

ERRATA SHEET

DEPOSITION OF: LOWER MOUSAM PROJECT SCOPING MEETING 6:00PM

DATE OF DEPOSITION: 12/11/17

Page	Line	Correction
		** The format used below follows: DELETE ADD **
4	24	Kennebunk Port Light and Power.
5	5	document docket
5	22	Amy Chang, and Riek
5	23	Rachel a recreation and land use specialist Erin Kimsey
6	10	informational and free-flowing as possible, the only formality
6	18	Here is the outline for tonight's meeting, so you know
6	21	The current licensing, Kennebunk Light and Power, will We'll then take give an
6	22	overview of the project facilities and operations, followed by of the
7	5	Department of Energy and its initiative authority is to regulate
7	13	There are is the dam safety divisions which are is
7	15	overseeing new constructions; the Department Division of Licensing
7	22	into the organization the licensing department division is spread out
8	6	public or federal lands or they use surface surplus water from a
8	10	licensing process which is our default process, a or ILP --
8	11	there's a traditional licensing process or TOPTLP ; there's an
9	14	completeness and if it is adequate we'll issue a written Ready
9	15	for Environmental Assessment notice.
9	16	This notice or is otherwise known as a REA notice
9	22	Once a NEPA document is issued, we follow it by it is followed by a comment
10	20	discussing the existing conditions or special and the effects of the project or on resources.
10	22	We also discuss cumulative effects to and make sure

10	24	as proposed alternatives. The goal of the site study plan
10	25	elevation is to set the framework where pertinent information can be gathered to
11	3	relevant information needed to develop an adequate license
11	6	where I will have a member from Kennebunk Light and Power give us an
17	13	This list of issues is not known meant to be exhaustive
17	16	maybe through they are too few issues or maybe new issues need to be
17	20	Throughout this For our NEPA analysis we will be were looking at aquatic
23	20	Insert “are due by” before “January 7th”
25		than what we did this morning earlier . I'm going to go through the
35	16	butting system abutting ecosystem
42	23	Insert “effects of” before “continued”
42	24	recreation use on a singular project recreational use in the vicinity of the project
61	25	to read in addition to
62	1	test text
82	5	assets. The KOPD KLPD trustees don't own the dam

1 FEDERAL ENERGY REGULATORY COMMISSION

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3 LOWER MOUSAM PROJECT

4 PROJECT NO. 14856-000

5 AMERICA FIRST HYDRO, LLC

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8 SCOPING MEETING

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10 Kennebunk Town Hall Auditorium

11 1 Summer Street

12 Kennebunk, Maine 04043

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14 Monday, December 11, 2017

15 6:00 p.m.

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- 1 SPEAKER LIST
- 2 MICHAEL WATTS - CHAIR
- 3 NICK TACKETT
- 4 STEVE KARTALIA
- 5 JONATHAN KILBOURN
- 6 IAN CLARK
- 7 PETER ASHLEY
- 8 ALBERT KOLFF
- 9 BRUCE READ
- 10 KEVIN FLYNN
- 11 BILL KOHN
- 12 NANCY CAMPBELL-JONES
- 13 ALEX MENDELSON
- 14 JOHNATHAN WHITEHOUSE
- 15 SHAWN JALVERT
- 16 DONNA TEAGUE
- 17 BETSY GYIMESI
- 18 BILL PASQUILL
- 19 SHAWN TEAGUE
- 20 JESSE WHITEHOUSE
- 21 EBON MARSH
- 22 DAVID REECE
- 23 ROBIN KERR
- 24 MIRIAM WHITEHOUSE
- 25 SUSAN BLOOMFIELD

1 KENNY DECOSTER

2 MOLLY HOADLEY

3 PAULA HOFFMAN

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

2 MR. WATTS: Good evening everyone. Welcome to
3 the Federal Energy Regulatory Commission or the FERC for
4 short for the Lower Mousam Hydroelectric Project. That's
5 Project Number 14856. My name is Michael Watts and I'm an
6 engineer at FERC.

7 I am also serving as the Project Coordinator for
8 the project. With me from the FERC are some additional
9 staff members. At this time I'll have them introduce
10 themselves and say what their duties are at FERC.

11 MR. TACKETT: Thank you Mike. I'm Nick Tackett,
12 Branch Chief for FERC, and I appreciate each and every one
13 of you being here. I know that this project is part of your
14 community and that I appreciate the opportunity to hear from
15 you today.

16 We are here for NEPA scoping environmental policy
17 and scoping on the environmental issues so I hope to have,
18 you know, full discussion on those issues -- as you see we
19 will have the list of all the resources and everything, from
20 cultural to terrestrial, et cetera of the different things
21 going on and how this project could impact the environment.

22 So that's what we're hoping to discuss today and
23 I just wanted to thank you for past participation with
24 Kennebunk Port Power and being here to provide information
25 to them and I just wanted to mention that as currently

1 licensed the project is under 5362 as far, you know, the
2 document goes.

3 Our agency -- going forward, we have the steps to
4 due process under -- sorry for Project Number 14856 and so
5 this is sort of a new record that we are establishing under
6 this and I would just encourage you and also thanks for
7 participating previously but encourage you to offer your
8 information as if it is a new proceeding to build the
9 record.

10 That's what we're hoping to do tonight is to
11 be able to establish the issues as you see them, getting
12 information from you as people who know this project well.
13 We have what's in the record and that is it so we are hoping
14 to build the record as much as possible. Thank you again
15 for coming and taking your time.

16 MR. KARTALIA: Good evening my name is Steve
17 Kartalia. I'm a fisheries biologist. I work in the same
18 branch as Michael and Nick so I'll be looking at issues
19 related to fisheries, like fish habitat, fish passage, water
20 quality, stream flow -- those sorts of issues, thanks.

21 MR. WATTS: Thanks to you both. We also have a
22 terrestrial resource specialist -- Amy Chang, and Rick
23 Rachel and land use specialist Erin Kimsey. Unfortunately,
24 they're not here with us today but I can assure you that
25 they will be actively participating in during the rest of

1 the process.

2 So if you haven't already, before we get started,
3 just like we did early please sign-in again. Once again
4 there are two sign-in sheets, one is a general sign-in sheet
5 and then the other one is for those of you who are wishing
6 to give verbal comments at today's meeting. If you're
7 planning to give verbal comments, we do have a court
8 reporter with us who will be making a transcript of today's
9 meeting and while we generally like to keep things kind of
10 information and free-flowing as possible, the only formality
11 that we require is that you state your name and affiliation
12 before speaking so your comments can be attributed to you in
13 today's transcript.

14 We also have handouts -- there are copies of our
15 scoping document as well as a few, a couple of nice
16 brochures to help educate you about the FERC process. Feel
17 free to take a copy of each of those for reference.

18 The outline for tonight's meeting, so you know
19 what to expect -- we'll start off by talking a little bit
20 about FERC. We will then review the licensing process --
21 the current licensing, Kennebunk Power. We'll then take an
22 overview of the project facilities and operations of the
23 potential applicant America First, who will be giving an
24 overview of their proposal for the project.

25 We'll then discuss the scoping document, in

1 particular, those issues that we have identified in our NEPA
2 document. Then we will go over the next steps and then we
3 will talk about the state process.

4 So, FERC is an independent agency under the
5 Department of Energy and its initiative is to regulate
6 natural gas and hydropower projects. We also regulate
7 interstate transmission of natural gas, oil and electricity.

8 At the top of the organization FERC consists of
9 five Commissioners, including a Chairman that's appointed by
10 the President and confirmed by the U.S. Senate. The Office
11 of Hydro Projects, where we are from is about 20% FERC staff
12 and the program includes three separate divisions.

13 There are the dam safety divisions which are
14 responsible for making sure the structures are safe and for
15 overseeing new constructions; the Department of Licensing
16 Administration and Compliance which is responsible for
17 making sure that the licensing complies with the terms and
18 conditions of the license.

19 And there is a licensing division -- that's where
20 we're from and we're responsible for reviewing new licenses
21 and then relicensing applications. Drilling down further
22 into the organization the licensing department is spread out
23 across five different branches, at a couple of different
24 areas of the country.

25 We're from the New England branch and we cover

1 hydro projects within the New England states, obviously
2 including the state of Maine. Our authority to regulate
3 hydropower plants comes from the Federal Power Act.

4 Projects under jurisdiction are either located in
5 natural waters that affect industry or commerce located in
6 public or federal lands or they use surface water from a
7 federal dam.

8 So we issue licenses between 30 and 50 years --
9 there are three licensing processes. There's an integrated
10 licensing process which is our default process, a ILP --
11 there's a traditional licensing process or TOP; there's an
12 alternative licensing process, otherwise known as the ALP.
13 You do have to get permission to use either the traditional
14 or the alternative licensing process and that decision is
15 made on a case-by-case basis.

16 The major difference between the integrated
17 licensing process and the traditional licensing process is
18 that the integrated licensing process includes early FERC
19 involvement and that's why we're here in the process and
20 also it includes a rigid timeline of process plan and that
21 can to be found in the back of your scoping document.

22 So the integrated licensing process includes a
23 pre-filing portion and a post-filing portion. The
24 pre-filing is initiated with the filing of a pre-application
25 document. That document was filed by America First back in

1 September.

2 We are currently in the scoping period of the
3 project and over the next several months, we all as a group,
4 will be working together to develop a study plan.

5 Once the study plan is completed the original
6 applicant -- America First, will use the study plan to
7 review the studies and use information from the studies to
8 develop its license application.

9 Once that application is filed and studies are
10 completed the pre-filing process is pushed into the
11 post-filing process which is initiated by filing the license
12 application. Once that's filed FERC's staff, such as myself
13 and others will review the license application for
14 completeness and if it is adequate we'll issue a written
15 final assessment notice.

16 This notice or otherwise known as a NEPA document
17 this notice will solicit comments from stakeholders,
18 prescriptions, current conditions. FERC still will then
19 take all of the information from the record, including the
20 studies of the licensee's application and the comments and
21 use that to develop issues in the NEPA document.

22 Once a NEPA document is issued, we follow it by a
23 period for other stakeholders to take a look and make
24 comments and then the license application, including all the
25 information and records will go before FERC for a licensing

1 decision.

2 As you can see pre-filing can take anywhere from
3 1 to 3 years while post-filing takes approximately a year
4 and a half. So the goal of the initial document that was
5 filed by American First, the official applicant was to bring
6 together all of the specific and reasonable information,
7 provide basis for identifying issues -- data gaps and needs
8 and that pretty much sets the scheduling being that it is
9 the first document to be filed.

10 All of the other documents kind of tier off that
11 first date. And then in a general sense it sets the
12 foundation for all of the future documents including scoping
13 document issued or NEPA document to be issued and ultimately
14 the license for it.

15 The goal of the scoping process is to solicit
16 your input and the issues that we have identified in the
17 scoping document. We pretty much want to see if we got this
18 right or if there are some other issues that needed to be
19 added to the list. We also identified the issues associated
20 with the project, discussing the conditions or special
21 effects of the project or resources.

22 We also discuss cumulative effects to make sure
23 there's an adequate geographic scope for the project as well
24 as proposed alternatives. The goal of the site plan
25 elevation where pertinent information can be gathered to

1 address the issues identified in the scoping process and
2 finally the goal of the studies themselves is to gather the
3 relevant information needed to develop adequate license
4 application.

5 That ends the first half of my talk and this is
6 where I will have a member from Kennebunk Power give us an
7 overview of the product facilities and operations and the
8 analysis too, so I'm looking forward to that.

9 MR. KILBOURN: My name is Jonathan Kilbourn.

10 COURT REPORTER: Can you spell it please?

11 MR. KILBOURN: J-o-n-a-t-h-a-n K-i-l-b-o-u-r-n.
12 I'm filling in for General Manager Todd Shea this evening.
13 He's over at one of the events at the school with his
14 children. I'm the President of the Kennebunk Light and
15 Power which is why we are here tonight going over just a few
16 of these slides.

17 Oh I see I can't do my quiz -- I see so many of
18 you who are here this afternoon. I was going to quiz you on
19 which dam goes with which spot but I see it on the first
20 slide so never mind the joke.

21 So a little bit of background -- we have three
22 dams that KOPD owns and the associated high growth power
23 facilities with them. They are all located in Kennebunk and
24 they're on the river. The first being the Kesslen Dam on
25 Main Street and working your way up to Twine Mill and the

1 Dane Perkins Dam.

2 Slide -- do I do that? So the first dam is
3 downstream from the last dam in the river is the Kesslen Dam
4 -- the most downstream of the 11 dams. And it's been in
5 place since the 1800's to provide initially water power and
6 then later electricity.

7 It has an impoundment -- the impoundment has a
8 surface area of 20 to 25 acres and its power rating -- its
9 main plate rating is 150 kilowatts, that's great power and
10 it produces 2,400 volt power electricity -- three phase
11 power at 60 hertz.

12 The next dam up the river is the Twine Mill Dam.
13 It's located about 2 linear miles upstream of the Kesslen
14 Dam and that's 3 miles as the river flows. The original
15 dam was breached in 1960 and it's been reconstructed since
16 then.

17 Its impoundment has a surface area of about 12
18 acres and it's input capacity is 300 kilowatts. So if you
19 were running a 300 kilowatt dam for an hour that would be
20 300 kilowatt hours.

21 It produces 1 naval three phase power at a
22 frequency of 60 hertz also. And the third dam is the Dane
23 Perkins Dam -- the last one upstream -- it's owned by KLPD
24 followed by how many more dams after that? No -- thank you
25 very much, someone is listening, you win the first hand.

1 Dane Perkins is located approximately .5 linear
2 miles upstream and it was originally breached -- the
3 original dam was breached in 1977, reconstructed also in '80
4 to '81 and it's impoundment surface area is about 25 acres.

5 The main plate capacity of this dam is 150
6 kilowatts making for a total of how many kilowatts? 600,
7 thank you very much -- good, and produces 2,400 volt for
8 three phase power, also at 60 hertz, do I have another
9 slide?

10 So that's the overview of the facilities that are
11 included in this licensing process, thank you.

12 MR. WATTS: Next up we'll have America First they
13 will be giving an overview of what's their proposing for
14 this project.

15 MR. CLARK: Thank you, thank you. I was going to
16 come up with a joke tonight but I couldn't come up with
17 anything that was dam funny so here I am -- there we go
18 alright, Ian Clark, America First, I-a-n C-l-a-r-k, America
19 First.

20 So America First is a special purpose LLC created
21 to takeover and assess the KLPD projects, potentially for
22 relicensing. The energy members are Ian Clark and Paul
23 Nolan, we both have experience with the PICO, Paul Nolan has
24 extensive experience within the relicensing, working through
25 various utility stages and understanding how that all goes

1 together.

2 I have operational experience, we own three
3 projects in New Hampshire, -- the next two slides, yes. So
4 I have operational experience -- we own three hydroelectric
5 projects in New Hampshire where we are working through
6 various aspects of licensing, FERC compliance, the whole 9
7 yards.

8 We have to make sure that they are up to date, we
9 have to make sure that everything runs well, we have to make
10 sure that they are producing power.

11 Our interest in the Kennebunk hydro facilities
12 was that there's a widespread support overall from the
13 Governor's office down to the town of Kennebunk -- Kennebunk
14 I should say. There are also obviously significant
15 environmental interests.

16 We have to understand that this has a fish
17 passage, water quality, aesthetics, recreation and dam
18 approval. Overall we want to work with the stakeholders in
19 a bilateral effort to understand what needs to happen and
20 how we can push these dams forward to ultimately take them
21 into the next 20, 30, 40 years or whatever it may be.

22 We want to ultimately make sure that the
23 relicensing process is based on facts. How can we do this
24 not on an emotion based perspective, but how can we work
25 through this on facts, science, and ultimately numbers and

1 make sure everything is set to a very good overall tone.

2 On November 29th America First filed a scoping
3 document, a scoping document request and a couple of things.
4 We first requested that the 5-2/6-2 and 14856 be
5 consolidated to reduce the number of ensuing filing type to
6 be requested, the number of ultimate proceedings that could
7 come forth with it and ultimately reduce down the overall
8 scope for you, the town folk and get that down to an overall
9 simplistic level.

10 We wanted to understand a little bit of a
11 clarification with the Commission responsibility and we
12 wanted to let everyone know that we may be responsible for
13 some, all or none of the overall relicensing.

14 We also wanted to understand whether or not
15 interventions would be allowed. We did not think this
16 should happen at an early basis as is. About 20 minutes ago
17 that was confirmed from FERC that interventions are not
18 allowed at this basis so that at least we feel good about.

19 We also requested that the dumping of documents
20 be prohibited. We don't want filing to be dumped on to us
21 without understanding how they fit in and how they are going
22 to actively address the needs of the stakeholders involved.

23 So overall redevelopment strategy -- as I
24 mentioned earlier we look to relicense some, all or a
25 portion of the facilities. We are looking to rebalance the

1 needs of the town, we're looking to rebalance the needs of
2 the state, stakeholders, KOPD and FERC.

3 We are trying to understand a little bit of
4 clarity on relicensing, how we move forward with the
5 relicensing and how we can help town holders, town members
6 and stakeholders push forward with a license and how we can
7 all bring these dams into the next 20, 30, 40 years.

8 We believe that as that clarity is achieved, we
9 can invest in the facilities, we can refurbish the turbine,
10 we can bring these turbines back to where they need to be.
11 We can also help the town generate electricity. We can help
12 the town retain property value. We can help the town move
13 forward as it should go with the facilities.

14 As we look at the project we believe there exists
15 tremendous potential to increase the productivity that
16 exists in the projects right now. As I said, invest a
17 little bit of money into the rehab of the facilities --
18 invest a little bit of money, a little bit of time in the
19 engineering we can make a tremendous difference overall.

20 Part of what we are going to be able to do is we
21 are going to be able to rely on what we have existing right
22 now. As I mentioned I own and operate a number of
23 facilities. Paul has a number of resources as well between
24 various engineering groups, between various operational
25 expertise we can quickly pull together people that we can

1 help push this forward and push this process through where
2 we can help the town, help the stakeholders and move
3 everything.

4 The overall redevelopment benefits -- we believe
5 that there are number of redevelopment benefits of which we
6 can get into as need be but take home messages, rebuild
7 dams, increase the production, make a better benefit for
8 everybody involved, thank you.

9 MR. WATTS: So Section 4.2 of the scoping
10 document specifically pages 12 to 13 includes numerous
11 issues that we have identified from a review of the pad for
12 analysis in the NEPA document.

13 This list of issues is not known to be exhaustive
14 or final and we are interested in hearing from you as a
15 group whether or not this list has to be modified in some
16 way, maybe through issues or maybe new issues need to be
17 added so we are really interested in your feedback on this
18 list of issues and this is one of our main purposes for this
19 meeting.

20 Throughout this NEPA we were looking at aquatic
21 resources, terrestrial resources, threatened and endangered
22 species, recreation, land use and aesthetics, cultural
23 resources and environmental analysis.

24 We are going to do something a little different
25 than what we did this morning. I'm going to go through the

1 bullet list for each of these categories and then we can
2 discuss any questions or comments you have on these bullets
3 as we go through all of these categories.

4 So the first category is resource issues applies
5 to aquatic resources and from our document on pages 12 and
6 page 12 and 13, we are proposing to look at the effects of
7 the continued project operation, on oxygen and water
8 temperature in Mousam River.

9 Next is continued project operation and habitat
10 for resident and migratory fish and aquatic
11 macroinvertebrates. And finally we are looking at the
12 effects of continued project operation on migratory fish
13 passage of the three dams and that makes up the project.

14 Are there any questions about this list of issues
15 that the audience has at this moment? Yes sir? State your
16 name and affiliation for the court reporter.

17 MR. ASHLEY: My name is Peter Ashley. This has
18 to do with the fish passage. There are times when you look
19 at that particular area and you come up with stray things
20 like boards, steel beams, et cetera, poured concrete, all of
21 that kind of stuff.

22 Are you folks intimately aware and have you
23 visited the dam in outer Maine which is made of natural
24 Maine stone cemented together a little bit -- nice little
25 pools for the fish to go in the times they feel they are in

1 support for over 100 years I believe.

2 And there is no DVD at the libraries that I
3 mentioned you can get a DVD as well -- and it's -- if you're
4 talking about one dam and I think that's all you can talk
5 about at the moment, maybe you all are going to report and
6 discover that their optimistic view is to trap and track
7 until they find out what's going on with the fish because
8 it's far cheaper than spending a lot of money building a
9 fish lair.

10 But if you do get around to building a fish lair
11 I suggest on the west side I'm guessing, and it will be
12 available through when there are visitors to the town. And
13 they may -- even a little scenic walk besides it.

14 MR. WATTS: Thank you, yes sir?

15 MR. KOLFF: My name is Albert Kolff. I live in
16 Kennebunk and I have here the Alden Fish Report which was
17 done in 2010. I wanted to just kind of read a little bit
18 about what they discovered.

19 In 2010 KLP hired Wright Pierce Engineering Firm,
20 veteran environment, to draft an alternative assessment
21 study to KLE's three dams. In 2010 Wright Pierce contracted
22 the Alden Research Laboratory, Inc. to conduct an evaluation
23 of restoration drivers and fish passage options for KLPD's
24 three dams submitted their report on 2011.

25 We didn't see this report until it was released

1 in 2016 when KLPD decided to show a little bit of history on
2 how hard they had been working to define the problems that
3 we're having.

4 Other than -- the report goes on -- other than a
5 small scale unpublished monitoring study by the Wells
6 Reserve in 2009 this study was designed to determine species
7 present in the Mousam River -- in the Mousam River stream.

8 Samples were collected with FIKE in May, June,
9 July and September 2009. The predominant species were
10 invasive crabs - 441, 440 individuals of this. The species
11 that may be targeted for passage at KLPD dams totaled in
12 four months 2 blueback herring, 6 dale white, 1 American
13 shad -- a total of 9 fish and 17 American eel.

14 When you spoke earlier this afternoon there was
15 talk of how we proceed with a study if you already have a
16 study that indicates there are no fish below the dam? The
17 report -- the Alden report goes on -- Although these results
18 may be useful for establishing presence or absence of
19 species in the lower estuarium portion of the river they do
20 not indicate that those fish numbers are bad on the species
21 moving in the Mousam River to warrant the installation of
22 fish passage structures at the dams.

23 We believe that there are alternative methods to
24 determining what has to be defined. Alden goes on to
25 suggest that a more measured response providing passage for

1 Kessler only as a first step in evaluating stocking efforts
2 to reintroduce to target species.

3 They go on to recommend a need for passage can be
4 evaluated through consultation with the following issues --
5 determination of the quality and extent of spawning rearing
6 habitat and determination of the ultimate number of target
7 species that the river reach can support.

8 You heard a little earlier about a building -- a
9 fish way, but there are alternatives during the process of
10 evaluating the success of bringing fish to the Mousam River.
11 And those studies need to be done in order to evaluate the
12 need for fish passage in the first place.

13 We'd also like to recommend that you go online
14 and look at a YouTube of what's called the salmon cannon.
15 This has been developed by some very young imaginative
16 western salmon handlers and it shoots the fish right over
17 the dam. If we can do the same with ale pipes -- it's
18 certainly less expensive and it's another reason for
19 bringing jobs to Kennebunk with a salmon cannon.

20 I'd like to submit this to you. I am entering it
21 electronically so that you can have the full version, thank
22 you.

