Federal Power Act and projects under our jurisdiction are

1 either located in navigable waterways, they affect  
2 interstate or foreign commerce, they're located on federal  
3 lands or public lands or they use a surplus water from a  
4 federal dam.

5           So FERC issues licenses for between 30 and 50  
6 years using three licensing processes. There is the  
7 integrated licensing process which is our default process  
8 and there's a traditional process and there's the  
9 alternative process. Anybody in the licensing process is  
10 our default process so you do have to get permission to use  
11 the other two processes.

12           In this case we made the decision that this  
13 project could be used in the integrated licensing process  
14 and that decision is made on a case by case basis. It  
15 happens that this project is more aligned with the  
16 integrated licensing process.

17           The major difference between an integrated  
18 licensing process and the traditional or alternative  
19 licensing process is that the integrated licensing process  
20 includes a fixed schedule and that's outlined in Appendix B  
21 of the scoping document and it also includes early FERC  
22 involvement which is why we are here so early in the  
process  
23 -- normally FERC doesn't get involved, especially in the  
24 traditional licensing process until a license application  
is

25 filed.

1                   So the integrated licensing process -- I  
2 apologize about the screen, some of the words are off but  
it  
3 includes a pre-filing process and a post-filing process,  
4 pre-filing is initiated when the filing for pre-application  
5 document and notice of intent.

6                   We're currently in the scoping phase of the  
7 project and then over the next several months we and the  
8 stakeholders will be working together to develop a study  
9 plan. Once that study plan is approved American First will  
10 implement the studies and use the information from the  
11 studies to develop a license application.

12                   Once the studies are completed and the license  
13 application is filed, that concludes pre-filing and brings  
14 us right into the post-filing phase of the project.  
15 Post-filing begins with the filing of the license  
16 application followed by an adequacy review and if the  
17 application is adequate, FERC will issue a ready for  
18 environmental assessment notice. This notice will also  
list  
19 the terms and conditions, comments, prescriptions from the  
20 agencies and once those comments and prescriptions come in  
21 FERC will use the information in the record included in the  
22 license application -- there is also the studies to issue a  
23 NEPA document.

24                   And once a NEPA document is issued, followed by  
a

25 comment period, the license application will be ready for a



1 Commission licensing decision. As you can see pre-filing  
2 can take anywhere from 1 to 3 years while the post-filing  
3 process takes about a year and a half.

4           Going with the initial document that was filed  
by  
5 America First is to identify existing information, identify  
6 issues and study needs, being the first document to file it  
7 also sets the schedule and it pretty much lays the  
framework  
8 for future documents.

9           Going over the scoping process is to solicit  
your  
10 input and information in the scoping document, particularly  
11 those issues in Section 4.2 that we've identified to study  
12 the NEPA process.

13           Scoping also identifies existing conditions as  
14 well -- as the affect that the project will have on  
15 environmental resources. Scoping also identifies  
cumulative  
16 effects, alternatives to the project as well as issues that  
17 need to be addressed in the project.

18           We also identify an adequate geographic scope  
19 during the scoping process. The purpose of the study plan  
20 is to pretty much set the framework for which pertinent  
21 information can be gathered to address the issues  
identified  
22 during the scoping process and the goal for studies itself  
23 is to -- like I said before, develop information that's

24 needed to file an adequate license application.

25 So that is the first half of my presentation.

If

we  
1 there are no immediate questions right now I propose that  
2 get through these presentations and then we can save our  
3 questions for when we open up for comments and questions.  
4 And at this time I'd like to invite a member from the  
5 current licensee, Kennebunk Light and Power to give us an  
6 overview of the project facilities and operations, thank  
7 you.

8 MR. SHEY: Good afternoon ladies and gentleman.  
9 My name is Todd Shey, I'm the General Manager of Kennebunk  
10 Light and Power District who currently operates the three  
11 facilities on the Mousam River, under license P-5362.

12 Many of you have familiar faces so I've seen you  
13 in the audience and I just recommend, as Michael said  
14 earlier, in the project number 14856 that you are to speak  
15 this evening with the assumption that FERC does not know  
16 what you folks have said to KYPD because that was a  
17 completely license.

Dam  
18 So Kennebunk Light and Power owns three dams and  
19 associated hydropower facilities on the Mousam located in  
20 the town of Kennebunk -- the Kessler Dam, the Twine Mill  
21 and the Dane Perkins Dam. Kessler is the most downstream  
on  
22 the Mousam River. It's been in place since the 1800's to  
23 provide power to the Kessler shoe factory.

24 The impoundment has a surface area of

25 approximately 20 to 25 acres and the generation has an end

1 plate capacity at 150 kilowatts and produces 2400 volt  
2 3-phase power at a frequency of 60 hertz.

that's

3 Dane Perkins -- I said that at the top but  
4 okay, nope -- that's Twine Mill. All right the Twine Mill  
5 facility is located approximately two linear miles as the  
6 crow flies upstream of the Kesslen Impoundment -- about 3.6  
7 river miles.

8 The original dam was breached around 1960 and  
9 reconstructed in '80-'81. That empowerment has an  
10 approximate surface area of 12 acres and the name plate is  
11 rated at 300 kilowatts and produces 480 volt 3-phase power  
12 at a frequency of 60 hertz.

was

13 You can go to the next one -- Dane Perkins, this  
14 is located approximately half a linear mile and river mile  
15 upstream from the Twine Mill, the smallest impoundment that  
16 we have. It's approximately 25 acres. The original dam

2400

17 breached in '77 and reconstructed in 1980-81 -- the main  
18 plate once again is rated at 150 kilowatts and produces  
19 volt, 3-phase power at 60 hertz. Many of you might not be  
20 familiar with the two former but the one facility that most  
21 are familiar with is the Kesslen which is adjacent to the  
22 Lafayette Center and that's basically all I have to say  
23 Michael unless you need me to say anything else.

24 MR. WATTS: Does anybody have any questions  
about

25 the project facilities, anybody have questions? Thank you.

1 If not, we're going to invite the potential applicant --  
2 America First, to give us a brief overview of what their  
3 proposing to do with the project. State your name and  
4 affiliation.

5 MR. CLARK: My name is Ian Clark and I'm the  
6 managing partner -- or managing member I should say of the  
7 American First Hydro. We saw an opportunity with the  
8 Kennebunk Hydro where we believed we could go forward,  
offer  
9 redevelopment strategies for the folks of the town and  
offer  
10 a way out of Kennebunk Light and Power so they wouldn't  
have  
11 to spend exorbitant amounts of money doing studies and all  
12 that.

13 I'll give you a brief background of who we are.  
14 I'm Ian Clark, I'm the managing partner of the Dichotomy  
15 Capital. We are an investment firm that invests in energy  
16 products, specifically around hydroelectric.

17 Paul Nolan is also a managing member of us --  
18 with us. He has done a number of FERC re-licensings, has a  
19 slew of opportunity and existing experience within  
20 hydroelectric, cool.

21 Within our actual projects we own a number of  
22 projects around here. We have a deep pipeline throughout  
23 the United States. We have three projects in New Hampshire

24 that we actively own, operate and are currently  
relicensing.

25 Those include Avery Hydro, Campton Hydro and Woodsville,



1 Rochester. The closest one is Woodsville, Rochester which  
2 is right over the border of New Hampshire, allowing us  
3 plenty of opportunity to keep an eye on everything that's  
4 going on here.

5 We saw the Kennebunk hydro facilities we thought  
6 there was widespread support overall. We thought there was  
7 a great opportunity to come in here and help the folks of  
8 the town out. We licensed a couple of projects that needed  
9 a little bit of help and needed a little bit of push in the  
10 right direction.

11 There's widespread support overall between the  
12 Governor's office and the town of Kennebunk itself. There'  
13 obviously significant environmental interests here -- as  
14 many of them are out here right now.

15 We working to balance those with understanding  
16 what needs to happen within the fish passage, water  
quality,  
17 aesthetics, recreation, dam removal, et cetera, et cetera -  
-  
18 all that will be addressed over time.

19 The overall deal is we are looking for  
20 redevelopment objectives and we're trying to work with all  
21 the stakeholders involved, work with everybody to come to  
an  
22 overall conclusion where we can push forward and make a  
23 solution for everybody to get activity involved.

24                   The key take home message I think that we want  
to

25   do is we want to make sure that the re-licensing procedure

1 is based on facts. We want everything to be based simply,  
2 strictly on the science going forward and how we can help  
3 everyone involved and what the numbers and actual facts are  
4 rather than feelings or what things should be or could be  
or  
5 want to be. Let's push forward with facts, rather than  
what  
6 we simply think should happen.

7 As a quick primer we filed a comment on the  
8 scoping document -- we were looking to potentially combine  
9 the P5362 which is the existing Kennebunk Light and Power  
10 filing along with RS14856.

11 The hope was that by consolidating the  
procedures  
12 we allowed this to move forward quickly and with a simple  
13 procedure of allowing a lot of extraneous hearings and  
14 allowing us to not have to go through multiple duplicative  
15 processes each time.

16 We're also looking for a little bit of  
17 clarification on the decommissioning responsibility as far  
18 as KLPD, as far as we go. We're looking to potentially  
19 pursue partial or full re-licensing of one, all some of the  
20 facilities and we'd like to understand the ramifications  
21 around all of that.

22 And then we'd also like to finally promise to  
23 keep everything simple and keep everything fact based on  
24 non-emotion based but we'd like to avoid the dumping of

25 documents. We want thinks again to be fact based, simple,

1 clean procedure as we go through each time.

2           So over to redevelopment strategy -- we're  
3 looking to re-license some or all of the facilities. We  
4 think that these facilities have tremendous potential --  
5 whether or not they are in the hole or we take some sort of  
6 portion of them -- redevelopment. KLPD has gone with the  
7 objective over the past few years that these projects may  
8 not make it through the relicensing process and as such  
they  
9 have treated those projects as they were.

10           We're looking at that at a little bit  
differently  
11 and trying to think about things 10, 20, 30 years from now.  
12 Do the folks of the town want this project? Do the folks  
of  
13 the town think this project adds value? Well we think it  
14 does and we think that we can add value to that on top of  
15 it.

16           You guys are not redevelopment strategists in  
the  
17 sense that you don't work in existing hydropower plants on  
a  
18 daily basis. Paul and I do -- we understand this project  
19 and we understand what needs to take place to push it  
20 forward into the 21st, 22nd, and heck if we do our jobs  
21 right -- 23rd century.

22           So we'll go over looking to we just want to work  
23 to get the project up and going. We want to refurbish the

24 turbines, potentially replace existing turbines with more

25 efficient turbine technologies that would allow us to run

at

actually 1 different flows. And by doing so we think we could  
2 get the turbines to produce significantly more production  
3 overall.

4 This would be one of the big counter items down  
5 the road as we could eventually push production higher and  
6 higher, allow it to become a meaningful part of KLPD.

7 Paul and I have numerous resources which we can  
8 call upon to help us develop this project through. Whether  
9 it will be engineering, environmental, local resources, you  
10 name it -- we were able to get this and push this through  
11 without having to bend on the back and rely on the town or  
12 rely on KLPD to help us and exclusively push us through  
this 13 overall.

14 Next one -- we have a lot of benefits that we  
15 believe would take place. Redevelopment, I think is widely  
16 supported by a number of people in this room right now.  
17 It's well understood why this happened. We bring another  
18 perspective to that too though where we believe  
19 redevelopment of the projects would add a number of  
20 ancillary benefits to the town and a number of ancillary  
21 benefits to the citizens of the town because it would allow  
22 you to keep low cost production in the town, keeping your  
23 overall costs lower without having to rely on intermittent  
24 resources that you don't have predictability upon.

25  
solutions

So in our view hydro is one of the best



to 1 overall to the grid of the next world where we're looking  
2 balance the overall needs of the environment with the needs  
3 immediately on electrical production streaming.

4 If you want electricity on right away you need a  
5 very clean overall power source that doesn't have  
6 intermittent needs and hence some of the solar benefits and  
7 everything I have talked about may not be the best solution  
8 in our eyes.

9 And Paul, I believe you had one thing you wanted  
10 to say?

11 MR. MULLEN: Paul Mullen, I'm the regulatory  
12 consultant attorney. I'm an attorney by training. I have  
13 some FERC experience going back to 1985. I think it would  
14 help if everyone could take the time and FERC can certainly  
15 make this available or you can email me.

16 I think we need to look at the policy statements  
17 on decommissioning. The new FERC policy statement on  
18 license terms, there's a policy statement on the use and  
19 support of settlement agreements because they have to be  
20 somewhat scientifically based -- they just can't be us all  
21 get together and split the difference as much as I would  
22 like to do that.

