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FEDERAL ENERGY  
REGULATORY COMMISSION

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ORIGINAL

June 23, 2004

Honorable Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, D.C. 20426

**Re: Application For New License  
Orono Hydroelectric Project No. 2710-035**

Dear Secretary Salas:

Enclosed for filing in the above-referenced proceeding are the original and eight copies of PPL Maine, LLC's ("PPL Maine") Application For New License ("Application") for PPL Maine's Orono Hydroelectric Project No. 2710 ("Project"), along with an original and two copies of a separate volume containing the Critical Energy Infrastructure Information ("CEII") that had been included in the Application but has been removed to comply with CEII requirements. This application is being submitted in accordance with Section IV of the Lower Penobscot River Multiparty Settlement Agreement dated June 2004 ("MPA") that is being filed separately today in this and other project dockets.

The Project is a major water power project under 5 MW. The Application was prepared in accordance with Section 4.61 of the Commission's regulations and includes Exhibits A, E, F, and G. A draft of this Application was distributed to agencies and stakeholders on February 17, 2004, and this Application addresses all comments received. In recognition that this Application is consistent with the MPA, PPL Maine requested that the consulted parties waive the requirement (to the extent applicable) that PPL Maine follow the three-stage consultation process (18 C.F.R. § 4.38) for this Application, and the consulted parties provided such waivers. See Appendix ES-A of the Application.

CEII / E-Librari

Honorable Magalie R. Salas  
June 23, 2004  
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**Communications**

The names and addresses of the persons to whom all notices and communications with respect to this proceeding should be sent, and who should be placed on the Commission's official service list for this proceeding, are as follows:

Scott D. Hall  
PPL Maine, LLC  
Davenport Street, PO Box 276  
Milford, ME 04461  
Phone: (207) 827-5364

Jesse A. Dillon, Esq.  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: (610) 774-5013

John A. Whittaker IV  
Winston & Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005  
Phone: (202) 371-5766

**Water Quality Certification**

PPL Maine has applied to the Maine Department of Environmental Protection ("MDEP") for a § 401 Clean Water Act Water Quality Certification ("WQC") for the Project. See Appendix E-A of the Application for a date-stamped copy of PPL Maine's letter transmitting the application for a WQC for the Project to the MDEP showing that the application was received by MDEP on June 14, 2004.

**CEII**

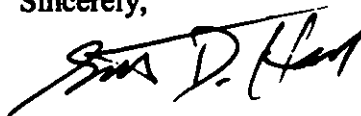
The Application includes three Exhibit F drawings and two Exhibit G maps. Since the Exhibit F drawings and Exhibit G maps constitute CEII under 18 C.F.R. § 388.112, they are exempt from the mandatory public disclosure requirements of the Freedom of Information Act and should be withheld from public disclosure, and PPL Maine requests privileged treatment for those materials.

Consistent with the Commission's "Notice of Filing Instructions" for CEII (68 Fed. Reg. 49475 (August 18, 2003)) and 18 C.F.R. § 388.112(b), PPL Maine is submitting the Exhibit F drawings and Exhibit G maps in a separate volume marked "Contains Critical Energy Infrastructure Information - Do Not Release." As noted previously, an original and two copies of this separate volume are being provided.

Honorable Magalie R. Salas  
June 23, 2004  
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Thank you for your attention to this matter. Please contact me at (207) 827-5354 with any questions concerning this Application.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott D. Hall". The signature is written in a cursive style with a prominent horizontal line across the top.

Scott D. Hall  
Manager of Environmental Services

cc (w/o CEII volume): Ed Lee, FERC  
Distribution List (attached)

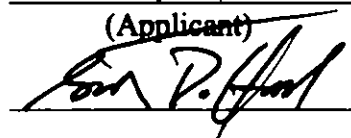
The attached Application for New License is executed in the State of Maine,  
County of Penobscot, by:

Scott D. Hall  
PPL Maine, LLC  
Davenport Street, PO Box 276  
Milford, ME 04461

who, being duly sworn, deposes and says that the contents of the Application for New License  
are true to the best of his knowledge or belief. The undersigned applicant has signed the  
Application for New License this 23<sup>rd</sup> day of June, 2004.