23 MR. WALLS: Thank you Albert, thank you. I just
24 want to make sure that we are focusing on this list of
25 issues here. We're going to open it up for comments and

1 questions like we did earlier but this part of the meeting I
2 want to specifically focus on these issues here and see if
3 we have got this list of issues correctly or if there are
4 any modifications that we need to make to this list of
5 issues here, yes sir, name and affiliation.

6 MR. READ: Understood, is the mic on? I was
7 wondering if the mic was one -- Bruce Read, R-e-a-d is the
8 last name. First name -- (multiple people talking).

9 Is that on? Again my name is Bruce Read, R-e-a-d
10 is the last name, first name is Bruce. I realize I didn't
11 know the order of ceremonies here. I was here this
12 afternoon at 1. I see you want to focus on the aquatics --
13 I had to get up and speak now. I was the only guy listed to
14 speak when I rolled in at ten of 6. I didn't know how many
15 were going to speak or whether you were going to ask us to
16 speak.

17 But I do want to address the aquatic resources
18 issue specifically. I'm a local attorney I have an office a
19 few doors down the road here. This is above my pay grade to
20 be arguing FERC issues. I am a real estate lawyer, small
21 business guy but passionately involved with these items,
22 particularly I was the Chairman of the Loudholm which is the
23 fundraising arm for the Wells Reserve which the gentlemen
24 just came up and offered you a study.

25 The reason I'm getting up now is to say first of

1 all -- how long of a period of time do we have to submit
2 items into the record here at this pre-application process?
3 How long is that?

4 MR. KARTALIA: Well, initially if you mean how
5 long do you have to submit study requests or raise issues is
6 January --

7 MR. WATTS: January 7th is the
8 deadline, for entering things into the record that might be
9 useful to inform us and the rest of the stakeholders -- that
10 goes on continuously. Things can always be entered into the
11 record.

12 MR. READ: So what's the early January deadline?

13 MR. KARTALIA: That is the deadline to submit
14 study requests, and I'll sort of comment on after the
15 potential applicants pre-application document and the
16 company will also have documents also during that date.

17 MR. TACKETT: Just real quick if you were to go
18 to Appendix B provides that detailed schedule and so then
19 any comments on the scoping document itself or studies
20 January 7th like Steve said. Additional information is
21 always useful to us in our investigation.

22 MR. READ: I appreciate that. So I did serve and
23 still serve on the Loudholm Trust Board -- again a
24 fundraising arm you all might know of the National Estuary
25 Research Reserve System. This is one of 28 now that we have

1 in the country. We have a lot of research and if there's a
2 deadline we will honor that deadline but there are -- Mr.
3 Jake Aman, from the Wells Reserve -- he's the fellow who
4 will be able to supply you with information that we feel is
5 very relevant to your concerns here, especially you Mr.
6 Kartalia, as a fisheries person.

7 It's shocking to me what I heard come out of the
8 gentleman's mouth, you know, there's basically the Mousam's
9 a dead river from the dam down -- it's kind of what I just
10 heard. With all due respect I fish it, we have a lot of
11 recreational activities that go on in that river.

12 We have videos ourselves showing fish getting up
13 in the dam, trying to get up above more than 9 -- so anyway
14 I wanted to make sure that the record is updated with
15 current and fresh -- the best information.

16 Well's Reserve -- that's what we do. We're a
17 science based organization. If you guys want facts --
18 that's all we're after here. I'm a part of the Mousam
19 Kennebunk River Alliance as well.

20 There's nothing that -- the factual hard luck --
21 especially we're talking about fish here but we waited
22 around and first talked about the economics involved and
23 other people will speak to those issues but it was important
24 for me to get up now and just emphasize that there's a lot
25 of research out there.

1 I never heard of the salmon cannon but it kind of
2 makes my eyebrow go up a little bit in terms of what this
3 applicant is going to show us for fish patches. Fish
4 patches are vital and I kind of looked -- I was here earlier
5 at 1 o'clock and I heard the reports that may already be in
6 the record -- the quality of the water above the dam in the
7 impoundment, which so many people are very concerned about
8 keeping.

9 If that's a dead zone which it kind of almost
10 sounded like it is -- what are you passing fish to? I mean
11 our group here sees this as a historic opportunity to remove
12 these dams -- make no bones about it. We would like to
13 restore the river to its nature state.

14 If this applicant can come in and show that we
15 are going to be as well off or better ecologically with
16 regard to fish health, let's see the facts. We will have
17 facts that we will present you with on our side. Anyway, I
18 wanted to address those issues on this portion of the river.
19 I reserve to come back later.

20 MR. WATTS: Absolutely, thank you. name and
21 affiliation?

22 MR. FLYNN: Kevin Flynn, I'm a resident of
23 Kennebunk -- a small business owner. Questions I think is
24 what you're looking for. So my question is I think the
25 issues you cover up there are you know, they're very broad

1 and general, but I think they're right on.

2 Who will do the studies to get at the issue of
3 dissolved oxygen water quality, particularly below the dam
4 but also below each of these dams -- who's actually going to
5 do updated studies -- because we don't really have good,
6 solid signs on that yet that I've seen from Wright Pierce or
7 also other engineers that have been involved in this process
8 so far -- is it the licensee?

9 MR. KARTALIA: Yes it is. We will discover
10 during the scoping process what information is available.
11 We'll look at all the studies that have come in.

12 MR. FLYNN: Yep.

13 MR. KARTALIA: And then the license to the
14 applicant will form right there a proposed study plan which
15 all of the stakeholders and FERC will review and ultimately
16 FERC will make the decision about what information is
17 needed, what studies recommended will be America First's
18 responsibility to conduct those studies.

19 MR. FLYNN: Okay, so the second question is --
20 are you going to base that decision based on what you see as
21 available studies right now then and then say this is
22 lacking I need more on this issue or that issue?

23 MR. KARTALIA: The discovery of or non-discovery
24 of existing information does inform what the information
25 needs will be. If there is, for example, a comprehensive or

1 advised study that describes, based on water quality very
2 well -- we would want to know about that to review it and
3 I'm sure the other stakeholders would as well.

4 And there are certain places among the
5 stakeholders that are holders of lots of information. Like
6 DEP might know of a lot of information that we don't yet
7 know or Fish and Wildlife Service might know of fishery
8 surveys that we aren't aware of yet.

9 MR. FLYNN: Yes.

10 MR. KARTALIA: And just earlier today a man who
11 had referenced -- Jacob Aman, yeah he described several
12 studies and surveys that he planned to put into the record
13 that sound like the sort of information that we should know
14 about.

15 MR. FLYNN: Okay. As a fisherman -- a sport
16 fisherman who has fished the Mousam, you know, as long as
17 I've lived here -- 35 years. That river is loaded with
18 striped bass, shad, a cob eating shad -- they hang out right
19 below that dam.

20 Every spring any knucklehead who wants to look in
21 the water at the right time -- it has to be at the right
22 time, can see many shad in the water there and hundreds of
23 them. So I have yet to see a study that really bears that
24 out and I would like to see that here -- really what's in
25 that river.

1 MR. KARTALIA: Well, this is the beginning of the
2 process that will help us get that sort of information into
3 the record. And I should have --

4 MR. FLYNN: Sorry about the knucklehead -- anyone
5 could see it.

6 MR. KARTALIA: I should add also that, you know,
7 some issues kind of overlap each other like aquatic
8 resource, fisheries issues and recreational issues. So to
9 the extent that anglers have information that is useful both
10 in addressing, you know, the science of the fish but also
11 the recreational use of the fish -- that's all information
12 that we would want to get into the record.

13 MR. FLYNN: Okay, so that would be in the form of
14 comments -- fisherman --

15 MR. KARTALIA: Anglers who use the area, those
16 sorts of things are all valuable for our future analysis.

17 MR. FLYNN: Thank you.

18 MR. KARTALIA: Thank you.

19 MR. WATTS: Name and affiliation for the court
20 reporter please.

21 MR. KOHN: My name is Bill Kohn. I live in
22 Kennebunk -- I live about 40 feet above the river. One of
23 the aquatic resources -- recreation, I have the opportunity
24 to see along the lake in both directions of the river. Last
25 October I believe, they drew the river down and they made it

1 sound like it was a beautiful thing -- it was a disaster,
2 except for about 150 to 175 yards behind the dams.

3 There was a bunch of puddles connected by little
4 brooks about the size of sidewalks. Some of the puddles
5 were as big as this room, some were as big as a cot, some
6 were as big as an 18 wheeler, but there's not going to be
7 any recreation in there.

8 One of the things you might consider is when they
9 do it I don't know if anybody tested the soil. When these
10 dams were in operation they put catapults into the water
11 because nobody bothered years ago to test those things.

12 We heard that by taking the water out of the
13 situation -- does that expose these chemicals to faster
14 water or what? That's got to be tested before anything is
15 done. The other part of the recreation areas -- I get to
16 see people all summer and weekends in the fall and the
17 spring using the river with kayaks and canoes -- even the
18 high school uses kayaks and canoes in the river.

19 I think personally it's better than teaching them
20 how to play dodge ball or something like that -- the use of
21 the river they can use for the rest of their live, thank
22 you.

23 MR. TACKETT: And we're going to cover recreation
24 in a few slides -- that's one of our areas up here, in the
25 NEPA document, yes -- name and affiliation.

1 MS. JONES: Thank you. My name is Nancy
2 Campbell-Jones, N-a-n-c-y C-a-m-p-b-e-l-l- J-o-n-e-s. I'm a
3 rate payer and I'm a taxpayer. I have lived in this town my
4 whole life. I own a half of mile river frontage above the
5 Dane Perkins Dam, about 250 yards to the Old Falls Dam.

6 And I just wanted to let you know and the
7 neighbors know that they really need to pay attention to the
8 water levels in the river. The water levels in the river
9 control the river -- the river does not have its own water
10 source. The water in the river comes from the Old Falls Dam
11 and the Estes Lake Dam.

12 When they don't have any water in the dam there
13 is no water in the river. Two years ago when -- the Lord
14 does contain some water level it can -- if the good Lord
15 doesn't send us any rain then there's no water in the river.

16 Two summers ago we had a draught in this area and
17 there was no water level in the old Falls Dam, there was no
18 water level by the Estes Lake Dam. In one half of the river
19 I can walk down the middle of the river period.

20 I can walk I the middle of my river. There
21 wasn't enough water for any fish, no matter what kind of
22 fish you talk about so I just need for you and for FERC to
23 take a good look at the water levels in the river and how
24 they generate and maintain the water levels, thank you.

25 MR. WATTS: thank you very much. Anyone else on

1 aquatic resources -- if not, we'll move on to the next one
2 -- resources.

3 MR. MENDELSON: Good evening. We met earlier my
4 name is Alex Mendelsohn. The gentleman from America First
5 -- is that the name of the license applicant?

6 MR. WATTS: Yes.

7 MR. MENDELSON: Mentioned solar power --
8 integrated solar power. The town is already considering
9 contracting with a company to install a multi-megawatt solar
10 system in Kennebunk on Route 1 south.

11 I think it was about three years ago when the
12 doctor from U of Maine sat right here and used the same
13 microphone and discussed that there's more solar insulation
14 falling in Maine than there is in any other state in the
15 Northeast and that it would be very practical and easy for
16 the state of Maine to provide solar energy to the rest of
17 New England.

18 Doctor Matthew Geiger who also runs the composite
19 laboratory in Maine and is influential in driving off-shore
20 wind systems -- so I think that the presentation made by
21 America First -- because we are in a place where there is a
22 lot of potential -- no pun intended, for solar energy and
23 wind energy as well.

24 There was a scientist, his name was Steve Hawley,
25 H-a-w-l-e-y who spoke -- he spoke at Wells Reserve a few

1 years ago and published a book about dam removal in the
2 Pacific Northwest and referring to his book -- I can't
3 recall the exact name of the book, I do have it at home if I
4 have to give you information about it.

5 But it was premised on how they showed migratory
6 fish rebounding incredibly when dams were removed on rivers
7 that were thought to be defunct. There were some rivers
8 where they had dams and they removed them -- it was in
9 tertiary streams -- okay, for the fish -- and they were
10 astounded by the amount of fish that were recovered.

11 These were first year after the dams were removed
12 on that tertiary tributary.

13 Also, there's a lot going on in -- certainly Elon
14 Musk is launching rockets into space and he's assisting
15 NASA. There's a great field of research being done at the
16 university level throughout the country which you are
17 probably aware of with respect to evolving technologies and
18 not the old fashioned way with acid batteries but some very
19 21st Century storage techniques.

20 In fact, Elon was already selling something
21 called power wall which was a very large battery that sits
22 on the wall of the garage or your basement and it is a
23 multiple power storage device.

24 So if you have solar systems and you have storage
25 capability and that is only going to improve as time goes by

1 -- and certainly having restrictive technologies come in --
2 hydro systems that are subject to draught as somebody
3 mentioned, reduced water flow -- there's a big descent.

4 There's also a lot going on in using what are
5 called winco grids and there are some great websites right
6 now that illustrate the give and take of power generation.
7 You have to do a Google search -- I have the URL of one of
8 those websites which I can supply to you -- which really is
9 interesting because you see how the power is distributed on
10 a conventional grid from a large geographic area to another.

11 But there are technologies now -- especially
12 using vertical cross microprocessor based subsystems to
13 modulate the amount of power that is moved from one area to
14 another. In fact and you don't have to have dams that
15 restrict aquatic movement -- especially the soil.

16 And in Maine here -- you go through Maine, as Dr.
17 Rusack would say if you go out 100 miles and you have
18 windjammers out there you can supply all the rest of New
19 England with electricity.

20 So when you think about the Gulf of Maine it's
21 already undergoing ocean acidification which is higher than
22 it is in many other areas in the country and the temperature
23 in the Gulf of Maine is also higher -- it's quite surprising
24 actually -- scientists are not sure why it's higher than
25 almost any other body of water in New England.

1 The fish who live there and the other aquatic
2 organisms that live in the Gulf of Maine, use rivers as part
3 of an eco-system. It's not like going in the river and get
4 some fish runs -- its part of the eco-system. The
5 eco-system consists of micro-organisms at the local levels.
6 You gentlemen should know more about that than I do but the
7 biology of it is interrelated so it's not just a matter of
8 fish runs -- how many fish you count, it's what do those
9 fish mean for the whole eco-system which includes the Gulf
10 of Maine, the Atlantic Ocean, migratory species like whales.

11 It ranges from the very, very smallest organisms
12 and what we see problems right now with this in Maine and
13 lobsters moving further offshore, lobsters moving from the
14 north -- it's all interrelated.

15 So there's a lot of things to consider if you
16 look at the effects of project operations because it's all
17 over time. And again Well's Reserve and Jacob Aman and I
18 believe Jason Weinstein, a scientist at Well's Reserve have
19 taken a lot of data and they've looked at a lot of
20 fisheries.

21 And these things I hear about trucking, and
22 you'll see what a failure fish trucking was in the Pacific
23 Northwest a terrible failure. We're going to have fish
24 trucking for the next 100 years -- the next 200 years, it
25 doesn't make any sense. Salmon can -- you know, but we're

1 lucky is we see an organic salmon coming up, but there are a
2 lot of species like we have already discussed.

3 So I think we have to keep in mind in the early
4 part of the 21st Century we are enjoying a lot of new
5 technical --

6 UNIDENTIFIED SPEAKER: With all due respect it's
7 fascinating but it's really not on topic.

8 MR. MENDELSON: Thank you very much for
9 interrupting me and again my name is Alex Mendelsohn and I
10 would be very happy to refer you to some of the work, thank
11 you very much.

12 MR. TACKETT: From what I gathered here you
13 mentioned a couple of different topics -- alternative energy
14 being one potential alternative to those operations, the
15 aquatic resources effects and how it is connected to the
16 butting system of the ocean and we talk about it later,
17 thank you.

18 MR. WATTS: Okay and just a reminder -- very
19 good, because we are going to open it for general comments
20 and questions just like we did before. I want to keep it
21 focused on these --

22 MR. WHITEHOUSE: My name is Jonathan Whitehouse
23 and this is really just an observation. This summer I was
24 down by the pond, by this pond area it supplies water to the
25 town's flowers. And you could tell the state of the fishing

1 down there when you see the bald eagles.

2 We have a pair of nesting bald eagles in town and
3 at least one of them comes down at 4 o'clock in the morning
4 and you see the white head. And one I think was probably
5 due to the outline, and there was, you know, you can always
6 tell when the fish were there.

7 My question is my partner took a picture of a
8 fish that had moved up against the dam, against the dam --
9 and it wasn't a striper and it looked dark, it could have
10 been a salmon. That fish there -- I didn't think of it, and
11 that was the question that I have -- do you think it could
12 have been a salmon? It wasn't a small walleye -- but anyway
13 I just wanted to speak to the health of the aquatic
14 fisheries pull over the dams -- I had it on the upper dams
15 but I can't say I know the fish health up there.

16 MR. KARTALIA: First of all could you please
17 spell your name?

18 MR. WHITEHOUSE: Jonathan, J-o-n-a-t-h-a-n
19 Whitehouse.

20 MR. KARTALIA: And regarding your question about
21 whether it could have been a salmon -- I had seen some
22 correspondence from Fish and Wildlife Service where they
23 indicated that the Atlantic Salmon were possibly coming into
24 the area so they think there might be salmon in the area, so
25 --

1 MR. WHITEHOUSE: Whatever it was -- they kind of
2 reminded me of what the gentleman up -- just a question.

3 MR. KARTALIA: Thank you.

4 MR. WATTS: Name and affiliation.

5 MR. JALVERT: I'll be quick, I just want to put
6 in my two cents. My name is Shawn Jalvert, S-h-a-w-n
7 J-a-l-v-e-r-t. And I just wanted to make the point that the
8 fact that they're looking for certain things, and they're
9 certainly types -- even personally I've seen many, many
10 dozens again try to figure out okay this dam is here, how
11 are we getting above it? And also I just wanted to point
12 out the fact that I think it was the Alden study that was
13 referenced by a gentleman just a short time ago.

14 I read that and at least in reference to it I was
15 kind of taken aback by the almost open biasness of it -- the
16 fact that you know, when they went through and did their
17 sampling they didn't find a heck of a lot, but all you have
18 to do is go down to the dam and look to see what's in there.

19 I'm a proponent instead of reading reports and
20 trying to believe what others are telling you, just to go
21 out for yourself and see what's there and how much that
22 would reveal. And, also just to point out that the dams are
23 in place for almost 200 years -- of course you're not going
24 to have huge runs of fish coming up through it anymore.

25 Their habitat has been radically altered and the

1 access to that habitat has been limited for that amount of
2 time. And looking at some of these other more successful
3 projects in the dam and fish areas mentioned, and that's
4 just successful getting the fish up and over this dam that
5 was placed almost in the 1800's, but also on the Presumpscot
6 River they have a 50,000 reaching Highland Lake up in
7 Windham over just the course of 10 years, so that's a
8 wonderful success story and I'm sure we're all familiar of
9 the Edward's Dam on Kennebeck and now they're counting in
10 the hundreds of thousands of ale-wide certainly much lesser
11 fish species such as certainly salmon, shad, eels and such.
12 That's all I have to say. I just wanted to attest to the
13 fact that if you take it out and you make one of each they
14 will cross and there's proof of that all around the state.

15 MR. WATTS: Okay thank you. Aquatics and fish
16 are definitely our big issue that's described and thank you
17 for your comments.

18 The next set of issues are terrestrial in nature.
19 We posted the effects of continued project operation and
20 riparian habitat and associated wildlife, including water
21 fowl and wetland birds and the secondary effects of
22 continued project operation and whether or not that was on
23 fish and wildlife.

24 Are there any questions or comments regarding
25 terrestrial resources, those bullets we have for terrestrial

1 resources? Okay.

2 MR. MENDELSON: Yeah a quick comment, Alex
3 Mendelohn again. If you read Steve Hawley's book you will
4 find that the fish that migrate -- that spawn in the Pacific
5 Northwest Rivers where his research occurred swam across the
6 Pacific Ocean to the Sea of Japan and takes them a few
7 years.

8 There are predators who thrive on them and then
9 they turn around and they come back to the rivers where they
10 were spawned and they lay their eggs and then they die. And
11 the analysis of their DNA is taken from the foliage over the
12 river and from the animals that come and eat the fish that
13 die after they spawn.

14 And they're finding the DNA of the sea run fish
15 in the trees and the bushes and the various animals that
16 come down to the river so it's an eco -- once again it's an
17 eco-system spawn. A lot of arguments are being made. I
18 know recently there was a fair here in town over the summer
19 where supposedly some of these issues were before the
20 public.

21 And one of the large displays showed a vernal
22 pool. Well vernal pools have nothing to do with rivers.
23 The species that live in vernal pools exist because they are
24 not connected to waterways and there are no predators.

25 But pairing the existence of a vernal pool with a

1 rivering system is wrong, thank you.

2 MR. WATTS: Thank you, anything else on
3 terrestrial? I'm sorry.

4 MS. TEAGUE: That's okay you didn't see me
5 coming.

6 MR. WATTS: Name and affiliation.

7 MS. TEAGUE: Neither did Mousam Kennebunk River
8 Alliance.

9 MR. WATTS: Should I go back to terrestrial,
10 please spell your name and affiliation.

11 MS. TEAGUE: Yes I can, Donna Teague,
12 T-e-a-g-u-e. I am a resident, river abutter, taxpayer and
13 the founder of Keep our Kennebunk Dam Save the Mousam.

14 I'm not sure of how you are doing all of this and
15 so I had the comments that I was going to make at the end
16 but since we are on terrestrial um, one of the gentlemen who
17 just very recently spoke said to me at that same Earth Day
18 fair when I said, "You know right now we have a whole
19 eco-system, I see it all the time. It's rich, it's
20 plentiful, it's beautiful and it's packed with every kind of
21 creature you can imagine.

22 What happens when that river goes to a wave pool
23 and what happens to that eco-system?" He told me, "Well,
24 maybe we don't need them."

25 I hope that FERC is about more than fish. I hope

1 FERC also considers the creatures that are out there. Who
2 has a right to judge what eco-system is to be in place?
3 This one has been there for over 200 years. So I'll have
4 more to say later but that's my take on terrestrial.

5 MR. WATTS: Thank you for your comment. For the
6 name of the species there's actually a correction to make on
7 this one. Threatened canna lily, is that right? Yeah that
8 species has an error so it's not supposed to be there. It's
9 only the northern and long-eared bat that we're concerned
10 about at this point. So are there any questions on
11 threatened and endangered species -- yes ma'am?

12 MS. GYIMESI: Hi, my name is Betsy Gyimesi and
13 I'm a resident --

14 MR. WATTS: Spell that.

15 MS. GYIMESI: Yeah, that's a hard one, so it's
16 B-e-t-s-y and last name G-y-i-m-e-s-i. So we moved here
17 about two years ago. Before we could build we had about
18 five acres right along the river -- we had to have all sorts
19 of environmental studies done.

20 We had these done by Stantec. They did find our
21 property -- a significant number of vernal pools and yes the
22 river does cause them -- the water is trickling in there
23 causing these big pools.

24 And in them they found data of species of a black
25 spotted salamander and some woodland frogs. I do have those

1 studies that I can forward to you guys -- the work done by
2 Stantec. So that's my take on endangered species.

3 MR. KARTALIA: Okay, yes we would like to get
4 that into the record, especially if it is relevant to the
5 case of the river, thank you.

6 I would just like to add that our scoping
7 document in their stacks back there has instructions for how
8 to submit that, thank you.

9 MR. MENDELSON: I would just like to add into
10 the record that spotted salamanders and wood frogs are of
11 the species that are in vernal pools. The reason they exist
12 is because there is no connection to any waterway where
13 there are predators.