23 So I encourage you all to look at those policy  
24 statements. As far as comments go I would appreciate  
25 comments either now or in response. I'm not taking virtual



1 but the actual process because a lot of those things are  
2 asking us to propose study plans in response to your  
3 comments but at the same time they may be addressing  
whether  
4 we need a second scoping document.

5 I think it's a very compressed schedule to try  
to  
6 get it done by the deadline for filing applications. It  
7 looks like we're looking at some studies are going to have  
8 to be conducted after we file. I think you all should  
9 comment on those because I think that has a big impact on  
10 how you view the process being fair to your interest. With  
11 that I'll just shut up.

12 MR. WATTS: Thank you both. So section 4.2 of  
13 the scoping document includes a preliminary set of issues  
14 that we've identified from the information in the  
15 pre-application document to analyze the NEPA document.

This

16 list of issues is not meant to be exhaustive or final and  
17 we're mostly interested in hearing from you whether or not  
18 we've got this list of issues right.

19 From a broad category -- the categories we are  
20 looking at is aquatic resources, terrestrial resources,  
21 threatened and endangered species, recreation and land use  
22 and aesthetics, cultural resources and developmental  
23 resources.

24 I'm going to read through these issues real

25 quick, just the way we described them in the document -- in

1 the scoping document and then at the end of the meeting we  
2 can bring back this slide and use it to frame any  
3 discussions we may have around the issues.

4           So under aquatic resources we will be looking at  
5 the effects of continued project operation on dissolved  
6 oxygen and water temperature in the Mousam River, effects  
of  
7 continued project operation on aquatic habitat for  
8 residential and migratory fish and aquatic  
9 macro-invertebrates, the effects of continued product  
10 operation and migratory fish passage at the three project  
11 dams.

12           Under terrestrial resources we are proposing to  
13 look at the effects of continued project operation under  
14 riparian and wetland habitat and associated wildlife,  
15 including water fowl and wetland dependent birds, effects  
of  
16 continued project operation on upland and wildlife habitat  
17 and associated wildlife.

18           Under threatened and endangered species -- I  
know  
19 it's hard to see there, we'll be looking at the effects  
20 there's two threatened species, Canada Lynx and the  
northern  
21 long eared bat and we will be looking at the effects of  
22 product operation on these two species.

23           Under recreational land use -- we'll be looking

24 at the effects of continued product operation and  
25 maintenance and land use within the project area. Under

1 cultural resources we propose to look at the effects of  
2 continued project operation on historic properties and  
3 archeological resources.

4                   And finally, under developmental resources we  
are  
5 proposing to look at the economics of the proposed project  
6 and the effects of the recommended environmental measures  
on  
7 the project economics.

8                   Like I said later on we will open up the meeting  
9 for comments and questions. We can always come back to  
10 these slides to frame any discussions we may have around  
11 those issues.

12                   This slide includes a list of upcoming important  
13 dates -- sort of like what's next. First comments on the  
14 America First pre-application document and a request for  
15 studies are due by January 7, 2018.

16                   America First will then -- four to five days  
17 after comments were filed will file the proposed study plan  
18 with the Commission. They will then have 90 days to hold  
19 study plan meetings to discuss their proposed study plan  
and  
20 further advise that study plan.

21                   Following those meetings they'll have 30 days to  
22 file a revised set of plans with the Commission and once  
23 this revised set of plans is filed the Commission office  
24 director will issue a study plan determination.

The study plan determination along with the



1 revised study plan will constitute an approved study plan  
2 and America First will implement those studies based on the  
3 proofs of the plan and use the information to develop this  
4 license application.

Appendix

5 A more detailed schedule can be found in  
6 B of your scoping document and that schedule actually  
7 includes the actual date when these milestones are due so  
8 please refer to that for more reference.

9 In addition to commenting on the pre-application  
10 document, now is also the time for you to start thinking  
11 about sending in study requests. Section 5.9 of the  
12 Commission regulations requires that any requests for  
13 studies address these seven important -- very important  
14 criteria.

15 This criteria is important because they help to  
16 set clear the objective and goals of the study and how they  
17 relate back to project operation. These criteria can also  
18 be found in your scoping document as well.

19 So, just to go through them real quickly -- if  
20 you are planning to send in a study request, please make  
21 sure you describe the goals and objectives of the study,  
22 explain relevant resource measurement goals, explain the  
23 relevant public interest considerations, describe what is  
24 this information and the need for more information.

the 25

And this one is actually important -- explain

1 nexus between project operation and the effects of how the  
2 results of the study would form a license requirement.  
3 Describe stated methodology and how it's consistent with  
4 accepted practices. And, finally, describe the level of  
5 effort and costs and why an alternative study would not  
6 suffice.

7 This slide talks about how you can stay  
involved.

8 FERC has a number of web resources to help you navigate the  
9 licensing process. The first one is our main website which  
10 includes the licensing portion -- [www.ferc.gov](http://www.ferc.gov) -- it  
11 includes an overview of the product licensing program.

12 It also includes a summary list of issued  
13 licenses and permits and it also includes several handbooks  
14 and guidance documents that help you navigate the process.  
15 There's also e-library which is our electronic searchable  
16 database. This allows you to search for a document on the  
17 record for any project including this one.

18 And then there is e-subscription which allows  
you  
19 to e-subscribe to a project and you will get email  
20 notification of all issuances and filings in the projects  
so  
21 whatever document FERC issues or whatever document a  
22 stakeholder files on the record for that project, you'll  
get  
23 an email notification as well as a link to that document

24     itself.

25                     There's also e-filing which the Commission

1 strongly encourages. E-filing allows stakeholders to file  
2 documents on the record directly without having to send it  
3 through a post office.

a

4 This slide talks about mailing list and this is  
5 very important point. The mailing list that's included in  
6 the scoping document actually was sent out to both the  
7 Commission's office notice for the project and America's  
8 First distribution list.

9 However, future documents from the Commission  
10 will only be going to the Commission mailing list so if you  
11 would like to be added to the mailing list and receive  
12 future issuance from the Commission, please make sure you  
13 send the request, addressed to the Secretary of the  
14 Commission.

15 Kindly state in the project name and number so  
16 please review the mailing list in the back of the scoping  
17 document and if you are not on it and you would like to be  
18 added, please send a request to do so.

19 Or you could easily e-subscribe like we talked  
20 about and that way you'll get all email notifications as  
21 well as a link -- hyperlink to all of our issuances and  
22 filing on the project.

23 So good so we got through yes there's a  
question.

24 Use the microphone and state your name and affiliation,

25 thank you.

1                   MR. SCARDINO: Hello, my name is Kyle Scardino.  
2 I'm a registered Maine guide resident of Kennebunk. One of  
3 the things I didn't see on the website up here when I  
4 visited the page at home there was an area for e-comments  
5 and one of my concerns is that there won't be ample time to  
6 hear all that needs to be heard from everybody. Will an  
7 e-comment be given the same levity as testimony from people  
8 in the hall today?

9                   MR. WATTS: Absolutely, yes, by any means. So  
10 whether it's comments here or comments on the transcript or  
11 whether you write your comments in there will be the same  
12 level -- they will be given the same weight pretty much so  
13 one doesn't outweigh the other.

14                   MR. SCARDINO: Okay, I'm listed as number 12 --  
15 if I need to leave to get my son -- I just didn't want to  
16 look like I just disappeared and make sure I was able to  
17 my opinions in.

18                   MR. WATTS: Okay thank you for your comment. A  
19 number of you have indicated that you'd like to give verbal  
20 comments at today's meeting and I'm just going to -- it's  
21 about -- I'm not going to limit time initially -- yes sir,  
22 state your name and affiliation.

23                   (Off mic)

24                   MR. TACKETT: Thank you very much, I appreciate  
25 the comment. So right now as far as the process goes the

put





1 integrated licensing process is what we're using and as  
Mike  
2 showed we're in the pre-filing portion of that.  
3 So pre-filing will lead up to the filing of a  
4 formal final license application. After that final license  
5 application is filed, we will have the proposal as it  
stands  
6 finalized. During this pre-filing process, of course, the  
7 idea is to get the resource issues in to discuss the issues  
8 to develop the record and we did receive the pre-  
application  
9 document, notice of intent, all the information on the  
10 record as notarized, but if you are able to discuss with  
the  
11 potential applicant -- the potential applicant of course,  
12 can move forward in the process and I think that it is fair  
13 enough to recognize that the process can evolve as they  
find  
14 out more information, you know, the general public and the  
15 resource agencies find out information so that the exact  
16 project filed in the pre-application document might not be  
17 exactly the same as the final license application that's  
18 filed in the year 2020.

19 So I expect to see some variation as we go  
20 forward. I'm not sure exactly how the proposal has changed  
21 since they filed the pre-application document and that is  
22 something that they can speak to if they would like.

23 It's up to them to -- yeah, so this this meeting

24 can be and I think Mike reflected earlier one where we can

25 speak freely on the issues, all of the information is on  
the

1 record and I think Paul has something else to say up here.

that

2 MR. MULLEN: What we're trying to address is

3 we want to show flexibility in our thinking process as to

4 how we would proceed in addressing the concerns that I have

that

5 seen. Because, yes, we are going to talk about the PAD

6 we filed but there was another PAD filed that wasn't

7 accepted and you have had multiple years of public meetings

8 dealing with the current relicense.

what

9 In all of those proceedings there's a certain  
10 chorus if you will -- I won't say Green tragedy, but of

is

11 other people want to see done. And for me to come up here

12 and say all we're going to do is just license as is where

13 and that's all I'm going to talk about, then we don't even

14 have to have this meeting.

a

15 So that's all I was trying to do throughout our  
16 filing is to show a little flexibility -- flexibility with

17 non-power license for one or more of the dams, flexibility

18 of doing additional capacity to pay for more mitigation,

19 that's all I was trying to do.

20 I'm not trying to say we have changed our

21 unequivocal intent to license because that is our intent --

22 is to relicense but what you actually end up relicensing

23 will depend upon what we all have to say and how we work

24 together.

25 UNMICED UNIDENTIFIED SPEAKER:

1                   MR. WATTS: Sir, if you are going to ask  
2 questions we ask that you use the microphone just so the  
3 court reporter can hear you. There's a microphone in the  
4 front.

5                   MR. REARDON: Again, I'm looking at about a four  
6 week period to write study plan requests that are due in  
7 early January and a filing you just made about a potential  
8 simultaneous surrender -- I think this is what you were  
9 intending, a simultaneous surrender and licensing that may  
10 or may not include some or all of the dams.

11                   The study request I would file for a surrender  
12 process would be really different than the study request  
13 comments I might give if you are licensing the three dams  
to  
14 operate as they are today. And so if that's going to  
15 change, I guess I'd look to FERC and say if what the intent  
16 of the application is and right now I'm going to go on what  
the  
17 PAD says.

18                   The intent of the application changes when we  
19 have a request -- an opportunity to change our study  
request  
20 because it would be very different for a different kind of  
21 application -- Jeff Reardon, from Manchester, Maine and I  
22 work for Trout Limited.

23                   MR. WATTS: Thank you for your comments Jeff. I  
24 really want to -- Jeff, one second, could you spell your

25 name for the record please?

1 MR. REARDON: Sure, it's Jeff Reardon,  
2 R-e-a-r-d-o-n J-e-f-f- and actually r-e-y not e-r-y and  
3 definitely not with a G and I work for Trout Unlimited.

4 MR. WATTS: Thank you Jeff. I really want to  
get  
5 through the resource issues that we talked about earlier  
and  
6 I want to -- before I get into, I'm going over and start  
7 calling out names of those of you who said you planned to  
8 give verbal comments.

9 I just want to bring back the slide about the  
10 resource issues that were in the scoping document and ask  
if  
11 there are any specific questions on those resource issues  
12 because at the end of the day that is the purpose of this  
13 meeting. So does anyone have any specific questions about  
14 the resource issues that we are attending and analyzing in  
15 our NEPA document? Yes?

16 MS. HOWATT: Hi, my name is Kathy Howatt. I  
work  
17 with the Department of Environmental Protection and there  
18 were no studies proposed for water quality resources and so  
19 I just wanted to make sure that you all know and that the  
20 applicants know that in order for FERC to issue a license -  
-  
21 the state needs to certify that the project as proposed  
22 meets water quality standards.

23 And so the Department will be proposing some

24 studies for you to undertake that will be able to do that,

25 look at that information and the protocols for those



1 samples.

