

August 27, 2019

SUBMITTED ELECTRONICALLY  
**Project # 14856-000**

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St. N.E.  
Washington, DC 20426

**RE: Comments on Study Status Report for the Lower Mousam River Project – America First Hydro, LLC**

Dear Secretary Bose:

I am writing to express my concern and frustration regarding the Study Plan progress review meeting recently held by AFH. The complete lack of preparation and consideration for the public demonstrated by AFH at this meeting showed incompetence and even contempt for the entire review process. I am a long-time resident of Kennebunk and a KLPD rate payer who lives very close to the Mousam River.

First of all, the meeting time and date was poorly publicized. The date of the meeting given to the public was July 30 at 11am. I made time in my busy work schedule to attend that meeting only to find that no one from FERC was in attendance and neither were any of the consultants hired by AFH to do the study. We were then told during meeting that another meeting, a teleconference with a representative of FERC in attendance, would be held the following Friday.

The meeting then proceeded with questions asked from the various attendees of the meeting and AFH repeatedly responded with insufficient or incomplete answers and in most cases no answer at all except "noted". Having already arranged my busy work schedule for the Tuesday meeting I was unable to participate on Friday as, I suspect, were many others. AFH's record of the Tuesday meeting did not adequately reflect the frustration and disappointment felt by nearly all of us in attendance.

Of the issues covered in the meeting, I am most concerned about the Recreation Study, Water Quality Study, and the Fish Assemblage Study. Below are some of my concerns:

**Recreation:**

AFH was unable to provide any specific information in the meeting on the progress of this study. No timelines, survey questions, or dates and times when the survey would be conducted. Furthermore, they stated that most of the field work for the study would be done by volunteers lead by Albert Clough. Albert is not at all an unbiased volunteer. He has been a strong supporter of keeping the dams in place and has very little credibility in the town of Kennebunk after he attempted to submit a license application to FERC in the name of the Town of Kennebunk without even consulting with the selectmen or getting the town's approval. Albert was soundly defeated in an election to the KLPD board of directors in the spring of 2018. Even though Albert was in attendance at the meeting he could offer no answers to the above questions.

The one bit of information we did get from Albert was that there were no plans as yet to study recreational use of the river below the Kesslen Dam as required in the FERC study plan. I find this completely incredible. The area just below that dam down to the Rogers Pond is arguably the most heavily used fresh water portion of the river. There are two town parks located in this short stretch of river (Rotary Park, and Rogers Pond Park) and it is a very popular area for bird watching and fishing. Rogers Pond Park itself is a very popular put-in location for Kayakers, canoes, and others planning to float the river down to the ocean and, people often swim in the river in that area. It is a popular spot for fishing for sea run trout and shad in the spring, it supports a well know fall and winter trout fishery (fly fishing only – catch and release), and during the spring river herring run people even catch striped bass in this section of river. This area of the river is perhaps the most effected of any by these dams and it absolutely needs to be a part of this study, not to mention the entire tidal section of the river all the way to Parsons Beach.

#### Water Quality:

We were told by AFH that water quality measurements had not yet been done in the river because of high water during the spring. I don't need to point out that the meeting was in late July and data had yet to be collected, let alone presented. Furthermore, AFH appeared not to be concerned at all about water quality in the areas of free-flowing river below the dams at Twine Mill and Kesslen. The high recreational use cited above makes water quality below Kesslen a big concern for the town of Kennebunk and the roughly ¼ to ½ mile of free-flowing river below Twine Mill certainly deserves study as well, especially considering that it leads immediately into the section of river where another town park is located. While a member of the Kennebunk Conservation Commission I personally was involved in taking water samples from the Mousam to the State DEP that helped lead to the upgrade of the Mousam River classification from Class C to Class B in the 1990s. It is very important to the community that the Mousam retains this classification and it is critical that FERC requires AFH to fully assess the impacts of these dams on this water quality. The section of river between Twine Mill and Kesslen is popular for swimming, there is a town park not far below Twine Mill at Interval Road. The dams effect oxygen levels, water temperature, and so much else. The impacts of the dams on water quality need to be fully accounted for given the growing demand for public use of the river.

#### Fish Assemblage Study:

Again, AFH blamed high spring water flows for a delay in starting this study. Water flows may have been a little higher than usual this spring but, variations in flow are "normal" and should be planned for. I live very near the river and see it almost every day. Flows did not appear to be significantly different than most years and, by late May, flows were reduced to the point that anyone standing below Kesslen could have seen the river herring and river herring fishermen congregating below the dam. It would have been easy to get photographic evidence of these fish at the very least as I have done (see attached photos). A little later, in early June many Shad were clearly visible in the same area. AFH's excuse of "High Water Levels" for the lack of data defies credulity.

It is common knowledge in the town of Kennebunk that river herring and shad exist on the Mousam. The river is frequently written up in Maine newspapers and on Internet fishing sites as an excellent place for Stripped Bass and trout fishing and the river has supported a commercial elver fishery for years. There is no excuse for AFH to not be able to collect hard data about the existence of these fish in the Mousam and I expect FERC to hold them accountable to a Study Plan that includes all relevant species at the times they are present in the areas affected by the dams.

The Mousam River is an important natural resource in the town of Kennebunk and for the entire region. I care very much about this river and the community that surrounds it. We deserve better from AFH and I appreciate FERC's strong response yesterday to the AFH Initial Study Report. I urge FERC to continue to do its duty and see to it that AFH is held accountable to the public and fully meets its responsibilities to study the impacts of their license to use these dams on the public's resource.

Sincerely,

Kevin Flynn  
12 Winter St.  
Kennebunk, ME 04043

CC: Commissioner Patrick Keliher, Maine DMR, Commissioner Judy Camuso, Maine IFW, Commissioner Jerry Reid, Maine DEP, Kim Damon-Randall, NOAA Fisheries, Lou Chiarella, NOAA Fisheries, Anna Harris, USF&WS, Paul Phifer, USF&WS, Town of Kennebunk Selectmen, Kennebunk Light and Power District Board of Directors

Below are photos taken of fish below the Kesslen Dam in late May this spring. All of these were taken from under the bridge on Route One with the fish congregating just outside the turbine outflow. These are obviously river herring with what looks like maybe a large shad in the middle of the bottom picture. How could AFH miss this?



*River Herring caught by a cast net fisherman who planned to use them as bait.*