14 MR. WATTS: Thank you. Someone mentioned
15 recreation earlier so on the land use we're proposing to
16 look at the effects of continued product operation,
17 maintenance, land use within the project area and just to go
18 through like before if there are any questions or comments
19 on the recreation and land use -- if not --

20 MR. TACKETT: Just to mention really quick, our
21 scoping guide you are looking at it on page 13 also includes
22 under this section aesthetic resources. Right now the
23 bullet for recreation just says, you know, continued project
24 operation on recreation use on a singular project, but if
25 there are any additional issues related to this, state it so

1 we have time to discuss it.

2 MR. ASHLEY: Peter Ashley.

3 MR. WATTS: Could you please back up slightly --
4 that's fine.

5 MR. ASHLEY: How many of you gentlemen in FERC --
6 this is a little unfair question. How many people have you
7 fellows coming from wherever -- understand why Old Falls was
8 built?

9 Do you know why it was build? Okay well back in
10 the old days before me and you and everybody around here
11 probably, they had walking, they had horses, they had
12 carriages and then someone went to New York or some place
13 and saw a horseless horse-drawn carriage, called a trolley,
14 and then someone designed the electric motor and he lived
15 somewhere in the middle of Manhattan -- direct current.

16 I believe poor Tesla at that that time invaded
17 his territory. So they took that idea and they came up here
18 because it was a good place to spend a summer, cool, et
19 cetera, et cetera. And so they said where could we get some
20 direct current electricity before the AC?

21 And so they said oh, there's a river up there in
22 Kennebunk if you want to have peaches, et cetera you want to
23 go there, the ball in Cape Porpoise and go dancing. And by
24 the way they wanted to get the coal from Cape Porpoise up to
25 the mills in Sanford.

1 And they said, aha -- we'll cater to the people
2 in the daytime and we'll move the coal at night. So they
3 build Old Falls and it's 40 feet high and there are concrete
4 blocks and you ought to go look at -- and if you go to the
5 Brick Store Museum right up at the end of the road here and
6 get Ross Magdison's book Textiles something else and
7 Transits.

8 It's a fantastic book of the history of our
9 river. You should see what went on in this river and the
10 dates on it because it gives a real big insight into what
11 this town means to us and it also what the river means to
12 us.

13 You're talking the Twine Mill produced all the
14 fishing twine for almost half the world. They shipped it
15 all over the world in the sailboats and they made it up in
16 the Twine Mill, that's why it's called the Twine Mill.

17 So Dana Perkins was a saw mill. They needed to
18 cut up the boards and they hauled it over the snow in boxes
19 and built all of these houses for the people who were
20 working at the shoe shop and Twine Mill. So Old Falls is
21 named that way for a specific reason -- they developed the
22 trolley system in this area and the Trolley Museum is on log
23 cabin road.

24 It's the biggest, best trolley museum in the
25 whole world, you ought to go and visit that, thank you. So

1 that's what recreational land use is in this area.

2 MR. WATTS: Yes, go ahead.

3 MR. PASQUILL: Yes, I'm Bill Pasquill,
4 P-a-s-q-u-i-l-l-, resident, taxpayer, rate payer, all that
5 good stuff. My point is recreation and land use -- right
6 now there's a lot of land that's flooded by the impoundments
7 that we can't use.

8 If we thought of removing the dams that would
9 allow that land to be used for a Riverwalk -- great access
10 to the river and also the town owns a landing across from
11 the high school on Intervale Road where people could put in
12 canoes, kayaks, or just have access.

13 We also have the access down to the Kesslen Dam
14 where you will meet tomorrow -- and that would be a great,
15 approximately a mile area of access to the river whereas now
16 no one can have access to it because it's flat, called the
17 impoundment.

18 So land use is possible if we remove the water
19 from the land that's there, thank you.

20 MR. WATTS: Yes, sir?

21 MR. TEAGUE: Shawn Teague, a resident of
22 Kennebunk, ratepayer, tax payer, et cetera. The topic on
23 the screen is the --

24 MR. WATTS: Back up a little bit and spell your
25 name for the court reporter please.

1 MR. TEAGUE: Shawn spelled the wrong way --
2 S-h-a-w-n last name is Teague, T-e-a-g-u-e. On the screen
3 the topic says the effects of the continued project
4 operation and maintenance on the land use within the project
5 area.

6 In other words, if hydro generation continues
7 everything stays just as it is -- as we have known it for
8 generations. Take the dams away, no river. The only thing
9 that creates that river are the dams themselves.

10 The Wright Pierce report itself, in the cross
11 sections, show you take those dams out, the width of the
12 river is reduced by 80%. The depth of the river is reduced
13 by 90%. So draw your own conclusions about how much
14 recreation is going to be left within the Mousam River --
15 how much fish will be able to swim in a waterless river.

16 The other thing when it comes to maintenance of
17 land is -- you take away the dams and now you are going to
18 have possibly huge infrastructure issues to deal with.
19 Who's going to pick up the tab for that?

20 Is the MKRA going to do that or the Sierra Club,
21 or Nature Conservatory? Or is it going to be left upon the
22 taxpayers in the town to deal with the infrastructure that
23 would be created when those dams go out?

24 The other thing that maybe people aren't aware of
25 is that upstream there is the wastewater treatment plant of

1 Sanford. That wastewater treatment plant puts 2 and
2 million gallons of sewage into the Mousam River per day.

3 I used to work with an engineer a long time ago.
4 I worked in civil engineering offices for approximately 30
5 years. His motto used to be, "The Solution to Pollution is
6 Delusion."

7 You have significantly reduced water levels in
8 that river and those things are going to get a little
9 snoutty. I don't think it's a great idea for Kennebunk,
10 thank you.

11 MR. WATTS: Thank you.

12 MR. WHITEHOUSE: Jesse Whitehouse, ratepayer, tax
13 payer -- ratepayer, tax payer Jessie Whitehouse. I'm a
14 little late -- I just wanted to add to -- I can't remember
15 the name of the section I think it was recreation and et
16 cetera, but it's more about fishing -- fisherman.

17 MR. WATTS: Aquatics.

18 MR. WHITEHOUSE: Yeah, so my perspective being on
19 the river a lot, it's a pretty healthy river. There's a lot
20 of fishing there, it's really beautiful. But from what I've
21 heard about other towns that have opened up their river
22 systems and taken out their dams one thing that benefit is
23 that the alewife population is able to get further up river
24 and have more places to spawn -- and they're a really
25 important big fish, kind of critical to the eco-system.

1 So the more places they have to be, you know,
2 wildlife that is dependent on that it attracts too. There's
3 already a lot of wildlife there but from what I've heard of
4 those places where the dams have already been removed it's
5 only gotten better.

6 You know we have striped bass coming in up the
7 river from the ocean and if you have dams, you know, that
8 would give them access to get further upstream, cross with
9 big-mouthed bass and chasing more wildlife so I think we
10 would have a bigger game fishing population out there, thank
11 you.

12 MR. WATTS: Thank you for your comment. Let's go
13 with parks and recreation -- cultural resources -- both into
14 the effects of continued project operation on the start
15 properties and archeological resources, any questions about
16 resources, comments -- yes sir?

17 MR. MARSH: I may have misunderstood -- I should
18 have spoken under the previous one.

19 MR. WATTS: That's okay, we can go back, can you
20 please state your name.

21 MR. MARSH: My name is Ebon Marsh, Ebon with a B.
22 I live in Scarborough. I do not live in Kennebunk. That
23 river does not belong to the abutters, it belongs to
24 everyone in the state of Maine.

25 I've heard that it's a very rich environment for

1 the impoundments. I've also heard from the same folks that
2 dams -- one of the perils of removing those dams is that it
3 releases contaminants that are also impounded. Free flowing
4 water does not harbor contaminants. Free flowing water
5 creates oxygenation which actually contributes to clean
6 water.

7 I'm 74 years old and probably won't be here when
8 those dams are finally removed but my grandsons will be and
9 their grandchildren will be, thank you.

10 MR. WATTS: Thank you sir. So finally under
11 developmental resources we will look at the comments that
12 the proposed project and the effects of the recommended
13 environmental measures and the project economics, are there
14 any questions pertaining to economics?

15 So that will conclude our presentation on the
16 scoping document and this slide includes a list of -- yes
17 sir?

18 UNIDENTIFIED SPEAKER: (Off mic) That last slide
19 -- what does it say on there over on the left -- something
20 about carbon?

21 MR. WATTS: Oh, that's just an example. That
22 doesn't pertain to the issues at all. This is a picture
23 that we put to make the slideshow pretty, no, no, we just
24 put it up there so the slideshow can look --

25 UNIDENTIFIED SPAKER: We're not allowed to talk

1 about carbon tonight?

2 MR. WATTS: Oh, we can talk about whatever topic
3 you want to talk about.

4 (Multiple off mic conversation)

5 MR. ASHLEY: Okay, thank you for putting up with
6 my nonsense but I think it's about time we start thinking
7 about a little nonsense. But I had -- I can't remember
8 really quickly off the top of my head but I think it was
9 Alex Mendelsohn tonight who came up and thanked me -- is
10 that okay?

11 Let me see, let me check my pen here -- Alex
12 Mendelsohn came up to me tonight and he thanked me for
13 telling him about the book that I suggested to him quite a
14 while back, but I can't remember how far back because I'm
15 81.

16 The book by James Hanson still stands out in the
17 world of writing of scientific basis information for the
18 masses to try and get them interested in talking about the
19 future of our planet.

20 And this has to do about carbon and a couple of
21 oxygens that like carbon. And the thing about carbon
22 dioxide you all know by now, you should know, just like
23 putting a down blanket on your bed at night when the room is
24 down to 34 and you want to be in Florida.

25 So you climb in under the down blanket and you're

1 in Florida. So unfortunately a down -- no, no, it's a
2 carbon dioxide for this blanket. And when I first got
3 interested in the actual facts when I was reading his books,
4 I think it was down around 370 or so parts per million.

5 And now the other day that I heard it was around
6 405 or higher and um, people love to talk about going to
7 Dunkin Donuts or whatever in the morning and they don't
8 think about the carbon dioxide coming out of their tailpipe
9 going to get their morning coffee when they can make it on
10 the kitchen stove for 13 cents a cup from Market Basket.

11 So they would use a tiny bit of propane even
12 though it's only around 92,000 billion BTU's per gallon
13 against oil at 125 or so -- 125,000 that is. So they don't
14 think about the thermal dynamics yet about global warming
15 and of the energy they use et cetera.

16 We know it takes about 30 to 33% more energy to
17 get the electricity from the coal lines up to New England.
18 But you go stick a little propeller in the river and what
19 have you got? You've got about 98% efficiency in the
20 turbine -- you've got very close to that or maybe even more
21 now with the variable frequency units.

22 You've got electricity for about 92% efficiency
23 instead of 33% efficiency in a coal plant which is spewing
24 out coal -- it's the greatest creator of carbon dioxide. So
25 that little slide up there says carbon, climate and energy

1 renewable electricity impacts at several -- that is an
2 extremely important and appropriate thing to have on that
3 slide.

4 And I think the development resources of the
5 forefathers of this town knew when they came to this country
6 they had to be put something somewhere to get some kind of
7 power to take over the backbreaking work of an up and down
8 saw mill.

9 I don't know if any one of you have tried doing
10 it down there. The whole Sterver's Village was some place
11 like that. You would send the big guy down in the pit and
12 the little guy up at the top -- or is it the other way
13 around?

14 Anyway that's carbon dioxide -- you have the big
15 guy, he gives off warm breath and the little guy at the top
16 gives off a little less so maybe it's important to think
17 about which way you put them depending upon how much carbon
18 dioxide you give out.

19 So now, this is now a little after I started
20 thinking we need a little mirth and so I think you ought to
21 think of a little mirth and wonder what's going on with the
22 carbon dioxide. But I know when I helped put those dams
23 together -- I stopped working as a founder of the New
24 England Solar Energy Association to stop and work on those
25 hydroelectric dams because I knew it was a more efficient

1 way of reducing the carbon on this planet.

2 The thermal solar systems work great -- mine was
3 114 this morning and it is coming on strong, it's now
4 getting over the 20% mark but we need all the hands to start
5 making eggs real fast with no carbon dioxide in them.

6 MR. WATTS: So this slide includes a list of up
7 and coming milestones. The first milestone is comments on
8 America First pre-application document or scoping document
9 and a request for studies -- those are due by January 7,
10 2018 -- not too far from now.

11 Next America First, the official application will
12 file the post-filing plan 45 days after comments and start a
13 review. They will then hold study plan meetings 90 days
14 after the post-plan is filed to discuss this for further
15 refinement.

16 They'll then submit a revised plan based on those
17 meetings 30 days after the meetings conclude. And then the
18 OP Director of the Commission will then make a site plan
19 determination based on the revised study plan and any
20 comments filed in the replies.

21 And together the site plan determination and the
22 revised site plan will serve as the approval of that and we
23 will use that for a basis for collecting information and
24 using information to license the application.

25 So in addition to submitting the comments to

1 America First's pre-application document and the FERC
2 scoping document now is also the time for you to start some
3 of these study requests -- section 5.9 of the Commission
4 regulations require the request for studies follows these 7
5 very important criteria.

6 These criteria are important because they help
7 make cleaner -- the goals and objectives of the study and
8 how they relate back to project operations.

9 So just to go over them real quickly -- if you
10 are planning to submit a study request please make sure you
11 address these 7 criteria. I described the goals and
12 objectives of the study, explained the resource management
13 goals, explain what are the common integrations, describe
14 this information and the need for more information and that
15 one -- is very important to explain the nexus to project
16 operation and effects of how the study results would inform
17 the license requirement.

18 Next is to describe study methodology and how it
19 is consistent with acceptable practices and finally criteria
20 asking that you describe considerations of the level of
21 effort and cost and why attributed studies would not
22 suffice.

23 This slide includes some very helpful web links
24 to help you navigate the FERC process. There is a main
25 website -- www.ferc.gov that includes the licensing section

1 and it provides an overview of the licensing program, a
2 summary of license, issued license and permits and the links
3 to several guidance and handbooks.

4 There is an electronically searchable database --
5 e-library and this database allows you to search for
6 information in the record for any project. All you need is
7 a project name and number -- actually just a project number
8 and you will be able to access all of the documents on the
9 record, including a link to the documents themselves.

10 E-subscription allows you to open up an account
11 -- you subscribe to an account with FERC and this allows you
12 to receive email notification of all FERC issuances and
13 filings on the project. So if you e-subscribe to the
14 project, any document that FERC issues or any other
15 stakeholder files on the topic you will get an email
16 notification of that document as well as a link to the
17 document itself so you can really -- if you don't need paper
18 copies you can pretty much do everything from the computer.

19 E-filing -- FERC strongly encourages e-filing.
20 E-filing allows you to file documents on the record without
21 having to mail them through the U.S. mail. You can save on
22 your stamps and envelopes and stuff and we strongly
23 encourage you to do that just for saving paper.

24 This slide talks about how to modify the mailing
25 list. The mailing list in the back of the scoping document

1 -- I believe it's Appendix B includes the official FERC
2 mailing list. The scoping document that we send out we send
3 out to a combination of this list and the applicant's
4 distribution list, but all future documents will only be
5 going to the FERC mailing list.

6 So please review that if you are not on it and
7 would like to be added to receive FERC issuances in the
8 mail, please see the instructions for doing so. Pretty much
9 you have to send an email to our secretary or e-file it and
10 ask to be added to the mailing list. Just be sure to
11 include your private name and number.

12 Someone asked me earlier to make clarification
13 between our mailing list and the service list. The service
14 list has to do with interventions which we are not
15 entertaining yet unless we have a licensed application.

16 So this slide if you would like to be added to
17 the mailing list and it has nothing to do with the service
18 list -- that's a whole separate list that we maintain for
19 folks that are interveners in the project, yes sure.

20 MR. TACKETT: Just to follow-up on what Mike
21 said. So the mailing list is featured in our scoping
22 document section 10, page 20 through 22. So if you're not
23 on it and you want to be on it let us know, the directions
24 are in there for how to do that.

25 Interventions do come into play later in the

1 proceedings. They're really important towards the very end
2 for requesting reviewing and such but if you file a comment
3 we see it. Each of us are e-subscribed to the docket so
4 regardless of your status we see your comments and read
5 through them, just to let you know.

6 MR. WATTS: Go ahead.

7 MR. PASQUILL: Bill Pasquill, P-a-s-q-u-i-l-l.

8 Now this intervention process is that like an appeal in a
9 court -- I'm just wondering the verbiage -- is that the same
10 as appeals in like our legal system?

11 MR. TACKETT: Okay so intervention is the status
12 -- an interested party status in the proceeding, they are an
13 official part of the proceeding which is a pre-requisite for
14 requesting rehearing.

15 And rehearing is the term we are using for the
16 appeals process.

17 MR. PASQUILL: Okay.

18 MR. TACKETT: So there is the equivalence or the
19 appeal of a decision by the Commission.

20 MR. PASQUILL: Okay, so appeals can be made, I
21 assume at various levels or at just one level? For instance
22 the studies that are being made -- there's a question of
23 well maybe there should have been another study.

24 You folks come down and say these are the studies
25 that we want to be made and another group says, well wait a

1 minute, I think this study should be included. Is that the
2 intervention portion or --?

3 MR. TACKETT: Good question. Those discussions
4 will take place within the context of the proposed study
5 plan and the revised study plan. That's the process that's
6 used to develop the study plans that come to us, but our
7 decision or our study plan determination is I believe, only
8 challengeable by the applicant or the potential applicant.

9 And then later on in the process if the resource
10 agency and other's don't feel like they had enough
11 information to actually make their determinations on the
12 record, their requests for making it would come later on
13 down the road in the process based on the information that
14 they said they needed two years before.

15 MR. PASQUILL: But that was too much detail. The
16 idea then there is an appeals process built into this
17 process.

18 MR. TACKETT: You got it.

19 MR. PASQUILL: Even though there might be only
20 30 days to do it -- the process, good thank you.

21 MR. WATTS: Yes ma'am?

22 MS. TEAGUE: Donna Teague, T-e-a-g-u-e.
23 Regarding the mailing list you said that if we wanted to be
24 added to it we can use this address. If we have corrections
25 to it do we email you or let you know?

1 My point is that the senators you have listed are
2 Massachusetts senators and it would make much more sense to
3 be sending this to Angus King and Susan Collins, thank you.

4 MR. WATTS: Yes, right. Sure, yeah, we are aware
5 of that. There are some errors in our mailing list that are
6 sort of difficult to correct. We're not allowed to correct
7 the mailing list unless corrections from that person that's
8 on it -- and so we sort of have to deal with what we have
9 and try our best to sort of make sure that it's correct, but
10 if you have a correct please send it.

11 If you see something that's definitely wrong
12 we'll take a look at it and see if it is something that we
13 can fix, but more often than not we are kind of stuck with
14 it.

15 Okay, that is my presentation and just like we
16 did earlier -- I know we had a lot of comments and it was
17 good that we had those comments centered around the issues
18 that we talked about in the slides.

19 But I'm just going to start going down on the
20 list in no particular order. The first name on the list
21 would be Bruce Read, do you have a comment.

22 MR. TACKETT: And just clarify that these would
23 be for any comments that haven't already been made.

24 MR. WATTS: Yeah, yeah, if you feel you made your
25 comments then that's fine but if you need to make additional

1 comments or failed to make the comment that you planned to
2 make then just let us know, so Bruce is -- excuse me? Oh
3 hey left, okay. Yes sir, do you have a question?

4 MR. REECE: David Reece, R-e-e-c-e. And
5 obviously this isn't FERC's first rodeo so is there any
6 place that we as the towns people can go and find other
7 studies that were requested in other earlier dam review
8 places -- because it makes a lot of sense for me.

9 MR. WATTS: Yeah, absolutely.

10 MR. REECE: Where would that -- how would I find
11 access?

12 MR. WATTS: So back to the list of websites. The
13 second bullet -- e-library.

14 MR. REECE: E-library?

15 MR. WATTS: Yes, that's the database that has all
16 the information for all the projects going back to 1994 --
17 F&G Light -- you could probably see all the documents on the
18 record but the one that you can click on a replay in word
19 form so if you are aware of a project that's just been
20 licensed or just went through an IOP then you can search for
21 that project and look for examples because those are all
22 public records.

23 MR. REECE: And then the study request kind of
24 criteria?

25 MR. WATTS: Yeah.

1 MR. REECE: Is that spelled out somewhere? I
2 couldn't find it in the handout, is it in there?

3 MR. WATTS: It's in the scoping documents.

4 MR. TACKETT: Page A-1.

5 MR. REECE: Okay.

6 MR. TACKETT: The first page of Appendix A.

7 MR. REECE: Thank you.

8 MR. WATTS: Also there as well.

9 MR. REECE: Oh, very helpful, thank you.

10 MR. WATTS: Yep. Okay just going down the list
11 -- yes?

12 MR. TACKETT: I just want to mention that
13 e-library could be a finicky for all of us sometimes so
14 please try to have patience when dealing with it and when
15 you go to the e-library page you'll see that it has the
16 ability to type in text at the bottom and so if you want to
17 type in something that would lead you to whatever you're
18 looking for, use that.

19 For instance, study plan -- those types of buzz
20 words will get you to what you're looking for faster. And
21 each docket that's dealing with -- we have many different
22 types of filings, each docket would start with a P so
23 there's also an insert for docket numbers so just put P dash
24 -- P dash, that guarantees you a popup of just hydro
25 projects and not everything else, so use that to read other

1 tests.

2 MR. WATTS: So Robin Kerr?

3 MS. KERR: Hi, I'm Robin Kerr.

4 MR. WATTS: Should I lower the microphone?

5 MS. KERR: Do you want to speak?

6 MR. WATTS: Spell your name?

7 MS. KERR: Yes, Robin Kerr, K-e-r-r Robin the
8 bird, R-o-b-i-n. And I'm here with my family to speak in
9 favor of dam removal. I've spent the majority of my career
10 in conservation and recreation and I'm a resident of
11 Kennebunk, I'm a mom and a student in the Kennebunk school
12 system.

13 And as a family we're very much in favor of
14 restoring the river to a more natural state. We use the
15 river for kayaking, for fishing, for swimming, for bird
16 watching and we do that at the mouth of the river and
17 upstream as well.

18 As a conservationist, I understand the benefits
19 of healthy rivers and the benefits to water quality and to
20 wildlife and to all of us for recreation as well. And I'm
21 also very much in favor of what you folks are doing here
22 tonight.

23 I really appreciate your thoroughness in
24 reviewing all the studies that have been proposed tonight.
25 And I'm also advocating that America First be responsible

1 for all the costs associated for those studies and as a
2 resident I'm not in favor and wouldn't support the town
3 taking on a role of relicensing or refurbishing or any of
4 that as well. So thanks again for your time tonight.

5 MR. WATTS: Thank you, next on the list is Mr.
6 Whitehouse, Miss Whitehouse, I'm so sorry.

7 MS. WHITEHOUSE: There's a reason he didn't
8 pronounce my first name -- it's Miriam, M-i-r-i-a-m
9 Whitehouse. I do have some comments but I also just wanted
10 to address a previous comment about the dams -- not wanting
11 to remove the dams because they have always been there, it's
12 always been this way and the comment that there is no river
13 without the dams.

14 And I would just like to say it wasn't always
15 this way and nobody would have even built a dam if there had
16 already been a river there. So I just don't agree with the
17 statement that there is no river without the dam.