2 MR. WATTS: Thank you. Are there additional  
3 questions on the resource issues, yes sir?

4 MR. BORROWS: Thank you my name is John Borrows,  
5 I'm with the Mousam Committee on Rivers Alliance. I do  
have  
6 some other comments for later but since we are talking  
about  
7 this now I wanted to raise a few other of these issues.

8 One issue which is a big unknown is we have  
9 issues in the Mousam estuary related to low dioxide oxygen  
10 -- other things. The way the river or the dams are  
operated  
11 may or may not contribute to that -- may or may not help  
12 that depending on what happens.

13 If we wanted to have that be looked at what  
would  
14 -- I guess I'm asking FERC, what would be the appropriate  
15 way for members of the public most of whom in this room  
have  
16 never done a study request actually to propose that? Could  
17 you walk us through an example of how to do that for the  
18 majority of folks here who don't have a clue how to do  
that?

19 MR. WATTS: Okay so it will relate to those  
20 slides we will talk about -- those study request criteria.  
21 I will pretty much go through and address each of those  
22 criteria and if you want our website, like I said, they're

23 public website includes tons of examples of other projects  
24 that have gone through this process and requested a study.

25 So if you want an example to look at, you can go

1 through -- pull up a project and look at examples of study  
2 requests but the bottom line is that you can address those  
3 criteria -- just address those 7 criteria and that's  
4 normally how we address study requests. Steve do you have  
5 something to add?

6 MR. KARTALIA: Steve Kartalia with FERC.

Because

7 this deals with water quality I'd like to say something

just

8 to remind people one thing we're here today to do is to

help

9 us identify existing studies that might be out there that

we

10 don't know about and try and get those in the record.

11 So for example with water quality -- if there

are

12 basin-wide studies that would be relevant to these site

13 specific projects we want to try and get that information

14 into the record. And that will help us determine what

15 studies need to be done because we don't feel like we would

16 need to necessarily repeat a study that's already been done

17 and done well.

18 That will help us scope things out.

19 MR. BURROWS: No, that's great and certainly

just

20 to follow-up on that I know DEP has looked at -- is looking

21 currently at the estuary issues and we can raise that and

22 get the right folks there to chime in on that.

23                    In addition through the DEP's volunteer river  
24 monitoring program we've got about 7 or 8 years of data  
25 which is following DEP protocol upstream and downstream of

1 the dams and the impoundments.

2 We can submit that as well to the record just to  
3 show kind of just those baseline conditions that are out  
4 there, it would be helpful.

5 MR. KARTALIA: Excellent, yeah, that's exactly  
6 the kind of thing we want to get into the record so not  
only  
7 we can look at it but everyone else who is interested can  
8 look at it.

9 MR. BURROWS: Okay, just two other points. So I  
10 want to raise a concern then -- both within the PAD's and  
11 also with what Todd Shey said earlier -- the project is,  
you  
12 talk about being kind of run of river. I just wanted to  
13 point out it is not licensed as run of river.

14 The license for the project is, you know,  
15 requires 60 CFS for two months of the year and a minimum  
16 flow of 5 CFS for ten months of the year. And looking at  
17 regional fish and wildlife service streamflow guidance  
those  
18 numbers are off by about an order of 92.

19 And so even those the river -- the dams may or  
20 may not be operated as run of river -- they're not licensed  
21 that way and so that's the concern that we'd want to see  
22 looked at and addressed, you know, in the future.

23 And just one last question relating to water  
24 quality just so folks are aware -- the Mousam from the

is 25 Kesslen Dam up to the top of the Dane Perkins impoundment

1 on the 303 D list as impaired water. Its impairment is  
2 because of the of lack of anatumous fish species and so  
3 under the PAD there's no plan or mention of providing fish  
4 passage or doing anything else.

5 The way I see it -- the only way to get a 401  
6 certification is to either build fish ways or move the dam.  
7 Again, there's no discussion about how to do that so I want  
8 to make sure folks are aware of that not meeting water  
9 quality standards for that reason.

10 MR. KARTALIA: Okay, thank you for your comment.

11 MR. WATTS: Yes sir, name and affiliation before  
12 you speak, can you spell your name for the court reporter  
13 too.

14 MR. ASHLEY: Did you say spell?

15 MR. WATTS: Yeah.

16 MR. ASHLEY: P-e-t-e-r A-s-h-l-e-y.

17 MR. WATTS: Thank you.

18 MR. ASHLEY: I'm from Cape Neddick, Maine and I  
19 helped build two upstream plants and I'm learning more and  
20 more all the years since then. And I hold in my hand a  
21 report from Biologist Number 3 Barry Mower of the Maine  
22 Department of Environmental Protection and he goes into the  
23 mercury content and other things in the fish sampling. And  
24 I've been waiting for some entity somewhere and he has too.

25 He last said to us data from those samples would





1 be available at a later date and this may be an opportunity  
2 to find out where the clog is in getting the data this  
3 further on down the river and get reports on that.

4 Barry Mower is a -- as I said a biologist with  
5 the Maine Department of Environmental Protection in  
Augusta,  
6 Maine. Barry.f.mower m-o-w-e-r @ maine.gov telephone  
7 207-215-0291. His second paragraph basically states that  
8 the CDC has listed all rivers and ponds and lakes in the  
9 state of Maine as a problem area for mercury content and a  
10 limitation of ingestion of the fish by all parties in the  
11 public.

12 If you want a copy of this I will be able to  
give  
13 it to you at a later time. The last data there has to do  
14 with the PFC's -- it's a group of compounds around 200 or  
15 so, it's highly persistent in mobile chemicals that may  
have  
16 many specialized industrial commercial uses and he goes on  
17 to state some -- so this is coming basically out of the FI  
18 into SD's through a pipeline from the sewer plant.

19 MR. WATTS: Thank you. So are there any  
20 questions around these resource issues because I want to  
get  
21 through these resources issues and then we can open it up  
22 for comments and questions using the sign-up sheet that  
23 folks signed to give verbal comments, yes sir?

24 MR. PASQUILL: I'm Bill Pasquill,

25 P-a-s-q-u-i-l-l. I'd like to welcome you gentlemen here to

1 Kennebunk and you folks also. I just want to make one  
2 statement. There have been studies in the past -- I would  
3 question that there possibly could be a bias in those for  
4 whatever reasons which I won't go into but I would  
5 recommend no studies with unbiased people doing it, thank  
6 you.

7 MR. WATTS: Thank you, any more questions  
related  
8 to these resource areas? If not I'll start from the first  
9 come first served -- whoever signed the sign-up sheet first  
10 for verbal comments and the first person on the list would  
11 be Albert Kolff?

12 MR. KOLFF: My name is Albert Kolff, K-o-l-f-f.  
13 I'm a ratepayer of electricity from KLPD. I wanted to  
thank  
14 you for coming all the way from Washington, D.C. to see  
15 first-hand our historic Kessler dams and the hydropower  
they  
16 currently produce.

17 I'm also a Kendall voter. I voted with informed  
18 emotion voting yes with 66% of the total voters to keep  
19 hydropower, save the dams and improve the water. While you  
20 are here I recommend that you have dinner at Duffy's  
Tavern.

21 It's a fairly nice restaurant and you can ask the  
proprietor  
22 who is Chris Club to take you down to the basement because  
23 you'll be sitting right above the Kessler generator.

24                                   And Bob Postine of KLPD has the key to the  
25    basement.  You won't get electrocuted because the dam has

1 its own generator and electricity from the last few months.  
2 Because you're visiting Kennebunk I'll give you a copy of a  
3 beautiful property map.

4 This is a map that's actually produced by the  
5 Kennebunk Light Land Trust. It's a property map of  
6 Kennebunk. The use of this map does not endorse one way or  
7 another the future of the dams by the land trust.

8 But the reason I use this map is because it has  
9 beautiful detail of all of Kennebunk and I've added others  
10 that are FERC licensed. But on this map is also shows the  
11 fourth and fifth dam. They're non-licensed, they're exempt  
12 dams.

13 The fourth one is called Old Wells Dam and the  
14 fifth one is Estee's Lake Dam. They are still on this map  
15 but the key is that there are 11 dams on Mousam and I want  
16 to make sure that we include all of those dams in our  
17 evaluation of the impact of the three dams that we are  
18 looking at, will produce and will now create for water  
19 clarity, for whatever.

20 I eventually drafted and I won't  
21 go into this three page description of the map. I also  
22 to hand you the map and encourage you to take a break at  
23 lunchtime when you come back from these scoping matters to  
24 see the museum in the streets and there's a fabulous

want

picture

25 of the Kessler Dam in 1903 when the center of town burned

1 down including what is now the replaced Lafayette building.

2 And it shows -- actually the outflow of the  
3 Kessler generator. And this is great entertainment for a  
4 brief respite for the heavy lifting you'll be doing here in  
5 Kennebunk so I'll submit both of these to you.

6 MR. WATTS: Thank you Albert. The next person  
is  
7 Bill Harmon.

8 MR. HARMON: Bill Harmon, H-a-r-m-o-n. I'm a  
9 concerned resident. I have 550 feet or so of property  
along  
10 the Mousam River. I have just about the Twine Mill Dam  
11 there are only two pieces of property between the dam and  
12 the railroad trestle and I am the one just upstream of the  
13 other piece of property that abuts the Bin-Dam.

14 So I have very personal and maybe a little more  
15 interest than the average ratepayer because of the property  
16 I have and I just want to be -- I want you to be aware of  
17 the beauty, the environment, the ecology that is there.

18 It's -- I have a lot of concerns not only about  
19 all of these issues, power production -- I love the fact  
20 that these dams are producing green power. It's one of the  
21 principal reasons I bought that property 22 years ago.

22 It's offered me everything I wanted and I am  
23 concerned about what's going to happen in the future on  
24 those. So if anyone wants to visit that, I know you're in

a

25 town for a while and you want to visit the dams -- I think



1 you can get a look at the dams and the impoundment above  
the  
2 dam if you wanted to just give me a call I'd be glad to  
take  
3 you down and show you, thank you.

4 MR. WATTS: Thank you. Cathy do you want to  
5 comment again -- oh you're fine okay, Barry Braddick?

6 MR. BRADDICK: Good afternoon my name is Barry  
7 Braddick, spelled B-r-a-d-d-i-c-k. I'm a resident and  
8 ratepayer in the town of Kennebunk, a member of the KMRA  
and  
9 also a volunteer at Wells Reserve for doing fish studies in  
10 the Mousam River. I participated in a number of studies in  
11 the last few years -- volunteer work.

12 I own property on the Mousam River about 150  
feet  
13 of frontage, I boat, kayak and fish for a majority of the  
14 year on the Mousam. I observe the migration during the  
15 early spring of shad, river herring that make their way in  
16 the Mousam estuary.

17 I've witnessed scores of shad numbering in the  
18 thousands moving up that river ultimately ending their  
19 journey at the Kessler Dam. So my question or concern I  
20 guess to FERC is I want to make sure -- ultimately I  
support  
21 dam removal but if that is not able to happen, if an  
22 operator is able to come in and generate power  
23 economically, then I just want to make sure the right

24 studies are made for -- that include American shad and also  
25 that the fish ways and fish ladders are supported so they

1 don't shatter in place, thank you.

2 MR. WATTS: John Borrows.

3 MR. BURROWS: Just briefly again, John Burrows,  
4 B-u-r-r-o-w-s. I'm speaking on behalf this afternoon for  
5 the Mousam and Kennebunk Rivers Alliance which is a  
6 grassroots organization. It was founded nearly a decade  
ago  
7 to work on fisheries issues, water quality and recreation  
on  
8 the river.

9 So our big concerns are related to fisheries and  
10 wildlife, water quality and then public access and  
11 recreation. And a number of those concerns are shared by  
us  
12 as well as folks who want to retain the dams.

13 So I think there's great value in doing some  
14 studies that fully assess the impacts of current project  
15 operations as well as changes to the river albeit dam  
16 removal, fish ways or other things in actually assessing  
17 what happens to the eco-system in those changes so we would  
18 support that.

19 In addition within Scoping Document 1 we support  
20 the assessment of looking at the water shed basically from  
21 Mousam Lake to the Ocean. We think that's important.

Other

22 folks have raised that and we think that that is, you know,  
23 it's unusual actually to see a broad area of assessment so

24 early and so we applaud that and we think that's important.

25 We do think that essentially restoring the 9

1 miles of river which are currently impounded, connecting  
2 that with a formal estuary having 13 miles of river is a  
3 huge deal if we could get that. And so despite anything  
4 happening further upstream or not, that's a big deal for  
5 coastal southern Maine to restore that kind of river.