PPL Maine, LLC  
(Applicant)

By:



Subscribed and sworn to before me, a Notary Public, of the State of Maine this 23<sup>rd</sup>  
day of June, 2004.



NANCY L. BLANCHARD  
Notary Public, Maine  
My Commission Expires January 12, 2007

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**APPLICATION FOR NEW LICENSE MAJOR  
WATER POWER PROJECT UNDER 5 MW –  
EXISTING DAM  
ORONO HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2710**

**PPL MAINE, LLC  
Milford, Maine**

**JUNE 2004**



**APPLICATION FOR NEW LICENSE MAJOR WATER POWER  
PROJECT UNDER 5 MW – EXISTING DAM**

**ORONO HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2710**

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**APPLICATION FOR NEW LICENSE MAJOR WATER POWER  
PROJECT UNDER 5 MW – EXISTING DAM**

**ORONO HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2710**

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**APPLICATION FOR NEW LICENSE MAJOR WATER POWER  
PROJECT UNDER 5 MW – EXISTING DAM**

**ORONO HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2710**

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## **Acronym List**

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<b>BHE</b>	<b>Bangor Hydro-Electric Company</b>
<b>CEII</b>	<b>Critical Energy Infrastructure Information</b>
<b>cfs</b>	<b>Cubic feet per second</b>
<b>Commission</b>	<b>Federal Energy Regulatory Commission</b>
<b>CMF</b>	<b>Contingent Mitigation Fund</b>
<b>DOI</b>	<b>Department of the Interior</b>
<b>FEIS</b>	<b>Final Environmental Impact Statement</b>
<b>FERC</b>	<b>Federal Energy Regulatory Commission</b>
<b>hp</b>	<b>Horsepower</b>
<b>IFIM</b>	<b>Instream Flow Incremental Methodology</b>
<b>kW</b>	<b>Kilowatt</b>
<b>MDEP</b>	<b>Maine Department of Environmental Protection</b>
<b>MDIFW</b>	<b>Maine Department of Inland Fisheries and Wildlife</b>
<b>MHPC</b>	<b>Maine Historic Preservation Commission</b>
<b>MPA</b>	<b>Lower Penobscot River Multiparty Settlement Agreement</b>
<b>msl</b>	<b>Mean sea level</b>
<b>MW</b>	<b>Megawatt</b>
<b>MWh</b>	<b>Megawatt-hour</b>
<b>NGVD</b>	<b>National Geodetic Vertical Datum</b>
<b>PIN</b>	<b>Penobscot Indian Nation</b>
<b>PMF</b>	<b>Probable Maximum Flood</b>
<b>PPL Maine</b>	<b>PPL Maine, LLC</b>
<b>SHPO</b>	<b>State Historic Preservation Officer</b>
<b>THPO</b>	<b>Tribal Historic Preservation Officer</b>
<b>WQC</b>	<b>Water Quality Certification</b>
<b>WUA</b>	<b>Weighted Usable Area</b>

# Initial Statement

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**BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION  
APPLICATION FOR NEW LICENSE  
MAJOR PROJECT UNDER 5 MW – EXISTING DAM**

(1) PPL Maine, LLC (PPL Maine) applies to the Federal Energy Regulatory Commission (FERC) for a new 40-year license for the Orono Hydroelectric Project (L.P. No. 2710), a major water power project under 5 MW, as described in the attached exhibits.

(2) The location of the Project is:

State or territory: Maine

County: Penobscot

Township or nearby town: Orono

Stream or other body of water: Stillwater Branch of the Penobscot River

(3) The exact name and telephone number of the applicant are:

PPL Maine, LLC

Davenport Street, P.O. Box 276

Milford, ME 04461

207-827-2247

The exact name, address, and telephone number of each person authorized to act as agent for the applicant in this application:

Initial Statement

Scott D. Hall  
PPL Maine, LLC  
Davenport Street, P.O. Box 276  
Milford, ME 04461  
207-827-5364

Jesse A. Dillon, Esq.  
PPL Maine, LLC  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
610-774-5013

John A. Whittaker, IV  
Winston & Strawn, LLP  
1400 L Street NW  
Washington, D.C.  
202-371-5766

(4) The applicant is a domestic limited liability company and is not claiming preference under section 7(a) of the Federal Power Act. See 16 U.S.C. 796. The current license for the project expired in 1985; it has been under annual licenses since then.