18 I wanted to agree with the lady that just spoke
19 about removal of the dams. I understand that one of your
20 purposes of being here is to find out how the townspeople
21 feel about it. You've heard a lot of river abutters speak
22 tonight about keeping the dams in place and keeping things
23 just as they are.

24 And they will point to the referendum questions
25 that were on the ballot last year to indicate that there is

1 widespread support, sorry, for keeping the dams in place and
2 keeping generation of the power going.

3 I don't happen to agree that the support is as
4 widespread. I think there are a lot of residents including
5 our family who do not believe that the removal of the dams
6 would result in a catastrophic picture that is often
7 painted. I think all you have to do is look at other many,
8 many, many examples all over the country of dam removals and
9 what happens afterwards and it isn't just a dried up river.

10 One of the reasons these straw ballot questions
11 are not that meaningful in my opinion is because there's was
12 absolutely no cost listed on the questions of what it would
13 cost to keep the dams in place and keep generating.

14 And I think that that's what it is probably going
15 to come down to in this town. If you go to any selectmen's
16 meeting or watch any selectman's prior meeting, I don't
17 think there's a meeting that goes by which we talk about --
18 they talk about all the costs we're faced with, how many
19 needs the town has, things we have to do that cost money.

20 How many wishes we have of things that we would
21 like to do that cost money and the fact is there was enough
22 money. And the last thing the selectmen would like to do
23 and they have said this publicly, is incur more costs by
24 having anything to do with managing the dams or underwriting
25 a company such as America First who comes in and proposed to

1 do it and would like to support the town.

2 I don't think it's going to be there. I think
3 there are a lot of people who feel strongly with what
4 numbers come out. We've had three studies all of which have
5 -- the second two studies validated the first study that
6 show basically that removal of the dams is the cheapest
7 option, that's it.

8 MR. WATTS: Thank you. Mr. Bruce Read? He's
9 gone okay, Susan Bloomfield?

10 MS. BLOOMFIELD: My name is Susan Bloomfield.
11 I'm a town resident and ratepayer. That's
12 B-l-o-o-m-f-i-e-l-d. I've been on the other side of the
13 microphone in many of these meetings on your side of the
14 table actually and I know words in print sometimes appear to
15 have a lot of weight.

16 Since this is our first meeting with the First
17 hydro representatives, I'd like to suggest that you may have
18 a very false impression of the level of town support for
19 your efforts. I'm wondering and questioning by what
20 evidence you determined widespread town support as Miriam
21 just mention?

22 Something you flatly stated on your PowerPoint
23 slide -- facts and evidence should permeate down to all
24 levels of this process, thank you.

25 MR. WATTS: Thank you.

1 MR. TACKETT: Are you looking for a response from
2 America First on the question?

3 MS. BLOOMFIELD: If they are willing.

4 MR. TACKETT: Okay, Ian? Did you hear the
5 question and do you want to respond?

6 MR. CLARK: We're having widespread support?

7 MR. TACKETT: Yeah.

8 MR. CLARK: No.

9 MS. BLOOMFIELD: She's not a representative of
10 that -- of the applicant.

11 MS. TEAGUE: No, I'm not but I'm certainly a
12 citizen who voted for those referendum questions. Donna
13 Teague, T-e-a-g-u-e.

14 The three referenda questions that were um -- put
15 on the ballot on November, 2016 -- I don't have the exact
16 numbers -- Mertin and Town Hall I can give them to you
17 tomorrow. There were roughly 8,000 people who voted. It
18 was the Presidential election.

19 Approximately -- uh, well before I tell you that,
20 there were roughly 8,000 people who voted -- as far as the
21 number of river abutters voting in Kennebunk, there are 100
22 addresses for river abutters, okay so we're talking about
23 100 people or groups.

24 Of the 8,000 who voted over 5,000 voted to keep
25 hydrogenation or to keep the dams one way or the other and

1 to have a voice in the proceedings. So it was at least 66%
2 of the voting population of Kennebunk -- oh here we go, I
3 don't think you need all the details but yeah.

4 Question 4 to keep hydropower -- 5,061 people
5 said yes, that was 69%. Question 2 to keep the
6 impoundments regardless of hydropower was 5,318 which was
7 72.2% and question 6 -- do you want to have a say so on this
8 final decision -- 5,852 or 80% of the voting population said
9 yes.

10 And by the way you should know if you don't that
11 KLPD has in its charter that if the dams and the assets
12 therein are transferred or something is going to be done
13 with them it has to go to town vote.

14 Now I don't know how that works with the federal
15 system but I think it is an issue that's going to need to be
16 looked at in this. So that's why we say there's widespread
17 majority support for keeping the dams, thank you.

18 MR. WATTS: Thank you. The next person -- do you
19 mind if I go down this list first -- the next person on the
20 list is Betsy Gyimesi -- oh you did already, Kenney
21 Decoster.

22 MR. DECOSTER: Thanks I think I'm at the right
23 distance. Kenny Decoster, K-e-n-n-y D-e-c-o-s-t-e-r. I'm a
24 resident and I'm also a conservationist. I've heard many
25 people say at these public meetings and I heard this

1 afternoon that it's outside organizations that are
2 advocating for dam removal and I'm actually a member of
3 several of those organizations so those organizations are
4 speaking for me and many other residents.

5 Those groups are the ones that are looking and
6 investigating the scientific data that goes into a decision
7 on how the dams are affecting the environment and they help
8 us make a decision of what to do.

9 Kennebunk was established because of the
10 environment here -- I mean the reason the people settled
11 here was it was a good place to live and we should be -- we
12 should be responsible in taking care of the environment and
13 making decisions appropriately about the Mousam River.

14 I'm also a paddler. I've canoed and kayaked the
15 Mousam above and below the dams. I'm a member of the
16 American Whitewater Association and the Mousam River -- from
17 Route 1 down to Roger's Pond is on the Maine website as a
18 whitewater destination.

19 The removal of the dams would increase the
20 whitewater section of the river and you're not going to be
21 able to paddle it all year round but in spring, run-off or
22 after a large rain then it definitely will be canoeable.

23 And so I'm looking forward to paddling from Old
24 Falls Dam down to the sea someday. As an outdoor enthusiast
25 I'm asking FERC to consider an economic impact study of how

1 improved recreation along the Mousam is going to affect our
2 economy -- the fishing, the kayaking and bird watching and
3 how that compares to the work of the electricity that's
4 being produced.

5 And I think that needs to be studied -- the two
6 playing out against one another. So I guess that's it.

7 MR. WATTS: Thank you, thanks. The next person
8 on the list if ROI -- is that person here -- no? The next
9 one is Kevin Flynn.

10 MR. FLYNN: Kevin Flynn, I spoke earlier. I have
11 a number of issues that I hope you guys consider and
12 address. I have some experience in hydro. I used to sell
13 control systems many of which were put in hydro so I
14 understand how it works.

15 I know that you need a river to make it work,
16 flowing water, those rivers will not die if the dams are
17 taken down. They're going to continue to flow whatever
18 power is available and hydro is coming from the water coming
19 down -- I know you guys know this but many people don't
20 realize that.

21 So it's the head and flow, you need both. And
22 um, I am concerned about the financial issues on this
23 because it appears that America First hydro is essentially
24 -- for lack of a better word, like a shell company or if
25 it's an LLC formed strictly to do this project.

1 So these dams are here for, you know, if they get
2 a license these dams will be here for a long time. We know
3 that Kennebunk Light and Power tried to figure out a way to
4 make them economic for them on their own.

5 I know some people think they didn't but they --
6 we have a couple of different studies where they looked at
7 the economics of it and decided it wasn't worth it. So here
8 we have a small company with essentially no resources other
9 than what they put into it for this project.

10 I'm concerned about how they will have the
11 wherewithal to keep these going throughout a license and do
12 the work required and keep the dams safe if they are to
13 remain.

14 I'm in favor of removing the dams because of
15 environmental reasons. I think the amount of power that
16 they produce is really very small -- I'm not opposed to
17 hydro everywhere but I think small little dams on rivers
18 that have other uses we can improve recreation and fisheries
19 by removing those dams and there's another 8 dams upstream
20 -- I think that's the number, some of which are producing
21 hydropower so how much hydropower does this little river
22 need to do and there's other jobs that river has as well for
23 our environment.

24 People talked about carbon footprint and that
25 this is saving carbon. Well when I walk down to the river

1 from my house and catch a shad and bring it home and eat it
2 I'm getting protein from that river.

3 And I know that producer protein is one of the
4 biggest carbon -- one of the highest required -- it uses
5 more carbon than any other kind of food so you know I think
6 it's kind of a moot point how much carbon we're going to
7 save from those dams.

8 We're talking about fisheries here -- the Gulf of
9 Maine, there's a lot of potential there. There's already an
10 economically viable and thriving elder fishery in that river
11 and there is the potential for quite a bit of improvement in
12 river herring which already exists but obviously can't get
13 very far without the river.

14 Water quality of the river is a big concern of
15 mine whether the dams stay or not. They have a big impact
16 on water quality right now. I mean there is that 2 million
17 gallons of sewage coming down from Sanford -- I don't know
18 what the outfall is right here in Kennebunk into our title
19 estuary but it is influence by -- that greatly influences
20 the water quality down here. Most of that sewage that was
21 referred to earlier, goes right into Estes Lake and I swim
22 in that lake and I know many people fish in it, people have
23 houses along it so that sewage isn't such a problem down
24 here.

25 But low oxygen and other turbidity and things

1 like that are a problem right down here and these dams are
2 contributing to that problem. That needs to be looked at
3 very carefully.

4 And recreation I think is a big plus -- having a
5 free flowing river for fisheries, for bird watching,
6 watching for wildlife, but also canoeing and paddling. I
7 paddled upstream during that drought that was mentioned
8 earlier right in one of the highest points of that drought
9 from Dane Perkins Dam.

10 The water level was at least 9 feet below where
11 the minimum amount would normally be at. I've canoed it
12 many times. My wife and I paddled up that stream all the
13 way up to the power lines and we were out of the
14 impoundment. The impoundment didn't last very long at that
15 point because the water levels were so low.

16 There was still water flowing down that river and
17 most of it -- I know there wasn't much coming out of the dam
18 at Vole Falls, there's a lot of water coming into that river
19 through aquifers up on the blueberry plains -- that's where
20 we get our drinking water from in Kennebunk and there are
21 springs it seeps all along that into the Mousam as well as
22 into Branch Brook.

23 And they had fresh water, cold water to that
24 river that will also help for fisheries when those dams are
25 removed. And I served on the Conservation Commission in

1 this town many years ago and took water samples up to the
2 state DEP so that we could get that river classified as a
3 class B river.

4 So it used to be a class C river much because of
5 all of the industry on that river and I'm sure it was
6 probably a class D river -- the river was very polluted
7 years ago and it's improved a great deal and I hope that as
8 you guys review this application you'll look to try and
9 improve that further because we need good clean water.

10 We need a sound eco-system to face many of the
11 environmental challenges that are coming ahead of us in the
12 years to come, so thank you.

13 MR. WATTS: Thank you for coming sir. That was
14 the last name on my list, are there any additional comments
15 -- yes ma'am?

16 MS. HOADLEY: My name is Molly Hoadley. Molly,
17 M-o-l-l-y H-o-a-d-l-e-y and I live in Kennebunk. And I just
18 wanted to say that I'm concerned about the Gulf of Maine and
19 the impoundment in town is nice but compared to the health
20 of the Gulf of Maine which needs these free flowing rivers
21 and the increase in the fisheries to feed the large predator
22 fishes in the Gulf of Maine, that's where I'm concerned.

23 And I think that the beauty of the impoundment is
24 very minor considering the health of the Gulf of Maine.

25 MR. WATTS: Thank you.

1 MR. PASQUILL: It's Bill Pasquill,
2 P-a-s-q-u-i-l-l and I just want to address the issue of the
3 referendum which had an outstanding number of people
4 concerned about what was going on.

5 I'm sure you folks are beginning to pick up the
6 vibes that there's issues regarding these dams and there are
7 two groups -- one for removing, one for keeping.

8 I think that's evident by the commentary you have
9 seen. So since this was a non-binding vote, no numbers as
10 far as costs were concerned -- a lot of people simply said
11 we would like to get more information on this and we would
12 like the town selectmen to get involved -- this has all
13 happened.

14 But bear in mind this was all under the auspices
15 of people not knowing which way to go and wanting more
16 information and that's why you're here. So I think the vote
17 was for more time, more understanding, more detail.

18 And just to go from one detail or detail on one
19 of the items on that non-binding referendum was something to
20 the effect of do you want to continue hydropower generation
21 on the Mousam -- it did not say whether they wanted KLPD to
22 continue until the license ran out.

23 They didn't say what the cost would be to provide
24 new types of turbines if that's what they wanted, so at
25 least if you look at the questions you'll see that they are

1 very generic, open-ended questions and I think the result
2 was confusion of a lot of people.

3 We just wanted to buy more time to find out what
4 was going on, thank you.

5 MR. WATTS: Thank you.

6 MR. REECE: David Reece, again. Quick question
7 -- first of all I also want to thank you all for being here
8 it means a lot. I have a question -- I think it's relevant
9 but I don't really know if it's realistic.

10 It pertains to the studies -- the fiscal
11 financial feasibility studies that have been done thus far.
12 This whole process started well over a year ago and in that
13 time Kennebunk Light and Power invested a lot of time,
14 money, energy in exploring the feasibility financially of
15 preserving the dam.

16 And they were very courtesy as far as I remember
17 and they presented all the material -- spelled it out very
18 clearly, it was made public. That Price Waterhouse was
19 higher -- right? They did the same thing. All of the
20 information was laid out once again -- it is not financially
21 viable.

22 I'm wondering whether American First Hydro -- now
23 I realize they're a private enterprise and they may be under
24 no obligation to reveal their findings, but somehow they
25 were able to crunch the numbers in a way that they got a

1 different result.

2 And I think it would be of great interest to
3 everybody concerned here to see their finances -- how they
4 got there. It's a starting point. In other words if this
5 really isn't financially viable, then we're all wasting our
6 time I think. And a lot of people have put a lot of energy
7 into proceeding with this whole process, a very long lengthy
8 process. But what I want to know from the get go -- is this
9 financially feasible as proclaimed by American Hydro?

10 Because we have had two examples already where it
11 wasn't and those were all made public. Now we have the
12 third and I think it would be very respectful if they would
13 consent to do that now before we get too far into this,
14 thank you.

15 MR. WATTS: Thank you.

16 MR. ASHLEY: A lot of you read the Wright Pierce
17 report based on data that was given to them by Kennebunk
18 Light and Power and not necessarily back in the years when
19 things were working a little bit better than they are now
20 and some say that some of the plants aren't running.

21 Back when we started we were getting over 200 I
22 mean 2 million kilowatt hours a year. Then along came
23 Wright Pierce using the data for more recent years when
24 things had changed. They weren't making as much power so
25 when you do an analysis of course it didn't look as good --

1 just like your old car if you forget to change the oil, you
2 forget to fix the flat before you ride on it -- you'll ruin
3 the rims.

4 So the -- what I'm trying to say is that if
5 you've read all of the reports then you know the answer.
6 The answer was on page 2 of the GZA report at the table
7 there. As I said earlier you look at the flow, the slope,
8 the speed of the water, the impoundment area -- what you get
9 for the head, the difference in height between the head
10 water and the tail water and you do your simple calculation
11 dividing by 11.81 and then you get the kilowatts out of it.

12 So this is one of the first things you do when
13 you look at a dam and then you can look at it from you know,
14 oh my
15 God what is it? The point being GZA looked at it from the
16 way a surveyor would. They, on that page 2 said well what
17 is the height of the dam, what is the flow rate?

18 They looked at the USGS flow rates. They put it
19 into something what the staff mathematicians call an
20 exceeded flow rate and back in the days when they had the
21 belt driven shoe shops in Kesslen and other plants in town
22 that ran off the shoe -- the leather belts, like the double
23 runner Rodney Hunt that was in the Twine Mill when I got
24 there and ran the Twine Mill.

25 They said, "Oh, why did they use such a small

1 machine?" Well, they had three shifts, they produced twine
2 24 hours a day. Why and how? Well they have an impoundment
3 upstream, the Dane Perkins Dam. They had a sluice gate on
4 it. They'd send the guy down there at 6 o'clock, he'd open
5 the sluice gate and they'd get another 12 hours out of the
6 turbine.

7 And then they'd shut it down for the breakfast
8 hours and the housewives would get the kids off to school
9 and everything, the water was building back up again and
10 they'd do the whole thing over again.

11 So if you take the modern exceedance curves for
12 hydroelectric generation you'll be working between 5 and 9
13 months a year and you're using like a 20% curve and you're
14 getting in the neighborhood of 340 cubic feet a second at
15 the Twine Mill, then you put that into that formula that I
16 just mentioned -- the head times the flow times the
17 efficiency divided by 11.81 -- that's the number you have to
18 remember and you're going to come up with the kilowatts.

19 So that's what GZA did on the Table 2. And you
20 get back home and you turn on the computer -- what was that
21 thing Peter was saying? Oh yeah, GZA oh yeah something on
22 page 2 Table.

23 And suddenly you've got 4 million kilowatt hours
24 a year out of those three dams if you operate them to the
25 nameplate rating that will give you flows over 20%

1 exceedance area.

2 Now, you look at the holder -- Shawn Teague
3 looked at it, he got a really long piece of paper and he
4 started drafting it out -- he helps makes those destroyers
5 that the United States Navy uses DGA class or whatever it
6 is.

7 When you do that slope on there, you get a slope
8 of like a half to 2% or so. White water -- no I don't think
9 so, not there anyway. Anywhere you find a dam and you take
10 the dam out you're going to have white water anywhere else
11 is questionable.

12 So what I'm saying is that I think that Ian Clark
13 is one of the people that's smart in this room. He's
14 looking at the slope, the incline, the difference in
15 elevations and he's looking at the USGS flow rates and he's
16 saying 20%, 20% -- not that 28% that the old timers used
17 with the leather belt and the shafting -- easy as the modern
18 methodology of statistical analysis and developing a plan.

19 To run the old ones, to get things done and get a
20 flow of dollars and cents and then he's going to start
21 drilling holes in the dam and popping in these hydro units,
22 modular ones. You get a little plug, you stick it in there
23 and you have a wire coming out and you plug it into the grid
24 and you're making electricity.

25 So I think we'll find out very soon maybe -- who

1 knows? Maybe the whole thing will tip another way.

2 MR. WATTS: Thank you.

3 MS. HOFFMAN: Hi my name is Paula Hoffman, my
4 last name is spelled H-o-f-f-m-a-n. I became interested in
5 the dams when all this blew up in this town. So I started
6 researching the history of the dam and there's a book
7 written by Edward Lauren, it was written in 1872. You can
8 find it online.

9 There's nice reference for us under -- I think
10 it's archive.org. It talks about the first saw mill and dam
11 being built on our river in 1672. That was the reason why
12 this town was founded here.

13 If you walk around the banks of the Mousam River
14 you'll find homes that date back hundreds of years because
15 of the way that this town was developed was because of that
16 river. I looked into finding out a little bit more about
17 the Kessler Dam and I contacted the Maine Historical
18 Preservation Commission and found out that in 2009 the
19 Kessler Dam was deemed eligible to be placed on the
20 National Register of Historic Places.

21 It has never been placed because the only person
22 who can place it is the person who owns it which is KLPD and
23 they've chosen not to place it up to this point.

24 It's interesting to know that the town of
25 Kennebunk is one of only 10 communities deemed by the Maine

1 Historic Preservation Commission to be a certified -- I
2 think it's called a certified government -- I forget what
3 the exact numbers are, letters -- but anyways it makes it so
4 that we are able to work with federal agencies.

5 I've been in contact with the Maine Historic
6 Commission and they said that they would file with you
7 because of Section 106 and they've asked for more
8 information on the Kesslen Dam, above ground and
9 archeological surveys of that area. I think that when you
10 look at our community and there's a lot of people who are
11 interested in restoring a fishery here -- there's also a lot
12 of people who have lived here for a long time and their
13 families have grown up here and the river has been part of
14 their live.

15 The river is out their back door, they kayak,
16 they fish, they canoe. I've used the river for both falls
17 to the sea. I've been where it's free flowing and I've been
18 where it's still and the river is in the heart of this
19 community and I hope that when you do look at licensing for
20 the dams or not licensing these dams, you consider how it
21 would affect our entire community if you remove the dams, so
22 that's it.

23 MR. WATTS: Thank you, Shawn Teague?

24 MR. TEAGUE: Just a couple of thoughts by way of
25 clarification. My wife said earlier -- I'm Shawn Teague.

1 My wife said earlier that if there's any transfer of the
2 hydroelectric assets -- it is in the charter that it must be
3 voted upon and passed by a majority of the town's people.

4 That is because these are municipal hydroelectric
5 assets. The KOPD trustees don't own the dams. They are
6 exactly what the name says -- trustees. They hold them in
7 trust for the people of the town of Kennebunk. It is not
8 the CMP -- this is not a for profit operation.

9 KOPD and those hydroelectric facilities were
10 meant to offset the electric costs that were taken off the
11 grid to keep our energy costs down. So to talk about the
12 fact that it's not worth it to keep them going is
13 preposterous -- they're not meant for profit to begin with
14 -- they're to serve the town of Kennebunk.

15 So that is why they are still public assets.
16 They are not currently generating what they can and what
17 their full potential is -- is because they are being
18 mismanaged. I would also like to point out that the impetus
19 for not going for re-licensing is because of the undue
20 pressure that is being brought upon the town and the
21 trustees by outside special interests. Otherwise, I think
22 they would have been left alone and they would continue to
23 be in operation and generate power for many, many years to
24 come.

25 MR. KOLFF: Albert Kolff, I live in Kennebunk. I

1 want to submit to FERC the hydro production number 1 PDF,
2 KLPD provided to us on February 24, 2016. It's a record of
3 the federal production between 2002 through 2015 although
4 I've done calculations for what the average kilowatt hour
5 should be for those 13 years when the ratepayers report is
6 being generated -- we didn't have a year in 2015.

7 So this is the document that shows the yearly
8 kilowatt hours generated by the dams, by dam, by month, by
9 year.

10 MR. WATTS: Thank you.

11 MR. MENDELSON: Alex Mendelsohn. Just a quick
12 reference -- we have no respect for history in this town. I
13 served on the Conservation Commission for over 20 years and
14 I can attest to that.

15 And when you are talking about local history here
16 going back 200 years, 300 years -- we built subdivisions in
17 the areas that were populated by Native Americans thousands
18 of years before any white settlers came to this area to
19 build mills built for making twine.

20 We built subdivisions along the sea road where
21 there were archeological artifacts destroyed. And that is
22 just emblematic of some of the destruction and disrespect
23 for history -- we've talked about history going back 2-300
24 years. Let's go back a little bit further, what I'm about
25 to say.

1 Now as far as outside special -- outside special
2 interest -- it has nothing to do with the delineation and
3 the border of the town when you're talking about an
4 eco-system, it has nothing to do with that.

5 I think FERC people understand that. There's
6 nothing said this evening about one outside special interest
7 that I may be misquoting and maybe one of the gentlemen here
8 could correct me if I'm wrong -- but I believe it's the
9 Maine -- Association.

10 They are importing bait right now from Asia and
11 lobster is a big deal in Maine, you know, and did any of you
12 have lobster for supper tonight? But the cost of bait in
13 recent years has sky-rocketed.