6 So that being said, in the scoping document it  
7 did say that project decommissioning dam removal would  
8 likely be considered we want to make sure that that is  
9 considered that that study needs to happen and we'll send  
in  
10 comments to that effect. But the question we have for you  
11 in terms of procedure America First has made this very  
clear  
12 in their latest filing and rightly so they have no  
financial  
13 interest in the dams at this point.

14 They do not want to be responsible for  
15 decommissioning and that's rightly so but how do you go  
16 about looking at dam removal, project decommissioning with  
17 all of the information that's out there without actually  
18 requiring the applicant or someone else to do studies that  
19 are fully certainly focused on dam removal in those  
changes?

20 MR. WATTS: I think under -- this is a usual  
21 case, I think under usual aisle P the applicant would be  
22 responsible for the studies unless they're -- like Steve  
23 said earlier existing information and that's part of the

24 reason why we're here is to see what their existing  
25 information that's out there that may or may not require

1 study and I think -- correct me if I'm wrong, but there's  
2 been some studies done on this decommission issue.

3 MR. BURROWS: Yeah, a lot of the studies which  
4 have been done to date are more focused on the economics,  
5 looking at removing the dam versus the cost of putting in  
6 fish ways, keeping the project as is and looking at the  
7 payback period for that over a 20 year period.

8 There's really only been a cursory look at  
9 changes to the environment or the things -- the issue of  
10 flooding was actually looked at and that's something we'd  
11 want to see a more further study on because upstream  
12 flooding that the dams contribute to but there's a whole  
13 suite of things which have been touched on but really not a  
14 lot in depth detail in terms of water quality improvements,  
15 fisheries, wildlife from both sides.

16 You know we have had a lot of concerns locally  
17 about the changes to the eco-system, the aesthetics of the  
18 river, the whole suite of things that you guys probably all  
19 hear everywhere a potential dam that comes up for removal,  
20 but there hasn't been that level of detailed study going  
21 into that.

22 And so that's I think a question we all have is,  
23 you know, what information does FERC ultimately need in  
24 order to balance power benefits versus the non-power  
25 benefits when right here as we stand, we fully believe that





1 the economics of this thing alone or these dams are enough  
2 to warrant them not being licensed.

3 And we could go down through years of study what  
4 data and information do you actually need and how can the  
5 public actually request that or what will you be going back  
6 and saying you know, this is what we've heard.

7 We think these other studies which weren't in  
8 Scoping Document 1 should be brought up regardless of maybe  
9 the public asking for them or agencies asking for them. So  
10 it's just a question of your process and procedure for how  
11 you go about gathering the information that you fully need  
12 so two or three years from now when you get to doing the  
13 environmental assessment you have what you need.

14 MR. WATTS: Yeah, and just like you're a  
15 stakeholder, FERC staff is considered a stakeholder too.

So

submit  
16 the extent that we need information we are allowed to  
17 study requests as well but like I said first is to sort of  
18 get an assessment of what's out there and there are these  
19 studies out there that deal with this issue and the first  
20 step would be to look at those studies and see if they  
21 satisfy what FERC would need for those studies.

22 MR. BURROWS: Okay.

23 MR. WATTS: So that's how we deal with that  
24 before we even get into a study request.

25

MR. BURROWS: Okay great, thank you very much.

1 MR. WATTS: Thank you. Nick?

2 MR. TACKETT: That would be useful also to give  
3 some background. You know we brought forward in this  
4 scoping document decommissioning as a potential  
alternative.

5 If you've read the scoping document you know that.

6 Our regulations provide for the surrender  
7 proceeding in any project to begin if an application isn't  
8 filed within two years of the expiration of the current  
9 license. The current license is going to expire in March  
of  
10 2022 so the surrender proceeding officially, according to  
11 the regulations, wouldn't begin until under the  
12 circumstances if nobody filed a license application, as of  
13 March of 2022 -- that's two years before regulations.

14 Now we will have to treat this situation  
somewhat  
15 unique as Mike said where we have a project currently  
16 licensed under 5362 and then we are starting our docket  
here  
17 with a new proceeding. So we will consider these issues  
18 fully once we receive the study request and as we go  
through  
19 the study plan determination process as we continue  
forward.

20 MR. WATTS: Thank you. I apologize if I am  
21 mispronouncing names -- I should have said that. The next  
22 person on the list is Bill Kahn -- did I say that right?

23 No? B-i-l-l K-a-h-n, maybe you left, maybe -- okay. Well  
24 the next person is Jerry Slatnick.

25 UNIDENTIFIED SPEAKER: She had to leave for a

1 doctor's appointment, she'll be coming later.

2 MR. WATTS: Okay, Beverly Freudenreich, thank  
3 you. I was looking for you.

4 MS. FREUDENREICH: I'll spell this last name for  
5 sure. Beverly and the last name is Freudenreich,  
6 F-r-e-u-d-e-n-r-e-i-c-h. And first of all welcome to our  
7 town and I hope that you get a feel for why so many people  
8 come here to visit it and then they want to stay and I'm  
9 of them.

one

10 Why local residents keep wanting to stay here --  
11 so, so many communities cannot keep their residents, they  
12 can't keep the young people. This town really works  
13 cohesively together. They get involved and you're starting  
14 to discover this, on all kinds of issues.

15 We've worked through trying to look at advancing  
16 our educational system -- it took two elections to get to a  
17 dollar amount of 54 million that we agreed on to fix our  
18 high school, to fix our middle school, to fix an elementary  
19 school in Kennebunkport. Those are investments we are  
20 making in this town and one of the investments that the  
21 public did vote for.

22 There was a petition to put on the ballot to ask  
23 the public -- and I don't think you find that very often.  
24 When you come in at the start of a scoping event to find  
25 that the public voted to say yes we'd like to keep the



1 hydro. They like the green energy.

2 We recently had an election where we said we  
3 don't want any plastic. We're very careful on our  
4 environmental but we want to do our part to do it right.  
5 And in the most recent years from 2013 to 2016 I don't

think

6 the dams are producing at the level that they can and  
7 obviously the data is there that there is the potential.

8 It's the what and the will and the maybes. I  
9 want to make a comment about the recreation. I live in  
10 Kennebunk. I am a ratepayer and I've worked with Kennebunk  
11 to keep the Kennebunk dams, to safe the Mousam. I live  
12 three houses down from the Kesslen Dam. Across from that

is

13 one of the ways that people can input canoes and kayaks.

14 I can see it from my window every day. I can  
15 hear it when I come home after 5 o'clock and I hear laughs  
16 and giggles as people are putting their canoes and kayaks  
17 into that because there's sufficient water. And when  
18 comments are made -- there will be enough water to be able  
19 to kayak and canoe and mercy, the job of watching the young  
20 people with paddleboards now. If only we could all do

that,

21 okay?

ducks

22 There is use of it. I watched the rings of  
23 left on the water. They come in waterfall. We have a

24 beautiful ecology and we're going to try to guess about

25 taking that away for certain reasons? Please stop and  
think



1 and look carefully at what is here and I thank you.

2 MR. WATTS: Thank you. The next person is John  
3 Redman.

4 MR. REDMAN: Good afternoon, my name is John  
5 Redman, R-e-d-m-a-n and I live in Biddeford, about 15  
6 minutes from here. My purpose in coming is to ask that you  
7 keep one question front and center within your scoping  
8 process, particularly with your staff of economists.

9 And that is what specific parameters must a  
10 business plan meet to demonstrate persuasively that the  
11 operation of the dams will be economically viable and won't  
12 conversely somehow lead to large sustained losses over the  
13 terms of the license's losses sufficient that they will  
14 ultimately force bankruptcy or closure.

15 And let me outline some of the facts that led me  
16 to be here to ask you this question. Assuming fish passage  
17 designed to accommodate shad which you just heard Barry and  
18 other people say are present at the foot of Kesslen Dam,  
19 that 2016 report prepared for KLPD by the engineering firm  
20 Wright and Pierce estimated that the post-relicensing cost  
21 per kilowatt hour or dam generation would be 25 cents.

22 This is over three times the 8 cents that KLPD  
23 was paying for a kilowatt hour off the grid at that time.  
24 Put another way the 8 cents revenue would cover less than  
25 one-third of the 25 cent cost of production.



1 I would offer that no business plan can survive  
2 that kind of a sustained loss. Wright Pierce further  
stated  
3 that it is uneconomic to either replace existing capacity  
4 with more modern equipment or to significantly expand the  
5 capacity through new investment, most importantly because  
6 the river flow is simply too small to repay over a  
7 reasonable period any significant new investment.

8 In other words, greatly expanding hydro revenue  
9 through technical upgrades or new capacity is not  
10 economically feasible. Two other engineering firms -- GSA  
11 and Klineschmidt Associates were retained by KLPD in the  
12 town of Kennebunk to independently verify the  
reasonableness  
13 of this Wright Pierce analysis.

14 Both firms subsequently confirmed that the  
15 analysis was indeed reasonable. In fact, further  
16 underscoring the reasonableness of the analysis is that  
17 KLPD, the town of Kennebunk and a number of private  
18 individuals, proactively marketed over a multi-year period  
19 other hydro operators to interest them in buying the dams,  
20 however, not a single offer to buy was forthcoming.

21 And finally in its most recent FERC filing as  
has  
22 been pointed out already, America First appears to have  
23 equivocated on its supposedly unequivocal intent to assume  
24 the license. And I would ask you and your staff to ask

25 yourself what would be the reason for that and my personal

1 opinion is I think that part of that may well be that they  
2 don't have a viable business plan.

3 So in sum, I believe it is very important to  
keep  
4 central to your discussion the question of whether or not  
to  
5 it's possible -- even hypothetically, to see a clear path  
6 the financial viability of the dams operations and if you  
7 can't see a clear path, is there really any reason to  
8 proceed with the relicensing of operations? Thank you very  
9 much.

10 MR. WATTS: Thank you. The next person is  
11 Stephen Hering, did I spell that right -- sorry.

12 MR. HEINZ: It's Stephen Heinz and I'm from  
13 Cumberland Foreside, Maine and I'm representing a chapter  
of  
14 Trout Unlimited. The spelling of my name is H-e-i-n-z.

15 So the chapter has about 625 members in  
16 southwestern Maine. Our membership area is from the arm  
17 southwest to New Hampshire. The river watershed is really  
18 pretty much in the center of the coastal portion of our  
19 membership area.

20 And I'll tell you when you do go to take your  
21 site visit tomorrow and go down to Route 1 right by Duffy's  
22 and look southwest across the Route 1 bridge you're going  
to  
23 see two things -- you're going to look downstream and  
you're

24 going to see a trout stream.

25 You're going to see some beautiful water and

people 1 certain times of the year you're going to see certain  
fishing 2 fishing there and they're going to be enjoying their  
3 because there's some decent trout fishing there.

to 4 You're going to look upstream and you're going  
5 see a big wall and you're not going to see anything that  
6 let's marine organisms get upstream or downstream like they  
7 would like to and there's really a lot of contrast there  
and 8 it's amazing contrast.

9 And really what we were hoping the process is  
10 going to result in is a return to a more natural  
11 environment. And I think when you're taking that thinking  
12 it's not going to be hard to figure out which one of the  
13 environments is the natural one.

14 This is also some really, you know, crucial  
15 environment -- some special environment here too. The  
trout 16 there once upon a time could go up and down in fresh water  
17 to salt water and if there was an abundant grass shrimp,  
18 something like that there into the next stream, and then  
19 hightail it back up stream into the fresh water.

20 And you know, we'd like going forward if the  
21 licensee -- the potential licensee is really serious about  
22 trying to get to do something to keep the environment  
23 appropriate, really what they're going to need to do is

24 figure out a way to restore that. That's what the natural  
25 course should have been.



1 Right now the dams -- what are they doing to the  
2 natural environment? They're a very small fishery that  
3 exists right now. They're making the water warmer, they're  
4 making it so that it cannot hold oxygen -- they're really  
5 doing a lot of things to make that less suitable for trout.

6 The other thing that they're doing is they're  
7 keeping sediments of the root sort -- gravels, those  
things,  
8 from floating downstream with the water which is part of  
the  
9 natural process that maintains the river system.

10 And we really think there are no adequate  
studies  
11 in place that address either how we could -- that this  
12 environment, what could be maximized or see the fish  
passage  
13 restored. I guess the last thing I'd like to say is that  
14 really this could be -- if those dams are gone, the best  
15 coastal trout fishery south of Nobscot Bay.