(5)(i) The statutory or regulatory requirements of the state(s) in which the project would be located that affect the project as proposed with respect to bed and banks and the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, are:

(a) The Mill Act - 38 M.R.S.A. § 651 et seq.

The Mill Act was first enacted by the Maine Legislature as Chapter 45 of the Public Laws of 1821. To a great extent, it was patterned after the Massachusetts Mill Act enacted there in 1714.

The rights and liabilities of riparian landowners with respect to the erection and maintenance on their own land of water mills and dams upon and across any non-navigable stream are set forth in 38 M.R.S.A. § 651 et seq. A complete history of this legislation appears in the case of Brown v DeNormandie, 123 Maine 539 (1924).

Section 651 of the Mill Act provides:

Any man may on his own land erect and maintain a watermill and dams to raise water for working it, upon and across any stream not navigable; or, for the purpose of propelling mills or machinery, may cut a canal and erect walls and embankments upon his own land, not exceeding one mile in length, and thereby divert from its natural channel the water of any stream not navigable, upon the terms and conditions and subject to the regulations hereinafter expressed.

The Mill Act also contains extensive provisions for the method by which compensation for damages arising from flowage caused by a mill dam are to be determined and recovered.

It is settled law in Maine that a hydroelectric generating plant is a water mill within the meaning of the Mill Act, Gillmore v Central Maine Power, 127 Maine 522 (1929); that the Mill Act is constitutional, Brown v DeNormandie, 123 Maine 535 (1924); and that the part of a stream above tidewater is not navigable under the Mill Act, Opinion of Justices, 118 Maine 503 (1919) and Veazie v Dwinel, 50 Maine 470 (1862).

(b) P.L. 92-500 Section 401 as amended - Water Quality Certification. The Maine Department of Environmental Protection has been delegated authority to issue Water Quality Certification under Section 401 of the Clean Water Act.

(5)(ii) The steps which the applicant has taken or plans to take to comply with each of the laws cited above are:

Initial Statement

(a) Under the Mill Act, no approval of any state agency is required to continue to use water for the Orono Hydroelectric Project.

(b) PPL Maine has applied to the Maine Department of Environmental Protection for Water Quality Certification (WQC) for the relicensing of the Orono Project. Refer to Appendix E-A of Exhibit E of this Application for documentation of the WQC Application.

(6) The name, address and owner of the existing project facilities:

PPL Maine, LLC  
Davenport Street, P.O. Box 276  
Milford, ME 04461  
207-827-2247

(7) Name and Mailing Addresses of:

(i) Every county in which any part of the project, and any federal facilities that would be used by the project, would be located:

Penobscot County  
97 Hammond Street  
Bangor, ME 04401

(ii) Every city, town, or similar local political subdivision: (A) In which any part of the project, and any federal facilities that would be used by the project, would be located; or (B) that has a population of 5,000 or more people and is located within 15 miles of the project dam:

Initial Statement

Town of Orono  
59 ½ Maine Street  
Orono, ME 04473-0130

City of Old Town  
150 Brunswick Street  
Old Town, ME 04468

City of Bangor  
Bangor City Hall  
73 Harlow Street  
Bangor, ME 04401

City of Brewer  
80 North Main Street  
Brewer, ME 04412

- (iii) Every irrigation district, drainage district, or similar special purpose political subdivision: (A) In which any part of the project, and any federal facilities that would be used by the project, would be located; or (B) That owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project:

There are no special purpose subdivisions, federal lands, or facilities in the project area.

- (iv) Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application:

There are no other political subdivisions that would be interested in, or affected by, the project relicensing.

(v) All Indian tribes that may be affected by the project:

Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

## **Executive Summary**

---

This application is being submitted in accordance with the provisions of the MPA. The MPA is a comprehensive settlement agreement among the licensee, the Penobscot Indian Nation, the U.S. Department of the Interior, various agencies of the State of Maine, and a number of conservation groups. As discussed in greater detail in the Explanatory Statement filed concurrently herewith in this and other project dockets, implementation of the MPA and the companion "Comprehensive Settlement Agreement Between the Penobscot Indian Nation, PPL Maine, LLC, and the Bureau of Indian Affairs of the Department of the Interior" presents the opportunity to resolve all fish passage, energy generation, and Tribal issues associated with licensee's Penobscot River Basin hydroelectric projects and therefore is clearly in the public interest.