14 And the reason is that river herring are scarce
15 so it's just another example of, you know, trying to restore
16 a river so you can harvest them in a sustainable manner and
17 help address that economic problem. Thank you very much I
18 really appreciate it. It was a real honor to be able to
19 speak with people from the federal government, so it's
20 really something, thank you.

21 MR. WATTS: I believe that's it. If there's any
22 other questions -- if not, thank you for your participation.
23 We got some really good comments on the record -- yeah go
24 ahead.

25 MR. KARTALIA: I had wanted to remind people also

1 that when you're leaving if you know people who would be
2 interested in our process who weren't able to be here
3 tonight, please help yourself to some copies of the scoping
4 document and pass it out to people that you might want to
5 keep in touch with this project.

6 MR. WATTS: And if there are no other questions,
7 this meeting is adjourned, thank you very much.

8 (Whereupon at 8:34 p.m., the meeting was
9 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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14 Docket No.: PROJECT NO. 14856-000

15 Place: Kennebunk, Maine

16 Date: Monday, December 11, 2017

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

21

22

23 Larry Flowers

24 Official Reporter

25

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 6:00 p.m.

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- 1 SPEAKER LIST
- 2 MICHAEL WATTS - CHAIR
- 3 NICK TACKETT
- 4 STEVE KARTALIA
- 5 JONATHAN KILBOURN
- 6 IAN CLARK
- 7 PETER ASHLEY
- 8 ALBERT KOLFF
- 9 BRUCE READ
- 10 KEVIN FLYNN
- 11 BILL KOHN
- 12 NANCY CAMPBELL-JONES
- 13 ALEX MENDELSON
- 14 JOHNATHAN WHITEHOUSE
- 15 SHAWN JALVERT
- 16 DONNA TEAGUE
- 17 BETSY GYIMESI
- 18 BILL PASQUILL
- 19 SHAWN TEAGUE
- 20 JESSE WHITEHOUSE
- 21 EBON MARSH
- 22 DAVID REECE
- 23 ROBIN KERR
- 24 MIRIAM WHITEHOUSE
- 25 SUSAN BLOOMFIELD

1 KENNY DECOSTER

2 MOLLY HOADLEY

3 PAULA HOFFMAN

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

2 MR. WATTS: Good evening everyone. Welcome to
3 the Federal Energy Regulatory Commission or the FERC for
4 short for the Lower Mousam Hydroelectric Project. That's
5 Project Number 14856. My name is Michael Watts and I'm an
6 engineer at FERC.

7 I am also serving as the Project Coordinator for
8 the project. With me from the FERC are some additional
9 staff members. At this time I'll have them introduce
10 themselves and say what their duties are at FERC.

11 MR. TACKETT: Thank you Mike. I'm Nick Tackett,
12 Branch Chief for FERC, and I appreciate each and every one
13 of you being here. I know that this project is part of
your
14 community and that I appreciate the opportunity to hear
from
15 you today.

16 We are here for NEPA scoping environmental
policy
17 and scoping on the environmental issues so I hope to have,
18 you know, full discussion on those issues -- as you see we
19 will have the list of all the resources and everything,
from
20 cultural to terrestrial, et cetera of the different things
21 going on and how this project could impact the environment.

22 So that's what we're hoping to discuss today and
23 I just wanted to thank you for past participation with

24 Kennebunk Port Power and being here to provide information
25 to them and I just wanted to mention that as currently

1 licensed the project is under 5362 as far, you know, the
2 document goes.

3 Our agency -- going forward, we have the steps
to
4 due process under -- sorry for Project Number 14856 and so
5 this is sort of a new record that we are establishing under
6 this and I would just encourage you and also thanks for
7 participating previously but encourage you to offer your
8 information as if it is a new proceeding to build the
9 record.

10 That's what we're hoping to do tonight is
to
11 be able to establish the issues as you see them, getting
12 information from you as people who know this project well.
13 We have what's in the record and that is it so we are
hoping
14 to build the record as much as possible. Thank you again
15 for coming and taking your time.

16 MR. KARTALIA: Good evening my name is Steve
17 Kartalia. I'm a fisheries biologist. I work in the same
18 branch as Michael and Nick so I'll be looking at issues
19 related to fisheries, like fish habitat, fish passage,
water
20 quality, stream flow -- those sorts of issues, thanks.

21 MR. WATTS: Thanks to you both. We also have a
22 terrestrial resource specialist -- Amy Chang, and Rick
23 Rachel and land use specialist Erin Kimsey.
Unfortunately,

24 they're not here with us today but I can assure you that
25 they will be actively participating in during the rest of

1 the process.

2 So if you haven't already, before we get
started,

3 just like we did early please sign-in again. Once again

4 there are two sign-in sheets, one is a general sign-in
sheet

5 and then the other one is for those of you who are wishing

6 to give verbal comments at today's meeting. If you're

7 planning to give verbal comments, we do have a court

8 reporter with us who will be making a transcript of today's

9 meeting and while we generally like to keep things kind of

10 information and free-flowing as possible, the only
formality

11 that we require is that you state your name and affiliation

12 before speaking so your comments can be attributed to you
in

13 today's transcript.

14 We also have handouts -- there are copies of our

15 scoping document as well as a few, a couple of nice

16 brochures to help educate you about the FERC process. Feel

17 free to take a copy of each of those for reference.

18 The outline for tonight's meeting, so you know

19 what to expect -- we'll start off by talking a little bit

20 about FERC. We will then review the licensing process --

21 the current licensing, Kennebunk Power. We'll then take an

22 overview of the project facilities and operations of the

23 potential applicant America First, who will be giving an

24 overview of their proposal for the project.

25 We'll then discuss the scoping document, in

NEPA 1 particular, those issues that we have identified in our
2 document. Then we will go over the next steps and then we
3 will talk about the state process.

4 So, FERC is an independent agency under the
5 Department of Energy and its initiative is to regulate
6 natural gas and hydropower projects. We also regulate
7 interstate transmission of natural gas, oil and
electricity.

8 At the top of the organization FERC consists of
9 five Commissioners, including a Chairman that's appointed
by
10 the President and confirmed by the U.S. Senate. The Office
11 of Hydro Projects, where we are from is about 20% FERC
staff
12 and the program includes three separate divisions.

13 There are the dam safety divisions which are
14 responsible for making sure the structures are safe and for
15 overseeing new constructions; the Department of Licensing
16 Administration and Compliance which is responsible for
17 making sure that the licensing complies with the terms and
18 conditions of the license.

19 And there is a licensing division -- that's
where
20 we're from and we're responsible for reviewing new licenses
21 and then relicensing applications. Drilling down further
22 into the organization the licensing department is spread
out

23 across five different branches, at a couple of different
24 areas of the country.

25 We're from the New England branch and we cover

1 hydro projects within the New England states, obviously
2 including the state of Maine. Our authority to regulate
3 hydropower plants comes from the Federal Power Act.

4 Projects under jurisdiction are either located
in
5 natural waters that affect industry or commerce located in
6 public or federal lands or they use surface water from a
7 federal dam.

8 So we issue licenses between 30 and 50 years --
9 there are three licensing processes. There's an integrated
10 licensing process which is our default process, a ILP --
11 there's a traditional licensing process or TOP; there's an
12 alternative licensing process, otherwise known as the ALP.
13 You do have to get permission to use either the traditional
14 or the alternative licensing process and that decision is
15 made on a case-by-case basis.

16 The major difference between the integrated
17 licensing process and the traditional licensing process is
18 that the integrated licensing process includes early FERC
19 involvement and that's why we're here in the process and
20 also it includes a rigid timeline of process plan and that
21 can to be found in the back of your scoping document.

22 So the integrated licensing process includes a
23 pre-filing portion and a post-filing portion. The
24 pre-filing is initiated with the filing of a pre-
application

25 document. That document was filed by America First back in

1 September.

2 We are currently in the scoping period of the
3 project and over the next several months, we all as a
group,
4 will be working together to develop a study plan.

5 Once the study plan is completed the original
6 applicant -- America First, will use the study plan to
7 review the studies and use information from the studies to
8 develop its license application.

9 Once that application is filed and studies are
10 completed the pre-filing process is pushed into the
license
11 post-filing process which is initiated by filing the
myself
12 application. Once that's filed FERC's staff, such as
13 and others will review the license application for
14 completeness and if it is adequate we'll issue a written
15 final assessment notice.

16 This notice or otherwise known as a NEPA
document
17 this notice will solicit comments from stakeholders,
18 prescriptions, current conditions. FERC still will then
19 take all of the information from the record, including the
20 studies of the licensee's application and the comments and
21 use that to develop issues in the NEPA document.

22 Once a NEPA document is issued, we follow it by
a
23 period for other stakeholders to take a look and make

the 24 comments and then the license application, including all
25 information and records will go before FERC for a licensing

1 decision.

2 As you can see pre-filing can take anywhere from
3 1 to 3 years while post-filing takes approximately a year
4 and a half. So the goal of the initial document that was
5 filed by American First, the official applicant was to
bring
6 together all of the specific and reasonable information,
7 provide basis for identifying issues -- data gaps and needs
8 and that pretty much sets the scheduling being that it is
9 the first document to be filed.

10 All of the other documents kind of tier off that
11 first date. And then in a general sense it sets the
12 foundation for all of the future documents including
scoping
13 document issued or NEPA document to be issued and
ultimately
14 the license for it.

15 The goal of the scoping process is to solicit
16 your input and the issues that we have identified in the
17 scoping document. We pretty much want to see if we got
this
18 right or if there are some other issues that needed to be
19 added to the list. We also identified the issues
associated
20 with the project, discussing the conditions or special
21 effects of the project or resources.

22 We also discuss cumulative effects to make sure

well

23 there's an adequate geographic scope for the project as

24 as proposed alternatives. The goal of the site plan

25 elevation where pertinent information can be gathered to

1 address the issues identified in the scoping process and
2 finally the goal of the studies themselves is to gather the
3 relevant information needed to develop adequate license
4 application.

5 That ends the first half of my talk and this is
6 where I will have a member from Kennebunk Power give us an
7 overview of the product facilities and operations and the
8 analysis too, so I'm looking forward to that.

9 MR. KILBOURN: My name is Jonathan Kilbourn.

10 COURT REPORTER: Can you spell it please?

11 MR. KILBOURN: J-o-n-a-t-h-a-n K-i-l-b-o-u-r-n.
12 I'm filling in for General Manager Todd Shea this evening.
13 He's over at one of the events at the school with his
14 children. I'm the President of the Kennebunk Light and
15 Power which is why we are here tonight going over just a
16 few of these slides.

few

17 Oh I see I can't do my quiz -- I see so many of
18 you who are here this afternoon. I was going to quiz you
19 which dam goes with which spot but I see it on the first
20 slide so never mind the joke.

on

21 So a little bit of background -- we have three
22 dams that KOPD owns and the associated high growth power
23 facilities with them. They are all located in Kennebunk

and

24 they're on the river. The first being the Kesslen Dam on

25 Main Street and working your way up to Twine Mill and the

Dam

1 Dane Perkins Dam.

2 Slide -- do I do that? So the first dam is
3 downstream from the last dam in the river is the Kesslen
4 -- the most downstream of the 11 dams. And it's been in
5 place since the 1800's to provide initially water power and
6 then later electricity.

7 It has an impoundment -- the impoundment has a
8 surface area of 20 to 25 acres and its power rating -- its
9 main plate rating is 150 kilowatts, that's great power and
10 it produces 2,400 volt power electricity -- three phase
11 power at 60 hertz.

12 The next dam up the river is the Twine Mill Dam.
13 It's located about 2 linear miles upstream of the Kesslen
14 Dam and that's 3 miles as the river flows. The original
15 dam was breached in 1960 and it's been reconstructed since
16 then.

17 Its impoundment has a surface area of about 12
18 acres and its input capacity is 300 kilowatts. So if you
19 were running a 300 kilowatt dam for an hour that would be
20 300 kilowatt hours.

21 It produces 1 naval three phase power at a
22 frequency of 60 hertz also. And the third dam is the Dane
23 Perkins Dam -- the last one upstream -- it's owned by KLPD
24 followed by how many more dams after that? No -- thank you
25 very much, someone is listening, you win the first hand.

1 Dane Perkins is located approximately .5 linear
2 miles upstream and it was originally breached -- the
3 original dam was breached in 1977, reconstructed also in
'80
4 to '81 and it's impoundment surface area is about 25 acres.

5 The main plate capacity of this dam is 150
6 kilowatts making for a total of how many kilowatts? 600,
7 thank you very much -- good, and produces 2,400 volt for
8 three phase power, also at 60 hertz, do I have another
9 slide?

10 So that's the overview of the facilities that
are
11 included in this licensing process, thank you.

12 MR. WATTS: Next up we'll have America First
they
13 will be giving an overview of what's their proposing for
14 this project.

15 MR. CLARK: Thank you, thank you. I was going
to
16 come up with a joke tonight but I couldn't come up with
17 anything that was dam funny so here I am -- there we go
18 alright, Ian Clark, America First, I-a-n C-l-a-r-k, America
19 First.

20 So America First is a special purpose LLC
created
21 to takeover and assess the KLPD projects, potentially for
22 relicensing. The energy members are Ian Clark and Paul

has 23 Nolan, we both have experience with the PICO, Paul Nolan
through 24 extensive experience within the relicensing, working
25 various utility stages and understanding how that all goes

1 together.

2 I have operational experience, we own three
3 projects in New Hampshire, -- the next two slides, yes. So
4 I have operational experience -- we own three hydroelectric
5 projects in New Hampshire where we are working through
6 various aspects of licensing, FERC compliance, the whole 9
7 yards.

8 We have to make sure that they are up to date,
we
9 have to make sure that everything runs well, we have to
make
10 sure that they are producing power.

11 Our interest in the Kennebunk hydro facilities
12 was that there's a widespread support overall from the
13 Governor's office down to the town of Kennebunk --
Kennebunk
14 I should say. There are also obviously significant
15 environmental interests.

16 We have to understand that this has a fish
17 passage, water quality, aesthetics, recreation and dam
18 approval. Overall we want to work with the stakeholders in
19 a bilateral effort to understand what needs to happen and
20 how we can push these dams forward to ultimately take them
21 into the next 20, 30, 40 years or whatever it may be.

22 We want to ultimately make sure that the
23 relicensing process is based on facts. How can we do this
24 not on an emotion based perspective, but how can we work

25 through this on facts, science, and ultimately numbers and

1 make sure everything is set to a very good overall tone.

2 On November 29th America First filed a scoping
3 document, a scoping document request and a couple of
things.

4 We first requested that the 5-2/6-2 and 14856 be
5 consolidated to reduce the number of ensuing filing type to
6 be requested, the number of ultimate proceedings that could
7 come forth with it and ultimately reduce down the overall
8 scope for you, the town folk and get that down to an
overall
9 simplistic level.

10 We wanted to understand a little bit of a
11 clarification with the Commission responsibility and we
12 wanted to let everyone know that we may be responsible for
13 some, all or none of the overall relicensing.

14 We also wanted to understand whether or not
15 interventions would be allowed. We did not think this
16 should happen at an early basis as is. About 20 minutes
ago

17 that was confirmed from FERC that interventions are not
18 allowed at this basis so that at least we feel good about.

19 We also requested that the dumping of documents
20 be prohibited. We don't want filing to be dumped on to us
21 without understanding how they fit in and how they are
going
22 to actively address the needs of the stakeholders involved.

23 So overall redevelopment strategy -- as I

24 mentioned earlier we look to relicense some, all or a
25 portion of the facilities. We are looking to rebalance the

1 needs of the town, we're looking to rebalance the needs of
2 the state, stakeholders, KOPD and FERC.

3 We are trying to understand a little bit of
4 clarity on relicensing, how we move forward with the
5 relicensing and how we can help town holders, town members
6 and stakeholders push forward with a license and how we can
7 all bring these dams into the next 20, 30, 40 years.

8 We believe that as that clarity is achieved, we
9 can invest in the facilities, we can refurbish the turbine,
10 we can bring these turbines back to where they need to be.
11 We can also help the town generate electricity. We can
12 the town retain property value. We can help the town move
13 forward as it should go with the facilities.

help

14 As we look at the project we believe there
15 tremendous potential to increase the productivity that
16 exists in the projects right now. As I said, invest a
17 little bit of money into the rehab of the facilities --
18 invest a little bit of money, a little bit of time in the
19 engineering we can make a tremendous difference overall.

exists

20 Part of what we are going to be able to do is we
21 are going to be able to rely on what we have existing right
22 now. As I mentioned I own and operate a number of
23 facilities. Paul has a number of resources as well between
24 various engineering groups, between various operational

25 expertise we can quickly pull together people that we can

1 help push this forward and push this process through where
2 we can help the town, help the stakeholders and move
3 everything.

4 The overall redevelopment benefits -- we believe
5 that there are number of redevelopment benefits of which we
6 can get into as need be but take home messages, rebuild
7 dams, increase the production, make a better benefit for
8 everybody involved, thank you.

9 MR. WATTS: So Section 4.2 of the scoping
10 document specifically pages 12 to 13 includes numerous
11 issues that we have identified from a review of the pad for
12 analysis in the NEPA document.

13 This list of issues is not known to be
exhaustive
14 or final and we are interested in hearing from you as a
15 group whether or not this list has to be modified in some
16 way, maybe through issues or maybe new issues need to be
17 added so we are really interested in your feedback on this
18 list of issues and this is one of our main purposes for
this
19 meeting.

20 Throughout this NEPA we were looking at aquatic
21 resources, terrestrial resources, threatened and endangered
22 species, recreation, land use and aesthetics, cultural
23 resources and environmental analysis.

24 We are going to do something a little different

25 than what we did this morning. I'm going to go through the

1 bullet list for each of these categories and then we can
2 discuss any questions or comments you have on these bullets
3 as we go through all of these categories.

4 So the first category is resource issues applies
5 to aquatic resources and from our document on pages 12 and
6 page 12 and 13, we are proposing to look at the effects of
7 the continued project operation, on oxygen and water
8 temperature in Mousam River.

9 Next is continued project operation and habitat
10 for resident and migratory fish and aquatic
11 macroinvertebrates. And finally we are looking at the
12 effects of continued project operation on migratory fish
13 passage of the three dams and that makes up the project.

14 Are there any questions about this list of
issues
15 that the audience has at this moment? Yes sir? State your
16 name and affiliation for the court reporter.

17 MR. ASHLEY: My name is Peter Ashley. This has
18 to do with the fish passage. There are times when you look
19 at that particular area and you come up with stray things
20 like boards, steel beams, et cetera, poured concrete, all
of
21 that kind of stuff.

22 Are you folks intimately aware and have you
23 visited the dam in outer Maine which is made of natural
24 Maine stone cemented together a little bit -- nice little

25 pools for the fish to go in the times they feel they are in

1 support for over 100 years I believe.

2 And there is no DVD at the libraries that I
3 mentioned you can get a DVD as well -- and it's -- if
you're
4 talking about one dam and I think that's all you can talk
5 about at the moment, maybe you all are going to report and
6 discover that their optimistic view is to trap and track
7 until they find out what's going on with the fish because
8 it's far cheaper than spending a lot of money building a
9 fish lair.

10 But if you do get around to building a fish lair
11 I suggest on the west side I'm guessing, and it will be
12 available through when there are visitors to the town. And
13 they may -- even a little scenic walk besides it.

14 MR. WATTS: Thank you, yes sir?

15 MR. KOLFF: My name is Albert Kolff. I live in
16 Kennebunk and I have here the Alden Fish Report which was
17 done in 2010. I wanted to just kind of read a little bit
18 about what they discovered.

19 In 2010 KLP hired Wright Pierce Engineering
Firm,
20 veteran environment, to draft an alternative assessment
21 study to KLE's three dams. In 2010 Wright Pierce
contracted
22 the Alden Research Laboratory, Inc. to conduct an
evaluation
23 of restoration drivers and fish passage options for KLPD's

24 three dams submitted their report on 2011.

25 We didn't see this report until it was released

on
1 in 2016 when KLPD decided to show a little bit of history
2 how hard they had been working to define the problems that
3 we're having.

4 Other than -- the report goes on -- other than a
5 small scale unpublished monitoring study by the Wells
6 Reserve in 2009 this study was designed to determine
species
7 present in the Mousam River -- in the Mousam River stream.

8 Samples were collected with FIKE in May, June,
9 July and September 2009. The predominant species were
10 invasive crabs - 441, 440 individuals of this. The species
11 that may be targeted for passage at KLPD dams totaled in
12 four months 2 blueback herring, 6 dale white, 1 American
13 shad -- a total of 9 fish and 17 American eel.

14 When you spoke earlier this afternoon there was
15 talk of how we proceed with a study if you already have a
16 study that indicates there are no fish below the dam? The
17 report -- the Alden report goes on -- Although these
results
18 may be useful for establishing presence or absence of
19 species in the lower estuarium portion of the river they do
20 not indicate that those fish numbers are bad on the species
21 moving in the Mousam River to warrant the installation of
22 fish passage structures at the dams.

23 We believe that there are alternative methods to
24 determining what has to be defined. Alden goes on to

25 suggest that a more measured response providing passage for

1 Kesslen only as a first step in evaluating stocking efforts
2 to reintroduce to target species.

be

3 They go on to recommend a need for passage can
4 evaluated through consultation with the following issues --
5 determination of the quality and extent of spawning rearing
6 habitat and determination of the ultimate number of target
7 species that the river reach can support.

River.

8 You heard a little earlier about a building -- a
9 fish way, but there are alternatives during the process of
10 evaluating the success of bringing fish to the Mousam

11 And those studies need to be done in order to evaluate the
12 need for fish passage in the first place.

13 We'd also like to recommend that you go online
14 and look at a YouTube of what's called the salmon cannon.
15 This has been developed by some very young imaginative
16 western salmon handlers and it shoots the fish right over
17 the dam. If we can do the same with ale pipes -- it's
18 certainly less expensive and it's another reason for
19 bringing jobs to Kennebunk with a salmon cannon.

it

20 I'd like to submit this to you. I am entering
21 electronically so that you can have the full version, thank
22 you.

23 MR. WALLS: Thank you Albert, thank you. I just
24 want to make sure that we are focusing on this list of

25 issues here. We're going to open it up for comments and

I 1 questions like we did earlier but this part of the meeting
2 want to specifically focus on these issues here and see if
3 we have got this list of issues correctly or if there are
4 any modifications that we need to make to this list of
5 issues here, yes sir, name and affiliation.

6 MR. READ: Understood, is the mic on? I was
7 wondering if the mic was one -- Bruce Read, R-e-a-d is the
8 last name. First name -- (multiple people talking).

d 9 Is that on? Again my name is Bruce Read, R-e-a-
10 is the last name, first name is Bruce. I realize I didn't
11 know the order of ceremonies here. I was here this
12 afternoon at 1. I see you want to focus on the aquatics --
13 I had to get up and speak now. I was the only guy listed
to 14 speak when I rolled in at ten of 6. I didn't know how many
15 were going to speak or whether you were going to ask us to
16 speak.

a 17 But I do want to address the aquatic resources
18 issue specifically. I'm a local attorney I have an office
to 19 few doors down the road here. This is above my pay grade
20 be arguing FERC issues. I am a real estate lawyer, small
21 business guy but passionately involved with these items,
the 22 particularly I was the Chairman of the Loudholm which is

23 fundraising arm for the Wells Reserve which the gentlemen
24 just came up and offered you a study.

25 The reason I'm getting up now is to say first of

1 all -- how long of a period of time do we have to submit
2 items into the record here at this pre-application process?
3 How long is that?