16 I have no doubt about it -- the land miles we  
are  
17 talking about you have got good gradiance, you've got good  
18 water and you've got good gravels there that are conducive  
19 to the production of trout.

20 That is really what should be there and I guess  
21 I'm just asking FERC please hold the applicants to the  
22 highest standards.

23 MR. WATTS: Thank you. The next person is Jacob

24 A-m-a-n.

25 MR. AMAN: Hi, my name is Jacob J-a-c-o-b Aman,

1 A-m-a-n and I work at the Wells National Estuary Research  
2 Reserve which is located in Wells, Maine -- just down the  
3 street. And the Reserve has conducted a number of limited  
4 studies starting in 2009 of both water quality and  
fisheries  
5 in the Mousam River and none of these studies -- I would  
not  
6 describe any of these studies as comprehensive but we do  
7 have present absence data for diadromos and resident fish  
8 species in the Mousam River and I can say that that species  
9 list includes American shad, blueback herring alewives,  
10 striped bass, rainbow smelt and American eel.

11 We've also undertaken a study of water  
12 temperature in the impounded regions between the Kesslen  
Dam  
13 and Old Falls Dam and that study is available on our  
website  
14 and I'm going to submit a list of the studies that we've  
15 conducted along with where those documents can be found.

16 We've also conducted some video documentation of  
17 fish in the river below the Kesslen Dam and for what  
they're  
18 worth those videos are available online as well and I'll  
19 submit references to those.

20 And so I guess the one question that I have and  
I  
21 appreciate the information about being able to access  
22 example studies for other relicensing processes because I

23 think that's going to be useful in making my comments.

24                   The one thing that I'd be interested to know is

25 from a fisheries standpoint, what type of information would

1 FERC be looking for to help inform this process? In other  
2 words, is a presence -- is presence absence adequate  
3 information to inform this process moving forward or would  
4 there be something more quantitative needed because I think  
5 as the years have gone by there have been some references  
to  
6 the limited work that we've done and I think that people  
7 have erroneously concluded that there are minimal --  
there's  
8 minimal fisheries potential in the Mousam River based on  
the  
9 limited catch data and that's, you know, that's all based  
on  
10 limited effort.

11 And those studies were not designed to quantify  
12 population size in any way. I think there has been some  
13 references to that information over the years so if you  
14 could clarify what type of information you'd be looking for  
15 I think that would help. That would certainly help me in  
my  
16 recommendations for additional information that ought to be  
17 sought by the applicant.

18 MR. KARTALIA: Okay thank you very much. Stay  
19 there just in case we have back and forth. We deal with a  
20 wide range of information in the record and have at  
multiple  
21 different hydro proceedings over the years so obviously  
22 everyone prefers lots of very quantitative data but really

23 that's often what we have to work with in the NGO's and  
24 agencies making recommendations and then FERC considering  
25 those recommendations and determining whether they end up

as

1 license conditions.

2           So really anything you have with presence  
3 abundance as well as run timing or if you have any  
4 historical information about where spawning areas might  
have  
5 been historically within the basin that are now obstructed.  
6 Anything is useful for our analysis, you know.

7           The more information we have the more -- the  
8 better our analysis can be. As you know with regard to  
fish  
9 passage -- Fish and Wildlife Service and National Marine  
10 Fisheries Service and also the DEP have, if they choose,  
the  
11 authority to prescribe or require passage measures.

12           And sometimes they rely on very quantitative  
data  
13 and sometimes they rely on presence, absence and usually  
14 they have an administrative record that supports their  
15 recommendation and can be challenged -- there are always  
16 checks and balances.

17           But at this stage in the process if you have  
18 something that you think would inform the licensing  
decision  
19 in the way of data, absolutely submit it and make us aware  
20 of it and make it the whole group of stakeholders aware of  
21 it.

22           And then if you have a study request that you  
23 feel needs to be conducted in order for us to properly look

24 at the range of issues, just provide the most detailed

25 justification you can. One of the most important criteria



1 of the seven is nexus -- how the project affects the  
2 resource.

3 So making that case describing the level of  
4 effort, describing existing conditions and why -- or  
5 existing information and why we couldn't go forward with  
6 existing data -- how a new study would be necessary for us  
7 to do our job, those are all things to consider and that  
8 applies to fisheries and any resource area -- you know,  
9 recreation for example as well.

10 If you have information about usage, you know,  
in 11 the number of anglers, number of kayakers, that information  
12 can get into the record if you -- and would help inform  
13 whether additional study is necessary.

14 So the specific answer is, you know, not every  
15 study is justified on very quantitative data. Sometimes  
16 less quantitative data is enough to require a study and it  
17 depends also what we find out during this process about  
what 18 already exists.

19 Also, I heard -- I won't put him on the spot but  
20 I heard earlier today someone mentioning that he thought  
21 hickory shad might be in the area as well. Does that -- do  
22 you know whether they've been located in the Mousam?

23 MR. AMAN: No, none of our studies have  
uncovered 24 -- have documented hickory shad in the Mousam River.

25

MR. KARTALIA: Yeah so that's very helpful so

1 thank you and I think that we would recommend that  
2 additional study of the fisheries in the Mousam should be  
3 conducted I think on one hand to expand the temporal scale  
4 of the data that's been collected so far because none of  
our  
5 studies have fully documented the total temporal range of  
6 any of the spawning runs of these species.

7           And I think also -- another piece of information  
8 that we'd like to provide is an analysis that we conducted  
9 -- a GIS analysis that quantifies the habitat productivity  
10 potential for shad and alewives and blueback herring in  
11 upstream reaches of the river and that analysis is based on  
12 methodology that is used by the Department of Marine  
13 Resources which was published in the management plan for  
the  
14 Presumpscot River.

15           I don't know if there are any representatives  
16 from the Department of Marine Resources that are going to  
17 submit comments or they're here today and that information,  
18 along with our fisheries data has been shared with the  
19 Department as well so it may be that some of this  
20 information comes in from multiple directions, but that's  
21 something that we'll share too.

22           And I'm assuming that that type of information  
23 would be required in any sort of fish passage engineering  
24 study in order to determine what type of fish passage would

25 be needed for the numbers of fish that would have the

1 potential to return each year but if that would be useful  
2 then we can provide that information as well.

3 MR. AMAN: Yeah, that does sound like  
information

4 that would be useful for our analysis and for determining  
5 the rationale for studies.

6 MR. KARTALIA: Yep great, thank you.

7 MR. WATTS: The next person is Kyle  
8 Scardino? He left, okay very good -- is that Landis  
Hudson?

9 MS. HUDSON: My name is Landis Hudson,  
10 L-a-n-d-i-s Hudson, H-u-d-s-o-n and I'm here on behalf of  
11 Maine Rivers and I'm from Yarmouth. I would like to thank  
12 you all for coming here to learn about this river.

13 Speaking on behalf of Maine Rivers we take a  
wide  
14 view and work throughout the state. As I've been hearing  
15 people's comments I am reminded that 50 years ago we had  
16 sewage and other contaminants flowing through this river  
and  
17 other rivers in Maine.

18 So the work that has been done in Maine  
following  
19 the Clean Water Act has cleaned up our rivers tremendously  
20 and it's something we can all be proud of however the work  
21 is not done. Just because we're not seeing raw sewage in  
22 our rivers, just because we don't have big sources of  
23 pollution -- our native species in rivers like the Mousam

24 should be at much higher levels than they are.

25 In some of my work learning about this river I

1 spent time in the archives, in libraries, looking into the  
2 history of the river and yes this river did have diadromous  
3 species, sea run species which we believe should be present  
4 going forward.

5           As such we would be very interested in making  
6 sure that although America First Hydro does not propose to  
7 construct or modify any new project facilities or change  
8 project operations at this time, we believe that fully and  
9 adequately addressing the needs of sea run fish is  
10 absolutely necessary.

11           And I would like to make sure that the economics  
12 and the logistics of doing this are fully and completely  
13 thought through as early in the process as possible. If  
you  
14 do indeed find yourselves at Duffy's and perhaps have a  
tour  
15 of the facility, you might want to ask how this could be  
16 done.

17           The dam is right there, the generating facility  
18 is tightly located within the building, putting fish  
passage  
19 into the Kesslen Dam would be a major economic and  
20 logistical undertaking. I've thought about it, I think  
it's  
21 certainly challenging.

22           Similarly, any form of upgrading or changing the  
23 hydropower mechanisms would be similarly, obviously

24 economically challenging and I think logistically  
25 challenging as well. So I would ask you to keep that in



1 mind and thank you for your work on this.

2 MR. WATTS: Thank you. The next person on the  
3 list is John Polletto.

4 MR. POLLETTO: I'm John Polletto, my last name  
is  
5 spelled P-o-l-l-e-t-t-o. I live at 70 Fletcher Street and  
I  
6 have a storm water runoff culvert that terminates -- it  
goes  
7 through my property terminates at the Mousam River.

8 Kennebunk Light and Power District has drawn  
down  
9 the water level of the river to work on equipment just  
right  
10 above the Kesslen Dam. I've noticed that a fair structure  
11 of land  
12 that was submerged when the river is at its normal depth,  
is  
13 now appearing.

14 And what's happening is that the outfall from  
the  
15 culvert gets trapped at this now finger formation of land  
16 that's now above the river level. So I have an  
17 environmental concern here. If the dams are taken down and  
18 the width of the river is greatly reduced, this finger list  
19 of lands is going to appear.

20 I'm going to have trapped stagnant water between  
21 the outflow from the culvert and the single formation of  
22 land. If this produces mosquito breeding ground which I'm

23 afraid is going to happen, if this happens will I have the  
24 right to request dredging to remove this finger strip of  
25 land and if the dredging is approved will I be financially

1 responsible for it since I'm talking about the way the  
river  
2 goes directly in my backyard.

3 And I understand -- I don't know for certain but  
4 I understand there are other storm water runoff culverts in  
5 the Mousam as well so I don't know if my situation is one  
of  
6 a kind or if this might apply to other culverts, thank you  
7 very much.

8 MR. TACKETT: Thank you for your comments.  
9 That's definitely a difficult issue, to bring your  
attention  
10 to it. I guess the quick way to answer it is that we are  
11 here today in general to discuss the proposal in front of  
us  
12 and that is the America First proposal and so an issue that  
13 could involve potential dam removal down the road and how  
14 that could affect the local environment would be at issue  
in  
15 a separate proceeding later down the road.

16 And if that proceeding is initiated than those  
17 environmental issues that you brought up would be handled  
in  
18 that proceeding, thank you.

19 MR. WATTS: Rachel Phipps?

20 MS. PHIPPS: Hi, Rachel Phipps, R-a-c-h-e-l  
21 P-h-i-p-p-s. I'm a resident of Kennebunk and no  
22 associations although I'm a passionate scientific

fish 23 environmentalist and my I'm here today speaking for the

24 because they can't speak for themselves.

25 I also left work today to be here it's that

little  
of  
1 important to me. Just so you know tonight might be a  
2 crowded by Kennebunk High School's holiday concert is this  
3 evening at 7 o'clock so you are going to be missing a lot  
4 people that would have been here otherwise and it's kind of  
5 important to be here.

as  
6 And it's sad that Ian just left the room because  
7 I actually -- FERC I'm making my remarks to America First  
8 well as FERC since this is the first time I've had any  
9 chance to communicate with them.

because  
10 I just wanted to say first of all I just want to  
11 take the vote issue head on because in Kennebunk I have  
12 voted every single vote for the last 30 years I've lived  
13 here. I got involved with this issue after the vote  
14 of the Petition that was put on the ballot I felt was  
15 incredibly manipulative.

16 It was a very -- it was a strategic move by a  
17 group that has, you know, is really advocating around a  
18 particular issue. I mean that's their right to do that but  
19 the vote has zero fiscal note -- it had absolutely no  
20 figures on it, none.

21 And there were also no alternatives given -- it  
22 was do you want to continue hydropower. It didn't say  
23 versus or would you like to remove the dams or would you

take 24 like know that we have alternatives. So I just have to  
25 the issue of the vote head on and I really want to request

1 that America First Hydro in their PowerPoint -- it's the  
2 first time I've seen that as well.

3           They said they have support of the town of  
4 Kennebunk. I don't know how they define that. I'm here as  
5 a resident to say that again with my home association there  
6 are lots and lots of us that live in this town and that  
7 support decommissioning and removal of the dams and  
8 restoring the river to its native state.

9           I am and I use the river below the Kesslen Dam a  
10 lot. I actually find it very hard as just a member of the  
11 public to access recreation on the upper dam, it is  
supposed  
12 to be all public property and it's all private property and  
13 it's very hard as the public to access it.