Section IV of the MPA requires the concurrent filing with the Commission of a number of requests and applications, including this application. These various requests and applications (Phase 1 Requests), if granted by the Commission without alteration or change that materially prejudices any party to the MPA, will permit the parties to proceed to the subsequent phases of the MPA and thus realize the full public interest benefits contemplated by the MPA. Because of the various rights and interests implicated by the Phase 1 Requests, all of those requests are interrelated and mutually dependent. Consequently, and as discussed in more detail in the above-referenced Explanatory Statement, if the Commission does not grant this application and all the other Phase 1 Requests without alteration or change that materially prejudices any party to the MPA, all of the Phase 1 Requests, including this application, will be withdrawn pursuant to 18 C.F.R. § 385.216.

This Application for New License supplements the previously filed "Basin Mills Project Application for New License". In that proceeding, the applicant proposed decommissioning of the Orono Project in conjunction with development of the Basin Mills Project. However, pursuant to the MPA (see Executive Summary) PPL Maine is now proposing to relicense and refurbish the Orono Project. Therefore, consistent with FERC's April 20, 1998 Order (83 FERC ¶ 61,039) requiring the licensee to explain its plans for relicensing the Orono Project, PPL Maine is filing this Application for New License.

Executive Summary

---

A draft of this Application was distributed on February 17, 2004 to agencies and stakeholders. Comments received have been addressed in this final Application, and copies of all correspondence are provided in Appendix ES-A of this Executive Summary. In recognition that this Application is consistent with, and is the initial step towards implementation of the MPA, all agencies and stakeholders consulted support this Application and the accompanying request for a waiver of the three-stage consultation process (Appendix ES-A).

**APPENDIX ES-A**  
**CONSULTATION DOCUMENTATION**

**APPENDIX ES-A  
CONSULTATION DOCUMENTATION**

**ORONO HYDROELECTRIC PROJECT  
SUMMARY RECORD OF CORRESPONDENCE**

<b>Date</b>	<b>Document</b>	<b>Subject</b>
January 26, 2004	Letter from Dana Murch (MDEP) to Scott Hall (PPL Maine)	Phase I Energy Enhancements Lower Penobscot River Conceptual Agreement
February 4, 2004	Electronic mail from Clem Fay (PIN) to Scott Hall (PPL Maine)	Phase I Energy Enhancements Bass Impacts
February 17, 2004	Memorandum from Scott Hall (PPL Maine) to Distribution List	Distribution of Draft Applications for Orono, Stillwater, West Enfield, Medway and Milford
February 25, 2004	Memorandum from Scott Hall (PPL Maine) to Distribution List	Distribution of Draft Application for Veazie
March 3, 2004	Electronic mail from Andrew Tittler (DOI) to Scott Hall (PPL Maine)	Draft Application Comments
March 3, 2004	Electronic mail from Gordon Russell (USFWS) to Scott Hall (PPL Maine)	Draft Application Comments
March 10, 2004	Letter from Patrick Kelliher (MASC) to Scott Hall (PPL Maine)	Draft Application Comments
March 12, 2004	Letter from Dana Murch (MDEP) to Scott Hall (PPL Maine)	Draft Application Comments
March 12, 2004	Letter from Patricia Kurkul (NMFS) to Scott Hall (PPL Maine)	Draft Application Comments
March 17, 2004	Electronic mail from Clem Fay (PIN) to Scott Hall (PPL Maine)	Draft Application Technical Comments; revised bass impact statement
March 17, 2004	Letter from Betsy Elder (MSPO) to Scott Hall (PPL Maine)	Draft Application Comments
March 17, 2004	Telephone Discussion Notes – Clem Fay (PIN) and Scott Hall (PPL Maine)	Draft Application Comments
March 15 & March 25, 2004	Letters from Earle Shettleworth (MHPC/SHPO) to Scott Hall (PPL Maine)	Draft Application Comments
March 23, 2004	Letter from Andrew Raddant (USDOJ) to Scott Hall (PPL Maine)	Draft Application Comments
May 31, 2004	Letter from Ronald Kreisman (Attorney for NGOs) to Scott Hall (PPL Maine)	Draft Application Comments
June 2, 2004	Letter from John Banks (PIN) to Scott Hall (PPL Maine)	Draft Application Comments
June 10, 2004	Telephone Discussion Notes - Louis Sidell (MSPO NFIP) and Maureen Winters (DTA)	Issues related to headpond level changes at West Enfield, Medway, and Stillwater Projects