4 MR. KARTALIA: Well, initially if you mean how
5 long do you have to submit study requests or raise issues
6 January --

7 MR. WATTS: January 7th is the
8 deadline, for entering things into the record that might be
9 useful to inform us and the rest of the stakeholders --
10 goes on continuously. Things can always be entered into
11 record.

12 MR. READ: So what's the early January deadline?

13 MR. KARTALIA: That is the deadline to submit
14 study requests, and I'll sort of comment on after the
15 potential applicants pre-application document and the
16 company will also have documents also during that date.

17 MR. TACKETT: Just real quick if you were to go
18 to Appendix B provides that detailed schedule and so then
19 any comments on the scoping document itself or studies
20 January 7th like Steve said. Additional information is
21 always useful to us in our investigation.

22 MR. READ: I appreciate that. So I did serve
23 still serve on the Loudholm Trust Board -- again a

is

that

the

and

24 fundraising arm you all might know of the National Estuary
25 Research Reserve System. This is one of 28 now that we
have

1 in the country. We have a lot of research and if there's a
2 deadline we will honor that deadline but there are -- Mr.
3 Jake Aman, from the Wells Reserve -- he's the fellow who
4 will be able to supply you with information that we feel is
5 very relevant to your concerns here, especially you Mr.
6 Kartalia, as a fisheries person.

7 It's shocking to me what I heard come out of the
8 gentleman's mouth, you know, there's basically the Mousam's
9 a dead river from the dam down -- it's kind of what I just
10 heard. With all due respect I fish it, we have a lot of
11 recreational activities that go on in that river.

12 We have videos ourselves showing fish getting up
13 in the dam, trying to get up above more than 9 -- so anyway
14 I wanted to make sure that the record is updated with
15 current and fresh -- the best information.

16 Well's Reserve -- that's what we do. We're a
17 science based organization. If you guys want facts --
18 that's all we're after here. I'm a part of the Mousam
19 Kennebunk River Alliance as well.

20 There's nothing that -- the factual hard luck --
21 especially we're talking about fish here but we waited
22 around and first talked about the economics involved and
23 other people will speak to those issues but it was
important
24 for me to get up now and just emphasize that there's a lot
25 of research out there.

of
earlier

1 I never heard of the salmon cannon but it kind
2 makes my eyebrow go up a little bit in terms of what this
3 applicant is going to show us for fish patches. Fish
4 patches are vital and I kind of looked -- I was here
5 at 1 o'clock and I heard the reports that may already be in
6 the record -- the quality of the water above the dam in the
7 impoundment, which so many people are very concerned about
8 keeping.

remove

9 If that's a dead zone which it kind of almost
10 sounded like it is -- what are you passing fish to? I mean
11 our group here sees this as a historic opportunity to
12 these dams -- make no bones about it. We would like to
13 restore the river to its nature state.

river.

14 If this applicant can come in and show that we
15 are going to be as well off or better ecologically with
16 regard to fish health, let's see the facts. We will have
17 facts that we will present you with on our side. Anyway, I
18 wanted to address those issues on this portion of the
19 I reserve to come back later.

20 MR. WATTS: Absolutely, thank you. name and
21 affiliation?

22 MR. FLYNN: Kevin Flynn, I'm a resident of
23 Kennebunk -- a small business owner. Questions I think is

24 what you're looking for. So my question is I think the

25 issues you cover up there are you know, they're very broad

1 and general, but I think they're right on.

2 Who will do the studies to get at the issue of
3 dissolved oxygen water quality, particularly below the dam
4 but also below each of these dams -- who's actually going
to
5 do updated studies -- because we don't really have good,
6 solid signs on that yet that I've seen from Wright Pierce
or
7 also other engineers that have been involved in this
process
8 so far -- is it the licensee?

9 MR. KARTALIA: Yes it is. We will discover
10 during the scoping process what information is available.
11 We'll look at all the studies that have come in.

12 MR. FLYNN: Yep.

13 MR. KARTALIA: And then the license to the
14 applicant will form right there a proposed study plan which
15 all of the stakeholders and FERC will review and ultimately
16 FERC will make the decision about what information is
17 needed, what studies recommended will be America First's
18 responsibility to conduct those studies.

19 MR. FLYNN: Okay, so the second question is --
20 are you going to base that decision based on what you see
as
21 available studies right now then and then say this is
22 lacking I need more on this issue or that issue?

23 MR. KARTALIA: The discovery of or non-discovery

24 of existing information does inform what the information

25 needs will be. If there is, for example, a comprehensive

or

1 advised study that describes, based on water quality very
2 well -- we would want to know about that to review it and
3 I'm sure the other stakeholders would as well.

4 And there are certain places among the
5 stakeholders that are holders of lots of information. Like
6 DEP might know of a lot of information that we don't yet
7 know or Fish and Wildlife Service might know of fishery
8 surveys that we aren't aware of yet.

9 MR. FLYNN: Yes.

10 MR. KARTALIA: And just earlier today a man who
11 had referenced -- Jacob Aman, yeah he described several
12 studies and surveys that he planned to put into the record
13 that sound like the sort of information that we should know
14 about.

15 MR. FLYNN: Okay. As a fisherman -- a sport
16 fisherman who has fished the Mousam, you know, as long as
17 I've lived here -- 35 years. That river is loaded with
18 striped bass, shad, a cob eating shad -- they hang out
19 below that dam.

right

in

20 Every spring any knucklehead who wants to look
21 the water at the right time -- it has to be at the right
22 time, can see many shad in the water there and hundreds of
23 them. So I have yet to see a study that really bears that
24 out and I would like to see that here -- really what's in

25 that river.

the 1 MR. KARTALIA: Well, this is the beginning of
2 process that will help us get that sort of information into
3 the record. And I should have --

anyone 4 MR. FLYNN: Sorry about the knucklehead --
5 could see it.

6 MR. KARTALIA: I should add also that, you know,
7 some issues kind of overlap each other like aquatic
8 resource, fisheries issues and recreational issues. So to
9 the extent that anglers have information that is useful
both 10 in addressing, you know, the science of the fish but also
11 the recreational use of the fish -- that's all information
12 that we would want to get into the record.

of 13 MR. FLYNN: Okay, so that would be in the form
14 comments -- fisherman --

15 MR. KARTALIA: Anglers who use the area, those
16 sorts of things are all valuable for our future analysis.

17 MR. FLYNN: Thank you.

18 MR. KARTALIA: Thank you.

19 MR. WATTS: Name and affiliation for the court
20 reporter please.

21 MR. KOHN: My name is Bill Kohn. I live in
22 Kennebunk -- I live about 40 feet above the river. One of
23 the aquatic resources -- recreation, I have the opportunity

24 to see along the lake in both directions of the river.
Last

25 October I believe, they drew the river down and they made
it

1 sound like it was a beautiful thing -- it was a disaster,
2 except for about 150 to 175 yards behind the dams.

3 There was a bunch of puddles connected by little
4 brooks about the size of sidewalks. Some of the puddles
5 were as big as this room, some were as big as a cot, some
6 were as big as an 18 wheeler, but there's not going to be
7 any recreation in there.

8 One of the things you might consider is when
they
9 do it I don't know if anybody tested the soil. When these
10 dams were in operation they put catapults into the water
11 because nobody bothered years ago to test those things.

12 We heard that by taking the water out of the
13 situation -- does that expose these chemicals to faster
14 water or what? That's got to be tested before anything is
15 done. The other part of the recreation areas -- I get to
16 see people all summer and weekends in the fall and the
17 spring using the river with kayaks and canoes -- even the
18 high school uses kayaks and canoes in the river.

19 I think personally it's better than teaching
them
20 how to play dodge ball or something like that -- the use of
21 the river they can use for the rest of their live, thank
22 you.

23 MR. TACKETT: And we're going to cover
recreation
24 in a few slides -- that's one of our areas up here, in the

25 NEPA document, yes -- name and affiliation.

1 MS. JONES: Thank you. My name is Nancy
2 Campbell-Jones, N-a-n-c-y C-a-m-p-b-e-l-l- J-o-n-e-s. I'm
3 rate payer and I'm a taxpayer. I have lived in this town
4 whole life. I own a half of mile river frontage above the
5 Dane Perkins Dam, about 250 yards to the Old Falls Dam.

6 And I just wanted to let you know and the
7 neighbors know that they really need to pay attention to
8 water levels in the river. The water levels in the river
9 control the river -- the river does not have its own water
10 source. The water in the river comes from the Old Falls
11 and the Estes Lake Dam.

12 When they don't have any water in the dam there
13 is no water in the river. Two years ago when -- the Lord
14 does contain some water level it can -- if the good Lord
15 doesn't send us any rain then there's no water in the

16 Two summers ago we had a draught in this area
17 there was no water level in the old Falls Dam, there was no
18 water level by the Estes Lake Dam. In one half of the
19 I can walk down the middle of the river period.

20 I can walk I the middle of my river. There
21 wasn't enough water for any fish, no matter what kind of
22 fish you talk about so I just need for you and for FERC to

23 take a good look at the water levels in the river and how
24 they generate and maintain the water levels, thank you.

25 MR. WATTS: thank you very much. Anyone else on

1 aquatic resources -- if not, we'll move on to the next one
2 -- resources.

my

3 MR. MENDELSON: Good evening. We met earlier
4 name is Alex Mendelsohn. The gentleman from America First
5 -- is that the name of the license applicant?

6 MR. WATTS: Yes.

solar

7 MR. MENDELSON: Mentioned solar power --
8 integrated solar power. The town is already considering
9 contracting with a company to install a multi-megawatt
10 system in Kennebunk on Route 1 south.

11 I think it was about three years ago when the
12 doctor from U of Maine sat right here and used the same
13 microphone and discussed that there's more solar insulation
14 falling in Maine than there is in any other state in the
15 Northeast and that it would be very practical and easy for
16 the state of Maine to provide solar energy to the rest of
17 New England.

composite

18 Doctor Matthew Geiger who also runs the
19 laboratory in Maine and is influential in driving off-shore
20 wind systems -- so I think that the presentation made by
21 America First -- because we are in a place where there is a
22 lot of potential -- no pun intended, for solar energy and
23 wind energy as well.

I
1 years ago and published a book about dam removal in the
2 Pacific Northwest and referring to his book -- I can't
3 recall the exact name of the book, I do have it at home if
4 have to give you information about it.

5 But it was premised on how they showed migratory
6 fish rebounding incredibly when dams were removed on rivers
7 that were thought to be defunct. There were some rivers
8 were they had dams and they removed them -- it was in
9 tertiary streams -- okay, for the fish -- and they were
10 astounded by the amount of fish that were recovered.

removed
11 These were first year after the dams were
12 on that tertiary tributary.

Elon
13 Also, there's a lot going on in -- certainly
14 Musk is launching rockets into space and he's assisting
15 NASA. There's a great field of research being done at the
16 university level throughout the country which you are
17 probably aware of with respect to evolving technologies and
18 not the old fashioned way with acid batteries but some very
19 21st Century storage techniques.

20 In fact, Elon was already selling something
21 called power wall which was a very large battery that sits
22 on the wall of the garage or your basement and it is a
23 multiple power storage device.

24 So if you have solar systems and you have
storage
25 capability and that is only going to improve as time goes
by

1 -- and certainly having restrictive technologies come in --
2 hydro systems that are subject to draught as somebody
3 mentioned, reduced water flow -- there's a big descent.

4 There's also a lot going on in using what are
5 called winco grids and there are some great websites right
6 now that illustrate the give and take of power generation.
7 You have to do a Google search -- I have the URL of one of
8 those websites which I can supply to you -- which really is
9 interesting because you see how the power is distributed on
10 a conventional grid from a large geographic area to
another.

11 But there are technologies now -- especially
12 using vertical cross microprocessor based subsystems to
13 modulate the amount of power that is moved from one area to
14 another. In fact and you don't have to have dams that
15 restrict aquatic movement -- especially the soil.

16 And in Maine here -- you go through Maine, as
Dr.
17 Rusack would say if you go out 100 miles and you have
18 windjammers out there you can supply all the rest of New
19 England with electricity.

20 So when you think about the Gulf of Maine it's
21 already undergoing ocean acidification which is higher than
22 it is in many other areas in the country and the
temperature
23 in the Gulf of Maine is also higher -- it's quite
surprising

24 actually -- scientists are not sure why it's higher than
25 almost any other body of water in New England.

1 The fish who live there and the other aquatic
2 organisms that live in the Gulf of Maine, use rivers as
part
3 of an eco-system. It's not like going in the river and get
4 some fish runs -- its part of the eco-system. The
5 eco-system consists of micro-organisms at the local levels.
6 You gentlemen should know more about that than I do but the
7 biology of it is interrelated so it's not just a matter of
8 fish runs -- how many fish you count, it's what do those
9 fish mean for the whole eco-system which includes the Gulf
10 of Maine, the Atlantic Ocean, migratory species like
whales.

11 It ranges from the very, very smallest organisms
12 and what we see problems right now with this in Maine and
13 lobsters moving further offshore, lobsters moving from the
14 north -- it's all interrelated.

15 So there's a lot of things to consider if you
16 look at the effects of project operations because it's all
17 over time. And again Well's Reserve and Jacob Aman and I
18 believe Jason Weinstein, a scientist at Well's Reserve have
19 taken a lot of data and they've looked at a lot of
20 fisheries.

21 And these things I hear about trucking, and
22 you'll see what a failure fish trucking was in the Pacific
23 Northwest a terrible failure. We're going to have fish
24 trucking for the next 100 years -- the next 200 years, it

25 doesn't make any sense. Salmon can -- you know, but we're

a 1 lucky is we see an organic salmon coming up, but there are
2 lot of species like we have already discussed.

3 So I think we have to keep in mind in the early
4 part of the 21st Century we are enjoying a lot of new
5 technical --

it's 6 UNIDENTIFIED SPEAKER: With all due respect
7 fascinating but it's really not on topic.

8 MR. MENDELSON: Thank you very much for
9 interrupting me and again my name is Alex Mendelsohn and I
10 would be very happy to refer you to some of the work, thank
11 you very much.

energy 12 MR. TACKETT: From what I gathered here you
13 mentioned a couple of different topics -- alternative
14 being one potential alternative to those operations, the
15 aquatic resources effects and how it is connected to the
16 butting system of the ocean and we talk about it later,
17 thank you.

18 MR. WATTS: Okay and just a reminder -- very
19 good, because we are going to open it for general comments
20 and questions just like we did before. I want to keep it
21 focused on these --

22 MR. WHITEHOUSE: My name is Jonathan Whitehouse
23 and this is really just an observation. This summer I was

24 down by the pond, by this pond area it supplies water to
the

25 town's flowers. And you could tell the state of the
fishing

1 down there when you see the bald eagles.

and
2 We have a pair of nesting bald eagles in town
3 at least one of them comes down at 4 o'clock in the morning
4 and you see the white head. And one I think was probably
5 due to the outline, and there was, you know, you can always
6 tell when the fish were there.

7 My question is my partner took a picture of a
8 fish that had moved up against the dam, against the dam --
9 and it wasn't a striper and it looked dark, it could have
and
10 been a salmon. That fish there -- I didn't think of it,

11 that was the question that I have -- do you think it could
12 have been a salmon? It wasn't a small walleye -- but
anyway

13 I just wanted to speak to the health of the aquatic
14 fisheries pull over the dams -- I had it on the upper dams
15 but I can't say I know the fish health up there.

16 MR. KARTALIA: First of all could you please
17 spell your name?

18 MR. WHITEHOUSE: Jonathan, J-o-n-a-t-h-a-n
19 Whitehouse.

20 MR. KARTALIA: And regarding your question about
21 whether it could have been a salmon -- I had seen some
22 correspondence from Fish and Wildlife Service where they
23 indicated that the Atlantic Salmon were possibly coming
into

so 24 the area so they think there might be salmon in the area,

25 --

1 MR. WHITEHOUSE: Whatever it was -- they kind of
2 reminded me of what the gentleman up -- just a question.

3 MR. KARTALIA: Thank you.

4 MR. WATTS: Name and affiliation.

5 MR. JALVERT: I'll be quick, I just want to put
6 in my two cents. My name is Shawn Jalvert, S-h-a-w-n
7 J-a-l-v-e-r-t. And I just wanted to make the point that

the

8 fact that they're looking for certain things, and they're
9 certainly types -- even personally I've seen many, many
10 dozens again try to figure out okay this dam is here, how
11 are we getting above it? And also I just wanted to point
12 out the fact that I think it was the Alden study that was
13 referenced by a gentleman just a short time ago.

14 I read that and at least in reference to it I

was

15 kind of taken aback by the almost open biasness of it --

the

16 fact that you know, when they went through and did their
17 sampling they didn't find a heck of a lot, but all you have
18 to do is go down to the dam and look to see what's in

there.

19 I'm a proponent instead of reading reports and
20 trying to believe what others are telling you, just to go
21 out for yourself and see what's there and how much that
22 would reveal. And, also just to point out that the dams

are

23 in place for almost 200 years -- of course you're not going

24 to have huge runs of fish coming up through it anymore.

25 Their habitat has been radically altered and the

1 access to that habitat has been limited for that amount of
2 time. And looking at some of these other more successful
3 projects in the dam and fish areas mentioned, and that's
4 just successful getting the fish up and over this dam that
5 was placed almost in the 1800's, but also on the
Presumpscot
6 River they have a 50,000 reaching Highland Lake up in
7 Windham over just the course of 10 years, so that's a
8 wonderful success story and I'm sure we're all familiar of
9 the Edward's Dam on Kennebeck and now they're counting in
10 the hundreds of thousands of ale-wide certainly much lesser
11 fish species such as certainly salmon, shad, eels and such.
12 That's all I have to say. I just wanted to attest to the
13 fact that if you take it out and you make one of each they
14 will cross and there's proof of that all around the state.

15 MR. WATTS: Okay thank you. Aquatics and fish
16 are definitely our big issue that's described and thank you
17 for your comments.

18 The next set of issues are terrestrial in
nature.

19 We posted the effects of continued project operation and
20 riparian habitat and associated wildlife, including water
21 fowl and wetland birds and the secondary effects of
22 continued project operation and whether or not that was on
23 fish and wildlife.

24 Are there any questions or comments regarding

25 terrestrial resources, those bullets we have for
terrestrial

1 resources? Okay.

2 MR. MENDELSON: Yeah a quick comment, Alex
3 Mendelohn again. If you read Steve Hawley's book you will
4 find that the fish that migrate -- that spawn in the
Pacific
5 Northwest Rivers where his research occurred swam across
the
6 Pacific Ocean to the Sea of Japan and takes them a few
7 years.

8 There are predators who thrive on them and then
9 they turn around and they come back to the rivers where
they
10 were spawned and they lay their eggs and then they die.
And

11 the analysis of their DNA is taken from the foliage over
the
12 river and from the animals that come and eat the fish that
13 die after they spawn.

14 And they're finding the DNA of the sea run fish
15 in the trees and the bushes and the various animals that
16 come down to the river so it's an eco -- once again it's an
17 eco-system spawn. A lot of arguments are being made. I
18 know recently there was a fair here in town over the summer
19 where supposedly some of these issues were before the
20 public.

21 And one of the large displays showed a vernal
22 pool. Well vernal pools have nothing to do with rivers.

are 23 The species that live in vernal pools exist because they

24 not connected to waterways and there are no predators.

a 25 But pairing the existence of a vernal pool with

1 rivering system is wrong, thank you.

2 MR. WATTS: Thank you, anything else on
3 terrestrial? I'm sorry.

4 MS. TEAGUE: That's okay you didn't see me
5 coming.

6 MR. WATTS: Name and affiliation.

7 MS. TEAGUE: Neither did Mousam Kennebunk River
8 Alliance.

9 MR. WATTS: Should I go back to terrestrial,
10 please spell your name and affiliation.

11 MS. TEAGUE: Yes I can, Donna Teague,
12 T-e-a-g-u-e. I am a resident, river abutter, taxpayer and
13 the founder of Keep our Kennebunk Dam Save the Mousam.

14 I'm not sure of how you are doing all of this
and
15 so I had the comments that I was going to make at the end
16 but since we are on terrestrial um, one of the gentlemen
who
17 just very recently spoke said to me at that same Earth Day
18 fair when I said, "You know right now we have a whole
19 eco-system, I see it all the time. It's rich, it's
20 plentiful, it's beautiful and it's packed with every kind
of
21 creature you can imagine.

22 What happens when that river goes to a wave pool
23 and what happens to that eco-system?" He told me, "Well,
24 maybe we don't need them."

hope 25

I hope that FERC is about more than fish. I

1 FERC also considers the creatures that are out there. Who
2 has a right to judge what eco-system is to be in place?
3 This one has been there for over 200 years. So I'll have
4 more to say later but that's my take on terrestrial.

5 MR. WATTS: Thank you for your comment. For the
6 name of the species there's actually a correction to make

on

7 this one. Threatened canna lily, is that right? Yeah that
8 species has an error so it's not supposed to be there.

It's

9 only the northern and long-eared bat that we're concerned
10 about at this point. So are there any questions on
11 threatened and endangered species -- yes ma'am?

12 MS. GYIMESI: Hi, my name is Betsy Gyimesi and
13 I'm a resident --

14 MR. WATTS: Spell that.

15 MS. GYIMESI: Yeah, that's a hard one, so it's
16 B-e-t-s-y and last name G-y-i-m-e-s-i. So we moved here
17 about two years ago. Before we could build we had about
18 five acres right along the river -- we had to have all

sorts

19 of environmental studies done.

20 We had these done by Stantec. They did find our
21 property -- a significant number of vernal pools and yes
22 river does cause them -- the water is trickling in there
23 causing these big pools.

the

24 And in them they found data of species of a
black
25 spotted salamander and some woodland frogs. I do have
those

1 studies that I can forward to you guys -- the work done by
2 Stantec. So that's my take on endangered species.

3 MR. KARTALIA: Okay, yes we would like to get
4 that into the record, especially if it is relevant to the
5 case of the river, thank you.

6 I would just like to add that our scoping
7 document in their stacks back there has instructions for
how
8 to submit that, thank you.

9 MR. MENDELSON: I would just like to add into
10 the record that spotted salamanders and wood frogs are of
11 the species that are in vernal pools. The reason they
exist
12 is because there is no connection to any waterway where
13 there are predators.

14 MR. WATTS: Thank you. Someone mentioned
15 recreation earlier so on the land use we're proposing to
16 look at the effects of continued product operation,
17 maintenance, land use within the project area and just to
go
18 through like before if there are any questions or comments
19 on the recreation and land use -- if not --

20 MR. TACKETT: Just to mention really quick, our
21 scoping guide you are looking at it on page 13 also
includes
22 under this section aesthetic resources. Right now the
23 bullet for recreation just says, you know, continued
project

24 operation on recreation use on a singular project, but if

25 there are any additional issues related to this, state it

so

1 we have time to discuss it.

2 MR. ASHLEY: Peter Ashley.

3 MR. WATTS: Could you please back up slightly --
4 that's fine.

5 MR. ASHLEY: How many of you gentlemen in FERC -

-

6 this is a little unfair question. How many people have you
7 fellows coming from wherever -- understand why Old Falls

was

8 built?

9 Do you know why it was build? Okay well back in
10 the old days before me and you and everybody around here
11 probably, they had walking, they had horses, they had
12 carriages and then someone went to New York or some place
13 and saw a horseless horse-drawn carriage, called a trolley,
14 and then someone designed the electric motor and he lived
15 somewhere in the middle of Manhattan -- direct current.