14           I also -- in America's First slide show again  
15 tries talking about the importance of maintaining the  
16 property values well I don't really think that's a  
ratepayer  
17 issue and there's as much research to show that the valleys  
18 remain the same after dams have been removed so I really  
19 hope that's not hydro -- America First Hydro's focus there  
20 because as a ratepayer that does not remove any  
impoundments  
21 and I don't appreciate that.

22           So I want to say too that you know, I support  
dam  
23 removal and I also want to say right here that I would not

24 support our town being involved in any way in funding any

25 kind of licensing because I have looked at the numbers,

I've



1 looked at the data and I don't see how that will ever be  
2 financially fiscally responsible for our town.

3 All right so I think that's really what I need  
to  
4 say. Thank you very much I do appreciate you being here  
and  
5 taking this comment.

6 MR. WATTS: Okay thank you, Paul on this list do  
7 you have a comment or you're good, alright. The next  
person  
8 is Kenny DeCosto.

9 MR. DECOSTO: I was going to speak this evening.

10 MR. WATTS: Okay, that's fine. So moving on --  
11 Peter Ashley?

12 MR. ASHLEY: Peter Ashley from Cape Neddick. I  
13 helped build two of the dams. I've been interested in  
14 hydropower my whole life and have a degree in aeronautical  
15 engineering from Boston University.

16 Before I spoke about the contaminants in the  
17 water and those contaminants are coming down the river but  
18 how fast? Whenever you're interested in hydropower you  
want  
19 to know how many pounds of water, cubic feet per second are  
20 going by and at what kind of a slope and what kind of an  
21 opportunity you might find somewhere at a solid base tied  
to  
22 the planet so the dam will move.

23 And then you get really interested and forget to

of 24 eat so this is a problem I've had all the way through all  
25 these years is hearing comments from people or reading

1 comments from people, or looking in government documents.

2 And I thought incorrect statements --  
information

3 that's misstated or twisted so this sheet here has to deal  
4 with this sheet, they go together. And the first one is  
the

5 dam crest at Kesslen is 14 feet not 18 feet.

6 It was designed that way and the turbine was  
7 bought in 1928 from James Leffle Company and I talked with  
8 the manager there, he pulled out the card within a few  
9 seconds and gave the information about the turbine. The  
10 number of W1451 type F, Francis Runner diameter 40.5 inches  
11 et cetera, et cetera, tied directly to a Skinectody, New  
12 York electric company manufactured it.

13 It's not a Kaplan as the document says it's a  
14 Francis. It doesn't have any speed increaser or reducer  
and

15 it's been running faithfully for many, many years -- 1928.  
16 So that's in this shape here but in order to run properly  
17 you have to know the head and the pond level and the tail  
18 level level and that's based on the main sea level when  
19 you're doing surveying.

20 And this is a report from Mr. Kyle Bragga when  
21 they redid the bridge out here they put in a new survey  
22 marker in the concrete sidewalk about 15 feet southwest of  
23 the corner of Duffy's Restaurant and that's mentioned in  
24 here.

25

The disc -- the new grid -- National Grid is

1 mentioned in here in relationship and his phone number so  
2 that you can deal with him directly and he's in the  
property  
3 office of the Maine DOT.

4           It's not USGS anymore it's DOT has put the  
marker  
5 in there and all the information is in here. So the pond  
6 level is incorrect. The scale on the sidewall of the pond  
7 that the dam operator uses, that indicates the improper  
8 number of the level of the water.

9           So I think this should be added and I think  
10 that's just about it except that when you have a slope and  
11 you are making water move to get it off the land and get it  
12 back in the ocean again you want to know what the velocity  
13 is and when you are talking about fish you want to know  
14 about the velocity of the eggs, they adhere to the bottom  
15 when they hatch they're in the position of floating down  
16 with the currents.

17           It doesn't take more than a few minutes to  
figure  
18 out that the time it takes for an alewife to drop its yolk  
19 sac and start freely swimming is longer than it takes to  
20 flow downstream for the big dam upstream all the way to the  
21 ocean.

22           So it's kind of a miracle if too many of them  
get  
23 there to the ocean, there's a lot of hungry fish and crabs,

24 et cetera below Kessler waiting to eat them. But this is  
25 very important for you and everybody interested in this

1 project and you'll get your new datum.

Lionel

2 MR. WATTS: Thank you. The next person is

3 M-e-n-a-r-d.

4 MR. MENARD: Lionel Menard, L-i-o-n-e-l

this

5 M-e-n-a-r-d. I'm from Kennebunk and frankly I came to this

6 meeting to understand exactly or try to understand what

7 process is going to be. I'm probably the least informed

8 person in this room but I like to make informed decisions.

9 I really appreciate your time as well as America

10 First for coming because here we heard from a lot of

11 non-resident NGO's this afternoon and you know this --

12 however this works out this will have an impact, you know.

13 And you know I heard Rachel's earlier regarding

14 the number of people who voted for it and you know she

15 didn't I guess appreciate that. But the fact of the matter

16 is there is a lot of people who would like to see the dams

to

17 stay and/or other compromise as to what is actually going

18 happen so there can be a balance between the environmental

19 concerns that have been brought up as well as the

20 recreational and financial concerns of the residents of

21 this town.

22 You know, I'm on the river pretty frequently and

23 frankly I enjoy it. And to -- you know we've talked a lot

24 about the "studies". I was very impressed with this

me 25 document that you handed out today because it really gave



1 a good timeline as to -- hopefully it doesn't scare America  
2 First away frankly because everybody talks about studies.

3 And I don't know who is paying for these  
studies,

4 and you know, if it is the burden -- you know it's very  
easy

5 to get up here and for me or somebody else to say well we  
6 need a study on this and we need a study on this and as  
7 we've heard today it hasn't been -- even though we have all  
8 these interested groups here, there haven't been thoroughly  
9 enough studies.

10 I mean we could be studying this forever so  
11 either we'll miss the dates or it will cost frankly too  
much

12 money for anybody to be ever interested in getting  
involved,  
13 you know, with this project.

14 So I'm glad FERC is here because they have --  
the  
15 way I read this after everybody's input they have the final  
16 say in terms of what these studies are going to be and how  
17 they are going to be done.

18 But I really would like to know who is going to  
19 pay for all of these studies, especially since a lot of  
them  
20 haven't been done yet and can you answer my question?

21 MR. WATTS: Like I mentioned before --  
22 traditionally the applicant is responsible for the studies

23 but we do have to consider if there is -- maybe there won't  
24 be a need for studies if there are already studies that are  
25 already done. So that could make some of the costs of the

1 studies if there's existing information to answer those  
2 questions that the study would look for.

3 MR. MENARD: Yeah, well I heard you ask for the  
4 request for studies because I mean obviously that's  
5 important but I also heard several people come up here and  
6 say there haven't been enough studies done.

7 And so, you know, I just wanted to confirm that  
8 the burden is going to be on America First once FERC agrees  
9 with America First where the money is going to have to come  
10 from from these studies.

11 And then they might find that this is just not  
12 financially viable frankly. Then -- and I think you  
13 answered half of the question -- my other half of the  
14 question was okay great, America First goes away now who's  
15 going to do all of these studies?

16 Still they are going to need to be done because  
17 you can't just well -- I don't think you can just take  
these  
18 dams out without doing any studies. They who pays for  
those  
19 studies and frankly they should be almost the same studies  
20 as we are talking about with America First.

21 So who pays for those studies and you may not  
22 want to answer this question but is it KLDP who is going to  
23 pay for the studies to get ready to take the dam down?

24 MR. WATTS: That would be a different  
proceeding.

25

MR. MENARD: I understand that sir.

1                   MR. WATTS: Whoever is the applicant for the  
2 proceeding would be responsible. But I point you to that  
3 slide -- it's interesting that we have it up.

4                   MR. MENARD: Yeah.

5                   MR. WATTS: One of the bullets in the criteria  
is  
6 for us to consider the level of effort and costs so we're  
7 considering costs. That's one of the --

8                   MR. MENARD: That's why I really appreciate the  
9 schedule but you know, to get you know, all the study  
10 dispute determinations done by October is really moving  
11 along.

12                   MR. WATTS: It's a pretty tight schedule.

13                   MR. MENARD: But anyway I appreciate your time  
14 and efforts and thank you for answering my question.

15                   MR. WATTS: Thank you.

16                   MR. MENARD: Good luck.

17                   MR. WATTS: The next person is Alex Mendelsohn.

18                   MR. MENDELSON: My name is Alex Mendelsohn,  
19 M-e-n-d-e-l-s-o-h-n and I really appreciate meeting with a  
20 federal agency it's quite unusual. I've worked as a  
21 volunteer in the state sanctioned Kennebunk Conversation  
22 Commission for over two decades, not in that Commission  
23 anymore.

24                   I have a baccalaureate degree with honors in  
25 human ecology. I studied under Dr. George Anaba and I have



1 33 years of experience in electrical engineering and  
2 electronics so I can fully appreciate what Mr. Ashley has  
to  
3 say about some of the things that have to do with  
4 hydroelectric generation.

5 That was the sum of my credentials. I recently  
6 met with the Union of Concerned Scientists and we met with  
a  
7 lot of scientists here in the state of Maine and the  
8 takeaway that I took from that meeting was something that I  
9 knew already that had to do with evidence.

10 There's a lot of hearsay, there's a lot of  
11 conjecture, there is a lot of politicization. I think  
12 Rachel Phipps discussed how that was covered in the  
election  
13 a year or two ago.

14 So I'm real grounded in evidence and of course  
15 there are studies and they cost a lot of money. We have  
16 spent thousands and thousands of dollars. You can refer to  
17 the Select Board here in town to see how many thousands and  
18 thousands and thousands of dollars, \$45,000 here, \$25,000  
19 there -- how much this town has spent of my taxpayer money  
20 in determining the evidence based on studies.

21 So as far as the effort cost of study -- a lot  
of  
22 it has already been done and I guess you gentlemen are  
aware  
23 of that. I brought to the attention in a very informal

24 meeting that thankfully great Selectmen have held meetings  
25 on Saturday mornings where we have coffee and we sit around



1 and shoot the breeze.

2 And I brought to the attention of the Select  
3 Board and the other members who came to that informal  
4 meeting no less than 5 studies -- and we're going on  
studies  
5 that have already been done.

6 One was by Dr. Lou Neuss, Economics Department  
7 Chair, Faiths College. Another one was done by the Office  
8 of Coastal Zone Management done by the Division of  
9 Ecological Restoration in conjunction with the Department  
of  
10 Fish and Games River Ways Program and the Wetlands  
11 Restoration Program.

12 Another study that I cited was done by American  
13 Rivers and Trout Unlimited, you've already heard from and  
14 there was another scientific study in 2006 by the  
University  
15 of Wisconsin Madison.

16 And what these studies showed unequivocally is  
17 that after dam removal property values stay the same or  
they  
18 went up. None of these studies indicated the property  
19 values went down.

20 At my informal meeting with the Selectmen the  
21 former Director of the Kennebunk Light and Power District  
22 got up and refuted these studies saying, "Oh there are  
23 contradictory studies," but I have not seen the evidence.

24                   So I thank you very much for coming to chat with  
25   us and I do assume that you will, you will always look at

1 the evidence because that's all we have to go on is what  
2 work has already been done. There are a lot of studies  
that  
3 have already been done. Thank you very much.

4 MR. WATTS: Thank you, the last person on my  
list  
5 is Jeff Reardon?

6 MR. REARDON: Thank you it's Jeff Reardon, Jeff  
7 J-e-f-f-r-e-y Reardon, R-e-a-r-d-o-n. I live in Manchester  
8 and I'm speaking on behalf of Trout Unlimited. For scoping  
9 -- a couple of things I just want you to be aware of.

10 The Mousam is a fairly unique resource. I've  
11 been working on hydropower projects in Maine since 1994,  
12 this was the first time -- not the first time somebody  
13 suggested that I should, but it's the first time that I  
felt  
14 comfortable coming to a public meeting and saying you need  
15 to be thinking about the impacts of this project on sea run  
16 brook trout which are unique and fairly rare resource that  
17 are present along the east coast from Long Island to Maine.

18 And again there's some potential that they might  
19 have been at some time in history in the main stem  
Kennebunk  
20 and the main stem Penobscott and subject to some of the  
21 licensings that have happened there in the last 20 years.

22 But here I think there's a very good chance  
based  
23 on the fact that just upstream -- in fact discharging into

24 these impoundments through streams that hold wild brook  
25 trout are two of Maines heritage brook trout ponds.

1           So in terms that these are ponds that have never  
2   been stocked with brook trout, continue to maintain wild  
3   populations of brook trout -- Maine's got about 568 of them  
4   of which two are in the coastal plains of southern Maine  
and

5   the only two are just upstream on the Kesslen Dam -- so  
6   there's a really high potential for brook trout here.

7           You should also be aware that this is one of the  
8   few Maine stem rivers in southern Maine that the eastern  
9   brook trout joint venture has assessed as containing an  
10  existing population of sea run brook trout which frankly is  
11  somewhat amazing given the level of impact in warming --  
not

12 just from these dams but from development.

13           You know a lot of southern Maine has lost its  
14 brook trout -- the Mousam River has not.

15           Similarly the sea run fish resources -- I think  
16 somebody earlier today said that it's kind of amazing to  
17 think about their being alewives or blueback herring or  
shad  
18 in this river but they have been here since I was a kid.

19           I grew up just north of here about half an hour  
20 north, 40 minutes north in Cape Elizabeth. When I was a  
kid  
21 the Mousam River was one of two places in Maine that we  
came  
22 to recreational shad fish. The other was Narraguagus  
which

23 was a lot farther from home.

24 So I have been spending time here since I got my

25 driver's license in 1983 and coming to the Mousam to shad

given 1 fish like many other people have. It's fairly amazing  
2 how little river is left between the Kesslen Dam and Tide  
3 Water, that that shad population has maintained itself at  
4 the quality and numbers that it has but it has.

resources 5 So I think there are some fairly unique  
6 here and I'd like to ask you to pay attention to. In terms  
7 of issues that you have identified in the scoping document  
I 8 do have a few comments.

9 One of which is I think normally in these  
10 documents I would have seen the selection labelled water  
11 quality and quantity and I don't know if that's assumed in  
12 your aquatic resources category and I think you identified  
13 the major water quality issues in terms of dissolved  
oxygen, 14 fish habitat, aquatic converted habitat -- but I want to  
15 flab a water quantity question.

16 The PAD from the applicant describes this river  
17 as free flowing. Knowing what I do about how -- what I  
18 spent a lot of time down here 25 years ago, Estes Lake and  
19 Mousam Lake were operated -- I do not think the river is  
20 free flowing so with respect to relicensing these for run  
of 21 river operation -- I think it's important that we  
understand 22 what that means in terms of whether flows are regulated at

23 relatively large impoundments upstream of here.

24 We definitely need some information about that.

25 I didn't see it on either the applicant's document or the



1 PAD and I think that's going to be a significant hole in  
the  
2 analysis for example for fisheries studies which are going  
3 to depend upon what seasonal flows are et cetera.

4 We are going to step to threatened and  
endangered  
5 species. It strikes me that you have got a very short  
list.

6 There are a lot of species that are listed -- I'm not  
7 looking here to have you list every state and federally  
8 listed species. I suspect the little brown bat -- what's  
9 the bat species that you have?

10 MR. KARTRALIA: The long-eared bat.

11 MR. REARDON: Long-eared bat -- I suspect they  
12 are present here. I think the other species you mentioned  
13 was Canada Lynx -- I'd be very surprised if you saw Canada  
14 Lynx down here and I think everybody else in the state  
would  
15 too. But I think there are some other listed species --  
the  
16 ones that I know about are aquatic species that wouldn't  
17 surprise me so much.

18 Most head of tide licensings that I've  
19 participated in have analyzed the effects of the project on  
20 short nose and Atlantic sturgeon, both of which I believe  
21 are federally threatened listed.

22 Two state-listed fish species which may or may  
23 not be present in the Mousam but wouldn't be surprising at

24 least the red and pickle rods which is a state-listed fish  
25 species. I think you should coordinate -- I'd ask you

1 probably Mary Gallagher, Maine Department of Known  
Fisheries

2 and Wildlife would be the person to talk to about that.

3           And the other state-listed species that might be  
4 present here and I know nothing about their biology so I  
5 have no idea if it is reasonable to expect to be in the  
6 Mousam or not is swamp darter and there may be some  
7 potential that they would be here.

8           The other TE species that come up a lot in dam  
9 licensings and I don't know the Mousam well enough to know  
10 if they'd be here but it would be worth taking a look are  
11 several species of state-listed fresh water mussels, in  
12 particular tide water mucket and yellow lampmussel that's  
13 come up at multiple licensings that have happened in Maine.  
14 I think their distribution is more towards central Maine --  
15 they may not be present this far south in the state.

16           But another species that has at least been  
17 discussed in terms of being listed and I don't know if it  
18 has been added would be the brook floater mussel and I  
would  
19 suspect that given some of the freshwater habitat -- at  
20 least in the Mousam watershed, brook floater would be  
21 present and would likely be present in the impounded  
regions  
22 where they are not impounded.

23           And I think -- oh finally, and perhaps this

24 doesn't come in at this stage but it certainly will when  
you

25 write your EA with respect to -- I don't know if you're

1 looking for information at this point about the need for  
2 power but I guess I'd like to emphasize the relatively  
small  
3 amount of generation with these projects and I was  
surprised  
4 to hear this afternoon that the Kesslen Dam is no longer  
5 operating.

6 One of the things to think about if enhancements  
7 to increase generation are on the table with these projects  
8 is the difficulty of accessing some of these powerhouses to  
9 do that sort of work.

10 You got invited to Duffy's to enjoy a meal and I  
11 highly recommend it -- had lunch there on my way here. My  
12 understanding if somebody were to need to do turbine  
13 maintenance that turbine would have to come out through the  
14 floor of Duffy's Restaurant.

15 So in terms of the feasibility of these projects  
16 seeing significant power enhancements or even repair if  
17 they're not operating now, I think there's some legitimate  
18 issues there if that's in the cards in the licensee's  
plans.

19 And I appreciate your time and thank you for  
20 coming up to Maine.

21 MR. KARTALIA: Thank you for comments. Also I  
22 just wanted to clarify that it might be worded slightly  
23 differently than you are used to seeing but we will look at  
24 flows and any effect that the project has on regulating

25 them.

1                   And when we discuss the existing conditions that  
2 projects exist under -- any regulation of flows through the  
3 upstream areas and down river from the lowest dam, we'll  
4 discuss all of that in as close a detail as we can.

visits  
5                   This project as far as I know we have site  
6 tomorrow but it does not have bypass reaches which makes it  
7 slightly different than a lot of the hydro projects we  
8 worked on but we will be looking at both water quality and  
9 quantity and any regulation of flows in the project reach.

I  
10                   MR. REARDON: I think -- again this is just my  
11 and there may be information out there I'm not aware of --  
12 think the water quantity issue is going to be difficult  
13 because again unlike other large basins that I've worked in  
14 I don't think there's a USGS gauge to tell you what's  
coming  
15 in and above these projects in the Mousam. I may be wrong  
16 about that and there may be some historic waging but I do  
17 think you know based on the configuration of dams upstream,  
18 there's fairly significant regulation here so understanding  
19 what's coming in seasonally is important to thinking about  
20 what the impacts are going to be on fish and what minimum  
21 flows are appropriate and achievable, and again thank you  
22 for your time.

23                   MR. KARTALIA: Thanks.

24                   MR. WATTS: Mr. Mildner?

25

MR. MILDNER: Thank you I have a business and I



1 just arrived to deliver some prepared remarks on this but  
my

2 name is Curtis Mildner, I'm a 42 year resident of  
Kennebunk.

3 Curtis Mildner, M-i-l-d-n-e-r and that's a 42 year resident  
4 -- not 42 years old -- I'm more than that.

5 I have several points to make and I'll read from  
6 prepared remarks so I get them right. I have canoed and  
7 fished the Mousam River both in the impoundment and the  
free  
8 flowing area below the Kesslen Dam with friends and  
families  
9 for many, many years.

10 The river and the experience in it are very  
11 important to me. It's interesting I was also involved in  
12 the 1970's in a federally funded project to identify  
13 opportunities for low head hydro power New England.

14 So I helped map dams, convene conference and  
15 encourage the redevelopment of dis-used dams and  
hydropower.

16 One of the communities that I worked with is Kennebunk and  
17 the opportunity at the Kesslen Dam so my background goes  
all  
18 the way back to the '70's on this.

19 I was then and am now a proponent of  
20 environmentally friendly power generation. So this  
21 background kind of gives me a unique experience both as a  
22 user and as someone who understands a little bit about

23 hydropower and I just have three points to make.

24                   And the first is really about the Mousam River

25 hydropower economics. It was pretty clear to me from my

Power 1 first analysis of data provided by Kennebunk Light and  
2 that hydropower on the Mousam was not and is unlikely to be  
3 financially attractive.

for 4 In order to generate any net income, expenses  
5 dam operations needed to be minimized and that is how they  
6 operated for many years without doing as little as  
possible, 7 it's not automated -- it's a very simple hand operated  
8 operation.

9 But even with this the dams generate little more  
10 than the amount of funds to generate a good used car. So I  
11 want to point out that all the discussions we're having  
12 about dams related to economics which are very marginal.

13 If you modernize the hydropower to generate more  
14 power more efficiently, the capital costs eat up any gains  
15 and there's really no way to sugarcoat this. The operating  
16 hydropower on the Mousam is a loser. It is barely  
effective 17 as it is and with the kind of improvements that are  
18 necessary for the long-term operation of the dams it makes  
19 it even more suspect.

20 The other issue I want to bring up is about  
21 restoring and repairing the river. For me, licensing  
22 presents a once in a- lifetime opportunity to restore the  
23 river to its natural state. And the current state of the

24 river is just plain unacceptable.

25 And this is just not my assessment -- in 2014  
the

1 state Department of Environmental Protection assessed the  
2 water quality of Maine rivers -- and this is a copy of the  
3 cover piece of the report.

4           And on a scale of 1 to 5 where 1 meets all water  
5 quality standards the Mousam was rated a 4 for impaired.  
6 Now there are some 32,000 miles of river in Maine but only  
7 1,300 miles or just 4.2% are rated as impaired. So this  
8 distinction for a river in my hometown is not something I'm  
9 proud of.

10           And I see this relicensing as an opportunity to  
11 restore the river in fact -- a once in a-lifetime  
12 opportunity which is why I'm standing here and taking time  
13 from my business today.

14           The third area I want to talk about briefly is  
15 the appearance of the river and this has been a key issue  
16 and I'm sure in hearings tonight you'll be hearing a lot  
17 about it.

18           There is among some residents, particular those  
19 who live on or near the river, a great deal of hysteria and  
20 that's a documented word hysteria -- it comes from many  
21 articles in the press about the restoration of the river.  
22 This hysteria seems to be based on fear but not fact. And  
23 the abutters cite two major concerns that get them excited.

24           One is the loss of property value if the dam's  
25 impoundment is removed. There is data from other



1 communities that remove dams and restored rivers that show  
2 this is not the case. This has not at all dissuaded  
3 opponents.

4           And if you think about it, it makes very little  
5 sense the property on the impoundment would have a higher  
6 value than waterfront property on the free flowing river.  
7 Again, the opinions of abutters are largely based on a fear  
8 of something that may not be true.

9           There's also great concern about the appearance  
10 of the river and the misleading information has been  
11 circulated about what the river would look like if dams  
were  
12 removed. This has further led to hysteria. On two or  
three  
13 occasions the Kesslen dam has been opened for dam  
14 maintenance and the flow of water stopped from the dams  
15 above -- like turning off the faucet.

16           The water was allowed to flow through the dams  
17 below. Obviously what appeared was an empty river bed with  
18 hundreds of years of accumulated sediment at the bottom.

19           Based on this view of the drained river,  
20 opponents have describe the Mousam as the ludsome -- that's  
21 a term you will find if you do some research. They say --  
22 and they likely believe that without the dams the flow  
would  
23 be a trickle and the bottom will be a mud flap. Of course  
24 this is not the case. Without dams spring will wash away

25 the mud and will overtime scour the river bottom.



1           The river bed will become rocks and sand bar  
2   until it reaches the tides. Vegetation will quickly return  
3   to areas that are not in the main channel. The flow will  
be  
4   natural with no volume in the spring and less in the late  
5   summer and fall but it will never be a trickle.

6           There are places in the river immediately below  
7   the Kesslen, Twine Mill and other dams where the flow is  
8   more natural. These are picturesque stretches of river  
that  
9   anyone can see if they want to take a walk.