16 I believe poor Tesla at that that time invaded
17 his territory. So they took that idea and they came up

here

18 because it was a good place to spend a summer, cool, et
19 cetera, et cetera. And so they said where could we get

some

20 direct current electricity before the AC?

21 And so they said oh, there's a river up there in
22 Kennebunk if you want to have peaches, et cetera you want

to

23 go there, the ball in Cape Porpoise and go dancing. And by

to 24 the way they wanted to get the coal from Cape Porpoise up
25 the mills in Sanford.

1 And they said, aha -- we'll cater to the people
2 in the daytime and we'll move the coal at night. So they
3 build Old Falls and it's 40 feet high and there are
concrete
4 blocks and you ought to go look at -- and if you go to the
5 Brick Store Museum right up at the end of the road here and
6 get Ross Magdison's book Textiles something else and
7 Transits.

8 It's a fantastic book of the history of our
9 river. You should see what went on in this river and the
10 dates on it because it gives a real big insight into what
11 this town means to us and it also what the river means to
12 us.

13 You're talking the Twine Mill produced all the
14 fishing twine for almost half the world. They shipped it
15 all over the world in the sailboats and they made it up in
16 the Twine Mill, that's why it's called the Twine Mill.

17 So Dana Perkins was a saw mill. They needed to
18 cut up the boards and they hauled it over the snow in boxes
19 and built all of these houses for the people who were
20 working at the shoe shop and Twine Mill. So Old Falls is
21 named that way for a specific reason -- they developed the
22 trolley system in this area and the Trolley Museum is on
log
23 cabin road.

24 It's the biggest, best trolley museum in the

25 whole world, you ought to go and visit that, thank you. So

1 that's what recreational land use is in this area.

2 MR. WATTS: Yes, go ahead.

3 MR. PASQUILL: Yes, I'm Bill Pasquill,
4 P-a-s-q-u-i-l-l-, resident, taxpayer, rate payer, all that
5 good stuff. My point is recreation and land use -- right
6 now there's a lot of land that's flooded by the
impoundments
7 that we can't use.

8 If we thought of removing the dams that would
9 allow that land to be used for a Riverwalk -- great access
10 to the river and also the town owns a landing across from
11 the high school on Intervale Road where people could put in
12 canoes, kayaks, or just have access.

13 We also have the access down to the Kessler Dam
14 where you will meet tomorrow -- and that would be a great,
15 approximately a mile area of access to the river whereas
now
16 no one can have access to it because it's flat, called the
17 impoundment.

18 So land use is possible if we remove the water
19 from the land that's there, thank you.

20 MR. WATTS: Yes, sir?

21 MR. TEAGUE: Shawn Teague, a resident of
22 Kennebunk, ratepayer, tax payer, et cetera. The topic on
23 the screen is the --

24 MR. WATTS: Back up a little bit and spell your

25 name for the court reporter please.

1 MR. TEAGUE: Shawn spelled the wrong way --
2 S-h-a-w-n last name is Teague, T-e-a-g-u-e. On the screen
3 the topic says the effects of the continued project
4 operation and maintenance on the land use within the
project
5 area.

6 In other words, if hydro generation continues
7 everything stays just as it is -- as we have known it for
8 generations. Take the dams away, no river. The only thing
9 that creates that river are the dams themselves.

10 The Wright Pierce report itself, in the cross
11 sections, show you take those dams out, the width of the
12 river is reduced by 80%. The depth of the river is reduced
13 by 90%. So draw your own conclusions about how much
14 recreation is going to be left within the Mousam River --
15 how much fish will be able to swim in a waterless river.

16 The other thing when it comes to maintenance of
17 land is -- you take away the dams and now you are going to
18 have possibly huge infrastructure issues to deal with.
19 Who's going to pick up the tab for that?

20 Is the MKRA going to do that or the Sierra Club,
21 or Nature Conservatory? Or is it going to be left upon the
22 taxpayers in the town to deal with the infrastructure that
23 would be created when those dams go out?

24 The other thing that maybe people aren't aware
of

25 is that upstream there is the wastewater treatment plant of

1 Sanford. That wastewater treatment plant puts 2 and
2 million gallons of sewage into the Mousam River per day.

3 I used to work with an engineer a long time ago.
4 I worked in civil engineering offices for approximately 30
5 years. His motto used to be, "The Solution to Pollution is
6 Delusion."

7 You have significantly reduced water levels in
8 that river and those things are going to get a little
9 snoutty. I don't think it's a great idea for Kennebunk,
10 thank you.

11 MR. WATTS: Thank you.

12 MR. WHITEHOUSE: Jesse Whitehouse, ratepayer,
tax
13 payer -- ratepayer, tax payer Jessie Whitehouse. I'm a
14 little late -- I just wanted to add to -- I can't remember
15 the name of the section I think it was recreation and et
16 cetera, but it's more about fishing -- fisherman.

17 MR. WATTS: Aquatics.

18 MR. WHITEHOUSE: Yeah, so my perspective being
on
19 the river a lot, it's a pretty healthy river. There's a
lot
20 of fishing there, it's really beautiful. But from what
I've
21 heard about other towns that have opened up their river
22 systems and taken out their dams one thing that benefit is
23 that the alewife population is able to get further up river

24 and have more places to spawn -- and they're a really
25 important big fish, kind of critical to the eco-system.

1 So the more places they have to be, you know,
2 wildlife that is dependent on that it attracts too.
There's
3 already a lot of wildlife there but from what I've heard of
4 those places where the dams have already been removed it's
5 only gotten better.

6 You know we have striped bass coming in up the
7 river from the ocean and if you have dams, you know, that
8 would give them access to get further upstream, cross with
9 big-mouthed bass and chasing more wildlife so I think we
10 would have a bigger game fishing population out there,
thank
11 you.

12 MR. WATTS: Thank you for your comment. Let's
go
13 with parks and recreation -- cultural resources -- both
into
14 the effects of continued project operation on the start
15 properties and archeological resources, any questions about
16 resources, comments -- yes sir?

17 MR. MARSH: I may have misunderstood -- I should
18 have spoken under the previous one.

19 MR. WATTS: That's okay, we can go back, can you
20 please state your name.

21 MR. MARSH: My name is Ebon Marsh, Ebon with a
B.
22 I live in Scarborough. I do not live in Kennebunk. That
23 river does not belong to the abutters, it belongs to

24 everyone in the state of Maine.

25 I've heard that it's a very rich environment for

1 the impoundments. I've also heard from the same folks that
2 dams -- one of the perils of removing those dams is that it
3 releases contaminants that are also impounded. Free
flowing
4 water does not harbor contaminants. Free flowing water
5 creates oxygenation which actually contributes to clean
6 water.

7 I'm 74 years old and probably won't be here when
8 those dams are finally removed but my grandsons will be and
9 their grandchildren will be, thank you.

10 MR. WATTS: Thank you sir. So finally under
11 developmental resources we will look at the comments that
12 the proposed project and the effects of the recommended
13 environmental measures and the project economics, are there
14 any questions pertaining to economics?

15 So that will conclude our presentation on the
16 scoping document and this slide includes a list of -- yes
17 sir?

18 UNIDENTIFIED SPEAKER: (Off mic) That last
slide
19 -- what does it say on there over on the left -- something
20 about carbon?

21 MR. WATTS: Oh, that's just an example. That
22 doesn't pertain to the issues at all. This is a picture
23 that we put to make the slideshow pretty, no, no, we just
24 put it up there so the slideshow can look --

25

UNIDENTIFIED SPAKER: We're not allowed to talk

1 about carbon tonight?

2 MR. WATTS: Oh, we can talk about whatever topic
3 you want to talk about.

4 (Multiple off mic conversation)

5 MR. ASHLEY: Okay, thank you for putting up with
6 my nonsense but I think it's about time we start thinking
7 about a little nonsense. But I had -- I can't remember
8 really quickly off the top of my head but I think it was
9 Alex Mendelsohn tonight who came up and thanked me -- is
10 that okay?

11 Let me see, let me check my pen here -- Alex
12 Mendelsohn came up to me tonight and he thanked me for
13 telling him about the book that I suggested to him quite a
14 while back, but I can't remember how far back because I'm
15 81.

16 The book by James Hanson still stands out in the
17 world of writing of scientific basis information for the
18 masses to try and get them interested in talking about the
19 future of our planet.

20 And this has to do about carbon and a couple of
21 oxygens that like carbon. And the thing about carbon
22 dioxide you all know by now, you should know, just like
23 putting a down blanket on your bed at night when the room

is

24 down to 34 and you want to be in Florida.

25
you're

So you climb in under the down blanket and

1 in Florida. So unfortunately a down -- no, no, it's a
2 carbon dioxide for this blanket. And when I first got
3 interested in the actual facts when I was reading his
books,

4 I think it was down around 370 or so parts per million.

5 And now the other day that I heard it was around
6 405 or higher and um, people love to talk about going to
7 Dunkin Donuts or whatever in the morning and they don't
8 think about the carbon dioxide coming out of their tailpipe
9 going to get their morning coffee when they can make it on
10 the kitchen stove for 13 cents a cup from Market Basket.

11 So they would use a tiny bit of propane even
12 though it's only around 92,000 billion BTU's per gallon
13 against oil at 125 or so -- 125,000 that is. So they don't
14 think about the thermal dynamics yet about global warming
15 and of the energy they use et cetera.

16 We know it takes about 30 to 33% more energy to
17 get the electricity from the coal lines up to New England.
18 But you go stick a little propeller in the river and what
19 have you got? You've got about 98% efficiency in the
20 turbine -- you've got very close to that or maybe even more
21 now with the variable frequency units.

22 You've got electricity for about 92% efficiency
23 instead of 33% efficiency in a coal plant which is spewing
24 out coal -- it's the greatest creator of carbon dioxide.

So

25 that little slide up there says carbon, climate and energy

1 renewable electricity impacts at several -- that is an
2 extremely important and appropriate thing to have on that
3 slide.

4 And I think the development resources of the
5 forefathers of this town knew when they came to this
country
6 they had to be put something somewhere to get some kind of
7 power to take over the backbreaking work of an up and down
8 saw mill.

9 I don't know if any one of you have tried doing
10 it down there. The whole Sterver's Village was some place
11 like that. You would send the big guy down in the pit and
12 the little guy up at the top -- or is it the other way
13 around?

14 Anyway that's carbon dioxide -- you have the big
15 guy, he gives off warm breath and the little guy at the top
16 gives off a little less so maybe it's important to think
17 about which way you put them depending upon how much carbon
18 dioxide you give out.

19 So now, this is now a little after I started
20 thinking we need a little mirth and so I think you ought to
21 think of a little mirth and wonder what's going on with the
22 carbon dioxide. But I know when I helped put those dams
23 together -- I stopped working as a founder of the New
24 England Solar Energy Association to stop and work on those
25 hydroelectric dams because I knew it was a more efficient

1 way of reducing the carbon on this planet.

2 The thermal solar systems work great -- mine was
3 114 this morning and it is coming on strong, it's now
4 getting over the 20% mark but we need all the hands to
5 making eggs real fast with no carbon dioxide in them.

start

6 MR. WATTS: So this slide includes a list of up
7 and coming milestones. The first milestone is comments on
8 America First pre-application document or scoping document
9 and a request for studies -- those are due by January 7,
10 2018 -- not too far from now.

will

11 Next America First, the official application
12 file the post-filing plan 45 days after comments and start
13 review. They will then hold study plan meetings 90 days
14 after the post-plan is filed to discuss this for further
15 refinement.

a

those

16 They'll then submit a revised plan based on
17 meetings 30 days after the meetings conclude. And then the
18 OP Director of the Commission will then make a site plan
19 determination based on the revised study plan and any
20 comments filed in the replies.

21 And together the site plan determination and the
22 revised site plan will serve as the approval of that and we
23 will use that for a basis for collecting information and

24 using information to license the application.

25 So in addition to submitting the comments to

1 America First's pre-application document and the FERC
2 scoping document now is also the time for you to start some
3 of these study requests -- section 5.9 of the Commission
4 regulations require the request for studies follows these 7
5 very important criteria.

6 These criteria are important because they help
7 make cleaner -- the goals and objectives of the study and
8 how they relate back to project operations.

9 So just to go over them real quickly -- if you
10 are planning to submit a study request please make sure you
11 address these 7 criteria. I described the goals and
12 objectives of the study, explained the resource management
13 goals, explain what are the common integrations, describe
14 this information and the need for more information and that
15 one -- is very important to explain the nexus to project
16 operation and effects of how the study results would inform
17 the license requirement.

18 Next is to describe study methodology and how it
19 is consistent with acceptable practices and finally
criteria
20 asking that you describe considerations of the level of
21 effort and cost and why attributed studies would not
22 suffice.

23 This slide includes some very helpful web links
24 to help you navigate the FERC process. There is a main
25 website -- www.ferc.gov that includes the licensing section

1 and it provides an overview of the licensing program, a
2 summary of license, issued license and permits and the
links
3 to several guidance and handbooks.

4 There is an electronically searchable database -
-
5 e-library and this database allows you to search for
6 information in the record for any project. All you need is
7 a project name and number -- actually just a project number
8 and you will be able to access all of the documents on the
9 record, including a link to the documents themselves.

10 E-subscription allows you to open up an account
11 -- you subscribe to an account with FERC and this allows
you
12 to receive email notification of all FERC issuances and
13 filings on the project. So if you e-subscribe to the
14 project, any document that FERC issues or any other
15 stakeholder files on the topic you will get an email
16 notification of that document as well as a link to the
17 document itself so you can really -- if you don't need
paper
18 copies you can pretty much do everything from the computer.

19 E-filing -- FERC strongly encourages e-filing.
20 E-filing allows you to file documents on the record without
21 having to mail them through the U.S. mail. You can save on
22 your stamps and envelopes and stuff and we strongly
23 encourage you to do that just for saving paper.

24 This slide talks about how to modify the mailing
25 list. The mailing list in the back of the scoping document

1 -- I believe it's Appendix B includes the official FERC
2 mailing list. The scoping document that we send out we
send
3 out to a combination of this list and the applicant's
4 distribution list, but all future documents will only be
5 going to the FERC mailing list.

6 So please review that if you are not on it and
7 would like to be added to receive FERC issuances in the
8 mail, please see the instructions for doing so. Pretty
much
9 you have to send an email to our secretary or e-file it and
10 ask to be added to the mailing list. Just be sure to
11 include your private name and number.

12 Someone asked me earlier to make clarification
13 between our mailing list and the service list. The service
14 list has to do with interventions which we are not
15 entertaining yet unless we have a licensed application.

16 So this slide if you would like to be added to
17 the mailing list and it has nothing to do with the service
18 list -- that's a whole separate list that we maintain for
19 folks that are interveners in the project, yes sure.

20 MR. TACKETT: Just to follow-up on what Mike
21 said. So the mailing list is featured in our scoping
22 document section 10, page 20 through 22. So if you're not
23 on it and you want to be on it let us know, the directions
24 are in there for how to do that.

Interventions do come into play later in the

1 proceedings. They're really important towards the very end
2 for requesting reviewing and such but if you file a comment
3 we see it. Each of us are e-subscribed to the docket so
4 regardless of your status we see your comments and read
5 through them, just to let you know.

6 MR. WATTS: Go ahead.

7 MR. PASQUILL: Bill Pasquill, P-a-s-q-u-i-l-l.
8 Now this intervention process is that like an appeal in a
9 court -- I'm just wondering the verbiage -- is that the
10 same as appeals in like our legal system?

11 MR. TACKETT: Okay so intervention is the status
12 -- an interested party status in the proceeding, they are
13 an official part of the proceeding which is a pre-requisite
14 for requesting rehearing.

15 And rehearing is the term we are using for the
16 appeals process.

17 MR. PASQUILL: Okay.

18 MR. TACKETT: So there is the equivalence or the
19 appeal of a decision by the Commission.

20 MR. PASQUILL: Okay, so appeals can be made, I
21 assume at various levels or at just one level? For
22 instance the studies that are being made -- there's a question of
23 well maybe there should have been another study.

24 You folks come down and say these are the
studies

25 that we want to be made and another group says, well wait a

1 minute, I think this study should be included. Is that the
2 intervention portion or --?

3 MR. TACKETT: Good question. Those discussions
4 will take place within the context of the proposed study
5 plan and the revised study plan. That's the process that's
6 used to develop the study plans that come to us, but our
7 decision or our study plan determination is I believe, only
8 challengeable by the applicant or the potential applicant.

9 And then later on in the process if the resource
10 agency and other's don't feel like they had enough
11 information to actually make their determinations on the
12 record, their requests for making it would come later on
13 down the road in the process based on the information that
14 they said they needed two years before.

15 MR. PASQUILL: But that was too much detail.

The

16 idea then there is an appeals process built into this
17 process.

18 MR. TACKETT: You got it.

19 MR. PASQUILL: Even though there might be only
20 30 days to do it -- the process, good thank you.

21 MR. WATTS: Yes ma'am?

22 MS. TEAGUE: Donna Teague, T-e-a-g-u-e.

23 Regarding the mailing list you said that if we wanted to be
24 added to it we can use this address. If we have
corrections

25 to it do we email you or let you know?

are 1 My point is that the senators you have listed
2 Massachusetts senators and it would make much more sense to
3 be sending this to Angus King and Susan Collins, thank you.

aware 4 MR. WATTS: Yes, right. Sure, yeah, we are
5 of that. There are some errors in our mailing list that
are 6 sort of difficult to correct. We're not allowed to correct
7 the mailing list unless corrections from that person that's
8 on it -- and so we sort of have to deal with what we have
9 and try our best to sort of make sure that it's correct,
but 10 if you have a correct please send it.

11 If you see something that's definitely wrong
12 we'll take a look at it and see if it is something that we
13 can fix, but more often than not we are kind of stuck with
14 it.

15 Okay, that is my presentation and just like we
16 did earlier -- I know we had a lot of comments and it was
17 good that we had those comments centered around the issues
18 that we talked about in the slides.

19 But I'm just going to start going down on the
20 list in no particular order. The first name on the list
21 would be Bruce Read, do you have a comment.

22 MR. TACKETT: And just clarify that these would
23 be for any comments that haven't already been made.

24 MR. WATTS: Yeah, yeah, if you feel you made
your

25 comments then that's fine but if you need to make
additional

1 comments or failed to make the comment that you planned to
2 make then just let us know, so Bruce is -- excuse me? Oh
3 hey left, okay. Yes sir, do you have a question?

4 MR. REECE: David Reece, R-e-e-c-e. And
5 obviously this isn't FERC's first rodeo so is there any
6 place that we as the towns people can go and find other
7 studies that were requested in other earlier dam review
8 places -- because it makes a lot of sense for me.

9 MR. WATTS: Yeah, absolutely.

10 MR. REECE: Where would that -- how would I find
11 access?

12 MR. WATTS: So back to the list of websites.

The

13 second bullet -- e-library.

14 MR. REECE: E-library?

all

15 MR. WATTS: Yes, that's the database that has

16 the information for all the projects going back to 1994 --

the

17 F&G Light -- you could probably see all the documents on

18 record but the one that you can click on a replay in word

19 form so if you are aware of a project that's just been

for

20 licensed or just went through an IOP then you can search

21 that project and look for examples because those are all

22 public records.

23 MR. REECE: And then the study request kind of

24 criteria?

25 MR. WATTS: Yeah.

1 MR. REECE: Is that spelled out somewhere? I
2 couldn't find it in the handout, is it in there?

3 MR. WATTS: It's in the scoping documents.

4 MR. TACKETT: Page A-1.

5 MR. REECE: Okay.

6 MR. TACKETT: The first page of Appendix A.

7 MR. REECE: Thank you.

8 MR. WATTS: Also there as well.

9 MR. REECE: Oh, very helpful, thank you.

10 MR. WATTS: Yep. Okay just going down the list
11 -- yes?

12 MR. TACKETT: I just want to mention that
13 e-library could be a finicky for all of us sometimes so
14 please try to have patience when dealing with it and when
15 you go to the e-library page you'll see that it has the
16 ability to type in text at the bottom and so if you want to
17 type in something that would lead you to whatever you're
18 looking for, use that.

19 For instance, study plan -- those types of buzz
20 words will get you to what you're looking for faster. And
21 each docket that's dealing with -- we have many different
22 types of filings, each docket would start with a P so
23 there's also an insert for docket numbers so just put P

dash

24 -- P dash, that guarantees you a popup of just hydro
25 projects and not everything else, so use that to read other

1 tests.

2 MR. WATTS: So Robin Kerr?

3 MS. KERR: Hi, I'm Robin Kerr.

4 MR. WATTS: Should I lower the microphone?

5 MS. KERR: Do you want to speak?

6 MR. WATTS: Spell your name?

7 MS. KERR: Yes, Robin Kerr, K-e-r-r Robin the
8 bird, R-o-b-i-n. And I'm here with my family to speak in
9 favor of dam removal. I've spent the majority of my career
10 in conservation and recreation and I'm a resident of
11 Kennebunk, I'm a mom and a student in the Kennebunk school
12 system.

13 And as a family we're very much in favor of
14 restoring the river to a more natural state. We use the
15 river for kayaking, for fishing, for swimming, for bird
16 watching and we do that at the mouth of the river and
17 upstream as well.

18 As a conservationist, I understand the benefits
19 of healthy rivers and the benefits to water quality and to
20 wildlife and to all of us for recreation as well. And I'm
21 also very much in favor of what you folks are doing here
22 tonight.

23 I really appreciate your thoroughness in
24 reviewing all the studies that have been proposed tonight.
25 And I'm also advocating that America First be responsible

1 for all the costs associated for those studies and as a
2 resident I'm not in favor and wouldn't support the town
3 taking on a role of relicensing or refurbishing or any of
4 that as well. So thanks again for your time tonight.

5 MR. WATTS: Thank you, next on the list is Mr.
6 Whitehouse, Miss Whitehouse, I'm so sorry.

7 MS. WHITEHOUSE: There's a reason he didn't
8 pronounce my first name -- it's Miriam, M-i-r-i-a-m
9 Whitehouse. I do have some comments but I also just wanted
10 to address a previous comment about the dams -- not wanting
11 to remove the dams because they have always been there,
12 always been this way and the comment that there is no river
13 without the dams.

it's

14 And I would just like to say it wasn't always
15 this way and nobody would have even built a dam if there
16 already been a river there. So I just don't agree with the
17 statement that there is no river without the dam.

had

18 I wanted to agree with the lady that just spoke
19 about removal of the dams. I understand that one of your
20 purposes of being here is to find out how the townspeople
21 feel about it. You've heard a lot of river abutters speak
22 tonight about keeping the dams in place and keeping things
23 just as they are.

24 And they will point to the referendum questions

25 that were on the ballot last year to indicate that there is

and 1 widespread support, sorry, for keeping the dams in place
2 keeping generation of the power going.

3 I don't happen to agree that the support is as
4 widespread. I think there are a lot of residents including
5 our family who do not believe that the removal of the dams
6 would result in a catastrophic picture that is often
7 painted. I think all you have to do is look at other many,
8 many, many examples all over the country of dam removals
and 9 what happens afterwards and it isn't just a dried up river.

10 One of the reasons these straw ballot questions
11 are not that meaningful in my opinion is because there's
was 12 absolutely no cost listed on the questions of what it would
13 cost to keep the dams in place and keep generating.

14 And I think that that's what it is probably
going 15 to come down to in this town. If you go to any selectmen's
16 meeting or watch any selectman's prior meeting, I don't
17 think there's a meeting that goes by which we talk about --
18 they talk about all the costs we're faced with, how many
19 needs the town has, things we have to do that cost money.

20 How many wishes we have of things that we would
21 like to do that cost money and the fact is there was enough
22 money. And the last thing the selectmen would like to do
23 and they have said this publicly, is incur more costs by

24 having anything to do with managing the dams or
underwriting

25 a company such as America First who comes in and proposed
to

1 do it and would like to support the town.

2 I don't think it's going to be there. I think
3 there are a lot of people who feel strongly with what
4 numbers come out. We've had three studies all of which
5 -- the second two studies validated the first study that
6 show basically that removal of the dams is the cheapest
7 option, that's it.

8 MR. WATTS: Thank you. Mr. Bruce Read? He's
9 gone okay, Susan Bloomfield?

10 MS. BLOOMFIELD: My name is Susan Bloomfield.
11 I'm a town resident and ratepayer. That's
12 B-l-o-o-m-f-i-e-l-d. I've been on the other side of the
13 microphone in many of these meetings on your side of the
14 table actually and I know words in print sometimes appear
15 have a lot of weight.

16 Since this is our first meeting with the First
17 hydro representatives, I'd like to suggest that you may
18 a very false impression of the level of town support for
19 your efforts. I'm wondering and questioning by what
20 evidence you determined widespread town support as Miriam
21 just mention?

22 Something you flatly stated on your PowerPoint
23 slide -- facts and evidence should permeate down to all
24 levels of this process, thank you.

25

MR. WATTS: Thank you.

from 1 MR. TACKETT: Are you looking for a response
2 America First on the question?

3 MS. BLOOMFIELD: If they are willing.

4 MR. TACKETT: Okay, Ian? Did you hear the
5 question and do you want to respond?

6 MR. CLARK: We're having widespread support?

7 MR. TACKETT: Yeah.

8 MR. CLARK: No.

9 MS. BLOOMFIELD: She's not a representative of
10 that -- of the applicant.

11 MS. TEAGUE: No, I'm not but I'm certainly a
12 citizen who voted for those referendum questions. Donna
13 Teague, T-e-a-g-u-e.

put 14 The three referenda questions that were um --
15 on the ballot on November, 2016 -- I don't have the exact
16 numbers -- Mertin and Town Hall I can give them to you
17 tomorrow. There were roughly 8,000 people who voted. It
18 was the Presidential election.

that, 19 Approximately -- uh, well before I tell you
20 there were roughly 8,000 people who voted -- as far as the
21 number of river abutters voting in Kennebunk, there are 100
22 addresses for river abutters, okay so we're talking about
23 100 people or groups.

24 Of the 8,000 who voted over 5,000 voted to keep

25 hydrogenation or to keep the dams one way or the other and

1 to have a voice in the proceedings. So it was at least 66%
2 of the voting population of Kennebunk -- oh here we go, I
3 don't think you need all the details but yeah.

4 Question 4 to keep hydropower -- 5,061 people
5 said yes, that was 69%. Question 2 to keep the
6 impoundments regardless of hydropower was 5,318 which was
7 72.2% and question 6 -- do you want to have a say so on
8 final decision -- 5,852 or 80% of the voting population
9 yes.

10 And by the way you should know if you don't that
11 KLPD has in its charter that if the dams and the assets
12 therein are transferred or something is going to be done
13 with them it has to go to town vote.

14 Now I don't know how that works with the federal
15 system but I think it is an issue that's going to need to
16 be looked at in this. So that's why we say there's widespread
17 majority support for keeping the dams, thank you.

18 MR. WATTS: Thank you. The next person -- do
19 you mind if I go down this list first -- the next person on the
20 list is Betsy Gyimesi -- oh you did already, Kenney
21 Decoster.

22 MR. DECOSTER: Thanks I think I'm at the right
23 distance. Kenny Decoster, K-e-n-n-y D-e-c-o-s-t-e-r. I'm

this

said

be

you

a

24 resident and I'm also a conservationist. I've heard many
25 people say at these public meetings and I heard this

1 afternoon that it's outside organizations that are
2 advocating for dam removal and I'm actually a member of
3 several of those organizations so those organizations are
4 speaking for me and many other residents.

5 Those groups are the ones that are looking and
6 investigating the scientific data that goes into a decision
7 on how the dams are affecting the environment and they help
8 us make a decision of what to do.

9 Kennebunk was established because of the
10 environment here -- I mean the reason the people settled
11 here was it was a good place to live and we should be -- we
12 should be responsible in taking care of the environment and
13 making decisions appropriately about the Mousam River.

14 I'm also a paddler. I've canoed and kayaked the
15 Mousam above and below the dams. I'm a member of the
16 American Whitewater Association and the Mousam River --

from

17 Route 1 down to Roger's Pond is on the Maine website as a
18 whitewater destination.

19 The removal of the dams would increase the
20 whitewater section of the river and you're not going to be
21 able to paddle it all year round but in spring, run-off or
22 after a large rain then it definitely will be canoeable.

23 And so I'm looking forward to paddling from Old
24 Falls Dam down to the sea someday. As an outdoor
enthusiast

25 I'm asking FERC to consider an economic impact study of how

1 improved recreation along the Mousam is going to affect our
2 economy -- the fishing, the kayaking and bird watching and
3 how that compares to the work of the electricity that's
4 being produced.

5 And I think that needs to be studied -- the two
6 playing out against one another. So I guess that's it.

7 MR. WATTS: Thank you, thanks. The next person
8 on the list if ROI -- is that person here -- no? The next
9 one is Kevin Flynn.

10 MR. FLYNN: Kevin Flynn, I spoke earlier. I
have
11 a number of issues that I hope you guys consider and
12 address. I have some experience in hydro. I used to sell
13 control systems many of which were put in hydro so I
14 understand how it works.

15 I know that you need a river to make it work,
16 flowing water, those rivers will not die if the dams are
17 taken down. They're going to continue to flow whatever
18 power is available and hydro is coming from the water
coming
19 down -- I know you guys know this but many people don't
20 realize that.

21 So it's the head and flow, you need both. And
22 um, I am concerned about the financial issues on this
23 because it appears that America First hydro is essentially
24 -- for lack of a better word, like a shell company or if

25 it's an LLC formed strictly to do this project.

get 1 So these dams are here for, you know, if they
2 a license these dams will be here for a long time. We know
3 that Kennebunk Light and Power tried to figure out a way to
4 make them economic for them on their own.

here 5 I know some people think they didn't but they --
6 we have a couple of different studies where they looked at
7 the economics of it and decided it wasn't worth it. So
8 we have a small company with essentially no resources other
9 than what they put into it for this project.

10 I'm concerned about how they will have the
11 wherewithal to keep these going throughout a license and do
12 the work required and keep the dams safe if they are to
13 remain.

14 I'm in favor of removing the dams because of
15 environmental reasons. I think the amount of power that
16 they produce is really very small -- I'm not opposed to
17 hydro everywhere but I think small little dams on rivers
18 that have other uses we can improve recreation and
fisheries
19 by removing those dams and there's another 8 dams upstream
20 -- I think that's the number, some of which are producing
21 hydropower so how much hydropower does this little river
22 need to do and there's other jobs that river has as well
for
23 our environment.

24 People talked about carbon footprint and that

25 this is saving carbon. Well when I walk down to the river

1 from my house and catch a shad and bring it home and eat it
2 I'm getting protein from that river.

3 And I know that producer protein is one of the
4 biggest carbon -- one of the highest required -- it uses
5 more carbon than any other kind of food so you know I think
6 it's kind of a moot point how much carbon we're going to
7 save from those dams.

8 We're talking about fisheries here -- the Gulf
of
9 Maine, there's a lot of potential there. There's already
an
10 economically viable and thriving elder fishery in that
river
11 and there is the potential for quite a bit of improvement
in
12 river herring which already exists but obviously can't get
13 very far without the river.

14 Water quality of the river is a big concern of
15 mine whether the dams stay or not. They have a big impact
16 on water quality right now. I mean there is that 2 million
17 gallons of sewage coming down from Sanford -- I don't know
18 what the outfall is right here in Kennebunk into our title
19 estuary but it is influence by -- that greatly influences
20 the water quality down here. Most of that sewage that was
21 referred to earlier, goes right into Estes Lake and I swim
22 in that lake and I know many people fish in it, people have
23 houses along it so that sewage isn't such a problem down

24 here.

25 But low oxygen and other turbidity and things

1 like that are a problem right down here and these dams are
2 contributing to that problem. That needs to be looked at
3 very carefully.

4 And recreation I think is a big plus -- having a
5 free flowing river for fisheries, for bird watching,
6 watching for wildlife, but also canoeing and paddling. I
7 paddled upstream during that drought that was mentioned
8 earlier right in one of the highest points of that drought
9 from Dane Perkins Dam.

10 The water level was at least 9 feet below where
11 the minimum amount would normally be at. I've canoed it
12 many times. My wife and I paddled up that stream all the
13 way up to the power lines and we were out of the
14 impoundment. The impoundment didn't last very long at that
15 point because the water levels were so low.

and

16 There was still water flowing down that river
17 most of it -- I know there wasn't much coming out of the

dam

18 at Vole Falls, there's a lot of water coming into that

river

19 through aquifers up on the blueberry plains -- that's where
20 we get our drinking water from in Kennebunk and there are
21 springs it seeps all along that into the Mousam as well as
22 into Branch Brook.

23 And they had fresh water, cold water to that
24 river that will also help for fisheries when those dams are

25 removed. And I served on the Conservation Commission in

1 this town many years ago and took water samples up to the
2 state DEP so that we could get that river classified as a
3 class B river.

4 So it used to be a class C river much because of
5 all of the industry on that river and I'm sure it was
6 probably a class D river -- the river was very polluted
7 years ago and it's improved a great deal and I hope that as
8 you guys review this application you'll look to try and
9 improve that further because we need good clean water.

10 We need a sound eco-system to face many of the
11 environmental challenges that are coming ahead of us in the
12 years to come, so thank you.

13 MR. WATTS: Thank you for coming sir. That was
14 the last name on my list, are there any additional comments
15 -- yes ma'am?

16 MS. HOADLEY: My name is Molly Hoadley. Molly,
17 M-o-l-l-y H-o-a-d-l-e-y and I live in Kennebunk. And I
18 wanted to say that I'm concerned about the Gulf of Maine
19 the impoundment in town is nice but compared to the health
20 of the Gulf of Maine which needs these free flowing rivers
21 and the increase in the fisheries to feed the large
22 fishes in the Gulf of Maine, that's where I'm concerned.

23 And I think that the beauty of the impoundment

just

and

predator

is

24 very minor considering the health of the Gulf of Maine.

25 MR. WATTS: Thank you.

1 MR. PASQUILL: It's Bill Pasquill,
2 P-a-s-q-u-i-l-l and I just want to address the issue of the
3 referendum which had an outstanding number of people
4 concerned about what was going on.

5 I'm sure you folks are beginning to pick up the
6 vibes that there's issues regarding these dams and there
are
7 two groups -- one for removing, one for keeping.

8 I think that's evident by the commentary you
have
9 seen. So since this was a non-binding vote, no numbers as
10 far as costs were concerned -- a lot of people simply said
11 we would like to get more information on this and we would
12 like the town selectmen to get involved -- this has all
13 happened.

14 But bear in mind this was all under the auspices
15 of people not knowing which way to go and wanting more
16 information and that's why you're here. So I think the
vote
17 was for more time, more understanding, more detail.

18 And just to go from one detail or detail on one
19 of the items on that non-binding referendum was something
to
20 the effect of do you want to continue hydropower generation
21 on the Mousam -- it did not say whether they wanted KLPD to
22 continue until the license ran out.

23 They didn't say what the cost would be to
provide

24 new types of turbines if that's what they wanted, so at

25 least if you look at the questions you'll see that they are

1 very generic, open-ended questions and I think the result
2 was confusion of a lot of people.

3 We just wanted to buy more time to find out what
4 was going on, thank you.

5 MR. WATTS: Thank you.

6 MR. REECE: David Reece, again. Quick question
7 -- first of all I also want to thank you all for being here
8 it means a lot. I have a question -- I think it's relevant
9 but I don't really know if it's realistic.

10 It pertains to the studies -- the fiscal
11 financial feasibility studies that have been done thus far.
12 This whole process started well over a year ago and in that
13 time Kennebunk Light and Power invested a lot of time,
14 money, energy in exploring the feasibility financially of
15 preserving the dam.

16 And they were very courtesy as far as I remember
17 and they presented all the material -- spelled it out very
18 clearly, it was made public. That Price Waterhouse was
19 higher -- right? They did the same thing. All of the
20 information was laid out once again -- it is not
financially
21 viable.

22 I'm wondering whether American First Hydro --
now
23 I realize they're a private enterprise and they may be
under
24 no obligation to reveal their findings, but somehow they

25 were able to crunch the numbers in a way that they got a

1 different result.

2 And I think it would be of great interest to
3 everybody concerned here to see their finances -- how they
4 got there. It's a starting point. In other words if this
5 really isn't financially viable, then we're all wasting our
6 time I think. And a lot of people have put a lot of energy
7 into proceeding with this whole process, a very long
8 process. But what I want to know from the get go -- is
9 financially feasible as proclaimed by American Hydro?

lengthy

this

10 Because we have had two examples already where
11 wasn't and those were all made public. Now we have the
12 third and I think it would be very respectful if they would
13 consent to do that now before we get too far into this,
14 thank you.

it

15 MR. WATTS: Thank you.

16 MR. ASHLEY: A lot of you read the Wright Pierce
17 report based on data that was given to them by Kennebunk
18 Light and Power and not necessarily back in the years when
19 things were working a little bit better than they are now
20 and some say that some of the plants aren't running.

21 Back when we started we were getting over 200 I
22 mean 2 million kilowatt hours a year. Then along came
23 Wright Pierce using the data for more recent years when
24 things had changed. They weren't making as much power so

25 when you do an analysis of course it didn't look as good --

1 just like your old car if you forget to change the oil, you
2 forget to fix the flat before you ride on it -- you'll ruin
3 the rims.

4 So the -- what I'm trying to say is that if
5 you've read all of the reports then you know the answer.
6 The answer was on page 2 of the GZA report at the table
7 there. As I said earlier you look at the flow, the slope,
8 the speed of the water, the impoundment area -- what you

get

9 for the head, the difference in height between the head
10 water and the tail water and you do your simple calculation
11 dividing by 11.81 and then you get the kilowatts out of it.

12 So this is one of the first things you do when
13 you look at a dam and then you can look at it from you

know,

14 oh my

15 God what is it? The point being GZA looked at it from the
16 way a surveyor would. They, on that page 2 said well what
17 is the height of the dam, what is the flow rate?

18 They looked at the USGS flow rates. They put it
19 into something what the staff mathematicians call an
20 exceeded flow rate and back in the days when they had the
21 belt driven shoe shops in Kessler and other plants in town
22 that ran off the shoe -- the leather belts, like the double
23 runner Rodney Hunt that was in the Twine Mill when I got
24 there and ran the Twine Mill.

25

They said, "Oh, why did they use such a small

1 machine?" Well, they had three shifts, they produced twine
2 24 hours a day. Why and how? Well they have an
impoundment
3 upstream, the Dane Perkins Dam. They had a sluice gate on
4 it. They'd send the guy down there at 6 o'clock, he'd open
5 the sluice gate and they'd get another 12 hours out of the
6 turbine.

7 And then they'd shut it down for the breakfast
8 hours and the housewives would get the kids off to school
9 and everything, the water was building back up again and
10 they'd do the whole thing over again.

11 So if you take the modern exceedance curves for
12 hydroelectric generation you'll be working between 5 and 9
13 months a year and you're using like a 20% curve and you're
14 getting in the neighborhood of 340 cubic feet a second at
15 the Twine Mill, then you put that into that formula that I
16 just mentioned -- the head times the flow times the
17 efficiency divided by 11.81 -- that's the number you have
to
18 remember and you're going to come up with the kilowatts.

19 So that's what GZA did on the Table 2. And you
20 get back home and you turn on the computer -- what was that
21 thing Peter was saying? Oh yeah, GZA oh yeah something on
22 page 2 Table.

23 And suddenly you've got 4 million kilowatt hours
24 a year out of those three dams if you operate them to the

25 nameplate rating that will give you flows over 20%

1 exceedance area.

2 Now, you look at the holder -- Shawn Teague
3 looked at it, he got a really long piece of paper and he
4 started drafting it out -- he helps makes those destroyers
5 that the United States Navy uses DGA class or whatever it
6 is.

7 When you do that slope on there, you get a slope
8 of like a half to 2% or so. White water -- no I don't
think
9 so, not there anyway. Anywhere you find a dam and you take
10 the dam out you're going to have white water anywhere else
11 is questionable.

12 So what I'm saying is that I think that Ian
Clark
13 is one of the people that's smart in this room. He's
14 looking at the slope, the incline, the difference in
15 elevations and he's looking at the USGS flow rates and he's
16 saying 20%, 20% -- not that 28% that the old timers used
17 with the leather belt and the shafting -- easy as the
modern
18 methodology of statistical analysis and developing a plan.

19 To run the old ones, to get things done and get
a
20 flow of dollars and cents and then he's going to start
21 drilling holes in the dam and popping in these hydro units,
22 modular ones. You get a little plug, you stick it in there
23 and you have a wire coming out and you plug it into the
grid

24 and you're making electricity.

25 So I think we'll find out very soon maybe -- who

1 knows? Maybe the whole thing will tip another way.

2 MR. WATTS: Thank you.

3 MS. HOFFMAN: Hi my name is Paula Hoffman, my
4 last name is spelled H-o-f-f-m-a-n. I became interested in
5 the dams when all this blew up in this town. So I started
6 researching the history of the dam and there's a book
7 written by Edward Lauren, it was written in 1872. You can
8 find it online.

9 There's nice reference for us under -- I think
10 it's archive.org. It talks about the first saw mill and
dam
11 being built on our river in 1672. That was the reason why
12 this town was founded here.

13 If you walk around the banks of the Mousam River
14 you'll find homes that date back hundreds of years because
15 of the way that this town was developed was because of that
16 river. I looked into finding out a little bit more about
17 the Kesslen Dam and I contacted the Maine Historical
18 Preservation Commission and found out that in 2009 the
19 Kesslen Dam was deemed eligible to be placed on the
20 National Register of Historic Places.

21 It has never been placed because the only person
22 who can place it is the person who owns it which is KLPD
and
23 they've chosen not to place it up to this point.

24 It's interesting to know that the town of

25 Kennebunk is one of only 10 communities deemed by the Maine

1 Historic Preservation Commission to be a certified -- I
2 think it's called a certified government -- I forget what
3 the exact numbers are, letters -- but anyways it makes it
so
4 that we are able to work with federal agencies.

5 I've been in contact with the Maine Historic
6 Commission and they said that they would file with you
7 because of Section 106 and they've asked for more
8 information on the Kesslen Dam, above ground and
9 archeological surveys of that area. I think that when you
10 look at our community and there's a lot of people who are
11 interested in restoring a fishery here -- there's also a
lot
12 of people who have lived here for a long time and their
13 families have grown up here and the river has been part of
14 their live.

15 The river is out their back door, they kayak,
16 they fish, they canoe. I've used the river for both falls
17 to the sea. I've been where it's free flowing and I've
been
18 where it's still and the river is in the heart of this
19 community and I hope that when you do look at licensing for
20 the dams or not licensing these dams, you consider how it
21 would affect our entire community if you remove the dams,
so
22 that's it.

23 MR. WATTS: Thank you, Shawn Teague?

24 MR. TEAGUE: Just a couple of thoughts by way of
25 clarification. My wife said earlier -- I'm Shawn Teague.

1 My wife said earlier that if there's any transfer of the
2 hydroelectric assets -- it is in the charter that it must
be
3 voted upon and passed by a majority of the town's people.

4 That is because these are municipal
hydroelectric

5 assets. The KOPD trustees don't own the dams. They are
6 exactly what the name says -- trustees. They hold them in
7 trust for the people of the town of Kennebunk. It is not
8 the CMP -- this is not a for profit operation.

9 KOPD and those hydroelectric facilities were
10 meant to offset the electric costs that were taken off the
11 grid to keep our energy costs down. So to talk about the
12 fact that it's not worth it to keep them going is
13 preposterous -- they're not meant for profit to begin with
14 -- they're to serve the town of Kennebunk.

15 So that is why they are still public assets.
16 They are not currently generating what they can and what
17 their full potential is -- is because they are being
18 mismanaged. I would also like to point out that the
impetus
19 for not going for re-licensing is because of the undue
20 pressure that is being brought upon the town and the
21 trustees by outside special interests. Otherwise, I think
22 they would have been left alone and they would continue to
23 be in operation and generate power for many, many years to
24 come.

25

MR. KOLFF: Albert Kolff, I live in Kennebunk.

I

1 want to submit to FERC the hydro production number 1 PDF,
2 KLPD provided to us on February 24, 2016. It's a record of
3 the federal production between 2002 through 2015 although
4 I've done calculations for what the average kilowatt hour
5 should be for those 13 years when the ratepayers report is
6 being generated -- we didn't have a year in 2015.

7 So this is the document that shows the yearly
8 kilowatt hours generated by the dams, by dam, by month, by
9 year.

10 MR. WATTS: Thank you.

11 MR. MENDELSON: Alex Mendelsohn. Just a quick
12 reference -- we have no respect for history in this town.

I

13 served on the Conservation Commission for over 20 years and
14 I can attest to that.

here

15 And when you are talking about local history
16 going back 200 years, 300 years -- we built subdivisions in
17 the areas that were populated by Native Americans thousands
18 of years before any white settlers came to this area to
19 build mills built for making twine.

20 We built subdivisions along the sea road where
21 there were archeological artifacts destroyed. And that is
22 just emblematic of some of the destruction and disrespect
23 for history -- we've talked about history going back 2-300
24 years. Let's go back a little bit further, what I'm about

25 to say.

1 Now as far as outside special -- outside special
2 interest -- it has nothing to do with the delineation and
3 the border of the town when you're talking about an
4 eco-system, it has nothing to do with that.

5 I think FERC people understand that. There's
6 nothing said this evening about one outside special
interest
7 that I may be misquoting and maybe one of the gentlemen
here
8 could correct me if I'm wrong -- but I believe it's the
9 Maine -- Association.

10 They are importing bait right now from Asia and
11 lobster is a big deal in Maine, you know, and did any of
you
12 have lobster for supper tonight? But the cost of bait in
13 recent years has sky-rocketed.

14 And the reason is that river herring are scarce
15 so it's just another example of, you know, trying to
restore
16 a river so you can harvest them in a sustainable manner and
17 help address that economic problem. Thank you very much I
18 really appreciate it. It was a real honor to be able to
19 speak with people from the federal government, so it's
20 really something, thank you.

21 MR. WATTS: I believe that's it. If there's any
22 other questions -- if not, thank you for your
participation.

23 We got some really good comments on the record -- yeah go

24 ahead.

also 25 MR. KARTALIA: I had wanted to remind people

1 that when you're leaving if you know people who would be
2 interested in our process who weren't able to be here
3 tonight, please help yourself to some copies of the scoping
4 document and pass it out to people that you might want to
5 keep in touch with this project.

6 MR. WATTS: And if there are no other questions,
7 this meeting is adjourned, thank you very much.

8 (Whereupon at 8:34 p.m., the meeting was
9 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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14 Docket No.: PROJECT NO. 14856-000

15 Place: Kennebunk, Maine

16 Date: Monday, December 11, 2017

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

21

22

23 Larry Flowers

24 Official Reporter

Document Content(s)

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