10           In these places, the river winds its way over  
11   rock outcroppings with both shallow places and deep pools.  
12   This is what the Mousam can be.

13           So kind of a summary here to get to the point, I  
14   get it. The abutters to the river are fearful of what  
might  
15   happen to the rivers. Others like me see relicensing as an  
16   opportunity to get it right for future generations.  
17   Literally, for me, this is a once in a life-time  
18   opportunity. For this reason I implore FERC to require  
19   those who wish to relicense the dams, to thoroughly  
document  
20   the impacts and the advantages of dam removal.

21           I am concerned about pressure to short-circuit  
22   the process and to minimize thorough fact gathering. Facts  
23   must be the basis for relicensing decisions. High-quality

24 assessments are absolutely necessary, thank you, do you  
have

25 any questions?

1 MR. WATTS: No, but thank you for your comment.

2 MR. MILDNER: Thank you.

3 MR. WATTS: That ends the list of folks  
4 indicating that they would like to speak, does anyone else  
5 -- we have got two.

6 Please state your name and spell your name for the court  
7 reporter.

8 MR. MCDAVITT: Bill McDavitt, M-c-D-a-v-i-t-t.

I

9 work under contract in a fishery service in Gloucester,  
10 Massachusetts. Really all of my questions are pretty much  
11 procedural.

12 Tomorrow is the environmental site review still  
13 on even given the weather -- the snow and rain in the  
14 forecast, okay, alright, okay great.

15 Next one -- It seems that there some possibility  
16 of a government shut-down. I don't know if FERC -- do you  
17 have any policies or is there any way to know if this  
18 schedule may or may not change if there is a shut-down?

19 MR. WATTS: In terms of the 60 day comment  
20 period, Steve?

21 MR. KARTALIA: I think recalling from another  
22 proceeding where a previous federal shut-down affected  
23 comment -- I'm thinking of the lingo here, I believe that  
24 affected the comment period and in that case the Commission  
25 did extend things because of that, but we'll just see what



1 happens here.

2 And yeah there would be an announcement to  
3 everyone that would be public that would make everyone  
aware  
4 that the schedule would change if that happens.

5 MR. MCDAVITT: Okay great, and then the third  
one  
6 I would like to hear the scoping for the America First  
7 proposal -- I wonder if I could just simply ask a  
procedural  
8 question on the 5362 KLPD side.

9 I realize that they put in a notice to not  
renew,  
10 I just want to know procedurally if there is anything more  
11 that we can expect on the docket? I mean are we kind of  
12 done with it or can we expect anything else on that side or  
13 is there any way to know if there might be a notice?

14 MR. WATTS: Yes, until surrender application has  
15 been filed that's pretty much where it stands is NOI but  
for  
16 now our focus is this project 14856 -- it's a process that  
17 IOP until like Nick said earlier 2022 is when surrender  
18 application would be due.

19 But for now our focus is 1446.

20 MR. MCDAVITT: Great, thanks so much.

21 MR. SHEY: Sure. I'm sorry was it Bill  
McDavitt?

22 Todd Shey, Kennebunk Light and Power -- we're actively

23 monitoring the current license applicant in that process.

24 KLPD's Board has yet to come forward with any additional

25 information but we will actively be seeing out avenues that

1 we will proceed with should something happen in the current  
2 14856.

3 And I'm doing the environmental site review.  
4 Albeit come hell or high water I'll be there so Berry Court  
5 tomorrow morning, we're not going inside the facilities but  
6 it will be an external environmental site review, I  
7 recommend wearing boots.

8 MR. WATTS: Thank you. Are there -- yes?

9 MS. BLOOMFIELD: Hi my name is Susan Bloomfield,  
10 B-l-o-o-m-f-i-e-l-d. I'm a resident and a ratepayer. My  
11 question is I'm fully supportive of every study that's  
12 deemed required. I'm wondering if the applicant balks at  
13 this responsibility where does that leave us?

14 MR. TACKETT: The Commission would issue the  
15 study plan determination and that letter states that the  
16 following studies are required to be done for information  
17 purposes for putting together the EA and so if for  
instance,  
18 just to give you an example of the proceedings -- if  
studies  
19 are delayed or if something happens where we can't get the  
20 information we need then the license proceeding would not  
be  
21 able to go forward but in terms of our environmental  
22 review.

23 So we need that information to move forward --  
24 that's just how it would stand if we stated the information

25 is required then it's required.



1 MS. BLOOMFIELD: And if they are not able to  
meet  
2 their responsibility or wish not to what happens?

3 MR. TACKETT: We would consider the  
circumstances  
4 of then not being able to meet that responsibility. So I  
5 think it would be circumstantial as to whether or not it  
was  
6 based on inclement weather, anomalous study results, you  
7 know, there are variations on the theme as to what could  
8 happen. We would just address it upon the circumstances.

9 MS. BLOOMFIELD: So there's a possibility that  
10 they could forfeit their application? Or you would forfeit  
11 it for them?

12 MR. TACKETT: I think we would just generally  
13 cross that bridge when we come to it so to speak. I cannot  
14 tell you because we are in pre-filing still and just to  
15 remember the date. So according to -- this might help,  
16 according to our statute, an application has to be filed 2  
17 years before the license expires.

18 And so they have to file that license  
application  
19 and we would see what information we have at that time. If  
20 we don't have enough information to accept the license  
21 application and we move forward with the environmental  
22 review then we would just be at that stage where we would  
23 have a process that wasn't completely informed.

24                    We have a process that is in place for you know,  
25    the schedule produced and so if they can't undertake the

1 studies then the license proceeding would just basically be  
2 held in place and the license would basically expire and we  
3 would have to take appropriate recourse to be able to  
4 establish how to proceed forward with this proceeding.

5 So it would be basically phased right so we're  
in  
6 pre-filing we'd have to wait until post-filing and just  
7 evaluate the circumstances as to the occasion.

8 MS. BLOOMFIELD: Okay, thank you.

9 MR. TACKETT: Okay thank you.

10 MR. REDMAN: Hi, John Redman. I had a  
11 methodological question if I might in terms of the scoping.  
12 With your economic staff and your cost benefit methodology  
13 will you be taking into account any increase in  
recreational  
14 benefits that might occur if the dams are removed? Would  
15 that be within your scope?

16 The reason I bring that up is I think in terms  
of  
17 pricing assets that there's a long precedent I guess going  
18 all the way back to the Hell's Canyon case where daily  
19 recreational assets tend to increase much more rapidly than  
20 the value of energy assets.

21 And so if dam removal is going to be costed out  
22 then part of the benefits of that should be in attention to  
23 the increase in recreational benefits and the  
methodological

24 issue becomes how they would be treated from a price cost  
25 going forward, what the present value will be over the

1 license term and I'd like to just make sure that you guys  
2 are aware that that would be an issue in terms of the cost  
3 benefit of dam removing versus hydro operations.

4 MR. WATTS: Yeah the purpose for economic  
5 analysis is to compare the costs of the project power

versus

6 a likely alternative and so we'd be looking at the cost of  
7 mitigation measures versus what the project would cost from  
8 an alternative energy point of view.

9 So could you clarify -- what do you mean by  
10 recreational benefits? Like recreational features or --

11 MR. REDMAN: Yes for example there used to be a  
12 shad run here and there are towns up and down the coast the  
13 east coast including here in Maine that have shad festivals  
14 -- you know, like tens of thousands of people come from all  
15 over so there's potential for a great deal of local revenue  
16 to be generated from that type of thing -- if you open up  
17 kayaking.

18 There's stretches of the Mousam now that I  
19 believe would qualify for wild and scenic river status  
20 already. If the dams comes out and that river is fully  
21 restored aesthetically then I think there would be miles  
22 more of the river that qualify for wild and scenic river  
23 status so that if that was the case that's going to draw  
24 people from all over the region.

25 So I think that in terms of valuing the dam



1 removal alternative it's important for you to look at the  
2 recreational issue and in pricing those two alternatives I  
3 think the value of the those recreational assets need to be  
4 priced at a much faster rate of value increase than energy.

5           We have the Energy Information Administration  
6 which is very well respected set of energy estimates -- is  
7 projecting that energy -- electricity costs in New England  
8 won't move much over the next 40 years.

9           However, the valley recreational assets here  
10 would be much, much higher so when you talk with your  
11 economists I think that's an issue that's of relevance and  
12 of real importance, thank you.

13           MR. WATTS: Good, thank you. Are there any  
14 additional questions, yes?

15           MR. ASHLEY: It's Peter Ashley again. The  
16 information that comes down over the years as I spoke about  
17 before there are inaccuracies in there and since we're  
18 collecting as much as we can right now to set the evidence  
19 kind of straight -- very often when the Twine Mill is  
20 described they talk about the 66 inch diameter butterfly  
21 value operated by the hydraulic governor as a throttling  
22 device.

23           That turbine was never designed as a variable  
24 output machine like a Kaplan or a Francis motor. It's  
25 either on or off and they designed and installed a pond





1 control that does that. It costs less than \$150.00 because  
2 I used second-hand stuff.

3 So when you push the button for it to go there's  
4 a delay, make sure everything is running right and all the  
5 pressures are correct and then it starts up. And it starts  
6 up within about 14 seconds.

and  
7 When it first starts up you hear the rumbling  
8 as it is displaced from the machine and as it approaches  
9 more open it spills right out and no cavitation or anything  
10 and that's the way the machine is operated.

11 You push the stop the butterfly closes and the  
12 machine stops. That has been sprinkled with misinformation  
13 of throttling at the Twine Mill is completely incorrect.

If  
14 you try and throttle it you will destroy the machine and  
the  
15 universals and the gear box as well.

16 The other thing is that as I said before, I have  
17 been interested in hydroelectric my whole life so I grew up  
18 between Newton upper paws and Newton lower paws in the  
19 Charles River and we used to kayak and chase the turtles et  
20 cetera as much as I could and enjoyed the whole affair.

21 Downstream from there was going to be the park  
22 that was serviced by the electric trolley run by the  
23 hydroelectric and it would combust enough to run a bigger  
24 park, the dance pavilion there.

when 25

And there were three different companies and

1 the river was full on the weekend -- I mean full of canoes,  
2 and recreation at that scene was perennial.

on

3 And whatever small vessels -- you can see them  
4 the cars going down the Maine turnpike, that has really  
5 increased in the last three years. You'll see all kinds of  
6 watercraft going down the road and people go wherever the  
7 wish, they launch their canoe, kayak, whatever and have a  
8 great weekend.

and

9 And this is vacationland you see it on every  
10 single license plate. My wife's uncle passed that bill in  
11 the state House and got vacationland on the ball and got it  
12 moving. So there's really a big insurgence in this area  
13 when you look and paddle up the river you'll see lots of  
14 canoes on either side of the river. And the best place to  
15 canoe is above Dane Perkins because you have got 2 miles  
16 of beautiful scenery and you sometimes see deer and turkeys  
17 et cetera, that's enough, bye-bye.

18 MR. WATTS: Thank you. Yes sir?

19 MR. MENDELSON: Again Alex Mendelsohn. With  
20 respect to Peter Ashley's remarks -- there was a national  
21 well-respected study known as the End Plan Economic Model -  
22 you gentlemen may be familiar with that, look it up.

created

23 It indicates that if restoring the Mousam

24 two jobs in the leisure and hospitality industry the

25 increase in local income is likely to exceed on a

1 continuing, ongoing basis, the local income benefits of  
2 hydro.

3 So for example, the analysis indicates again two  
4 jobs -- looking at people selling fuel, hotels, motels,  
5 restaurants, kayaks, canoes, fishing gear what have you,  
6 list goes on and on as Mr. Ashley indicated.

the

7 We added over almost \$200,000 annually to local  
8 income whereas hydro unless America First comes up with  
9 something really revolutionary and the return on investment  
10 is realistic is probably half of that according to the end  
11 plan study, thank you.

12 MR. WATTS: Okay, if there are no additional  
13 questions I'd just like to remind you that comments on  
14 America First's pre-application document are due January 7,  
15 2018 as well as requests for studies. And if there are no  
16 other questions or comments this meeting is adjourned.

17 (Whereupon at 3:33 p.m., the hearing was  
18 adjourned.)

19

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding: LOWER MOUSAM PROJECT

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16 Docket No.: PROJECT NO. 14856-000

17 Place: Kennebunk, Maine

18 Date: Monday, December 11, 2017

19 were held as herein appears, and that this is the original  
20 transcript thereof for the file of the Federal Energy  
21 Regulatory Commission, and is a full correct transcription  
22 of the proceedings.

23

24 Larry Flowers

25 Official Reporter







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