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

January 26, 2004

Scott D. Hall  
Manager Environmental Services  
PPL Maine LLC  
PO Box 276  
Milford, ME 04461-0276

RE: Phase I Energy Enhancements  
Lower Penobscot River Conceptual Agreement

Dear Scott:

I have now reviewed the water quality impacts of the Phase I energy enhancements that are included in the Lower Penobscot River Conceptual Agreement with our technical staff and have the following to report.

The Phase I energy enhancements included in the Conceptual Agreement consist of (1) increasing headpond elevations by 1 foot at the Medway, Stillwater, and West Enfield Projects and (2) redeveloping the currently inoperable Orono Project.

The DEP has recently collected data to calibrate and verify a water quality model for the Penobscot River. The model run at worst case conditions of 7-day 10-year low flow, high water temperatures, and point sources at licensed loads predicts that minimum Class B dissolved oxygen criteria will not be met in about 51 river miles. In addition, the model predicts that algae blooms are expected to occur in about 25 river miles.

The DEP Penobscot River model has now been used to predict the changes in dissolved oxygen and algae levels expected to result from the Phase I energy enhancements.

In reviewing the water quality impacts of the Phase I energy enhancements, DEP assumed the following conditions:

1. Stillwater and Orono Projects. Changes in water levels and generation on the Stillwater River will not measurably affect water quality conditions on the main stem Penobscot River, due to the small flow on the Stillwater relative to that on the Penobscot.

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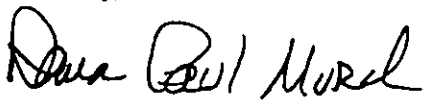
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1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 764-1507

Letter to Scott D. Hall  
January 26, 2004  
Page 2

- 2. Medway Project. The existing headpond has a surface area of 120 acres and extends upstream about 1.8 miles to a point about 200 yards below the East Millinocket Dam, and the proposed 1-foot headpond increase would increase the surface area of the project impoundment by about 5 acres.
  
- 3. West Enfield Project. The existing headpond has a surface area of 1125 acres and extends upstream about 6 miles to Mohawk Rapids, to a point just upstream of Mohawk Island, and the proposed 1-foot headpond increase would increase the surface area of the project impoundment (including the Merrill Brook "runaround") by about 23 acres.

Based on this review, the DEP has concluded that none of the Phase I energy enhancements, either singly or in combination, will have any measurable impact on water quality. Our technical analysis (memo dated January 20, 2004 from Paul Mitnik to Dana Murch) is attached.

Please contact me if you have any further questions regarding this analysis.

Sincerely,  
  
Dana Paul Murch  
Dams & Hydro Supervisor

- cc: Dawn Gallagher, Commissioner, DEP  
George Lapointe, Commissioner, DMR  
Deb Garrett, DEP  
Andy Fisk, DEP  
Mark Margerum, DEP  
Paul Mitnik, DEP  
Jay Clement, COE  
John Banks, PIN  
Gordon Russell, USF&WS  
Ron Kreisman, Esq.  
Todd Burrowes, SPO  
Steve Timpano, IF&W  
Laura Rose Day, NRCM  
John Burrows, ASF  
Pat Keliher, ASC  
Jeff Reardon, TU

January 20, 2004

To: Dana Murch

From: Paul Mitnik, P.E.

Subject: Penobscot Restoration Project

Expected Water Quality in Rockabema and West Enfield Impoundments

As you have requested, I have investigated the expected change in water quality assuming both the Rockabema and West Enfield impoundment headpond levels are increased by an elevation of one foot. A water quality model, that has been calibrated and verified with data collected in 1997 and 2001, was used to predicted the expected changes in dissolved oxygen and algae levels (measured as chlorophyll-a). The model is explained in detail in a draft DEP report (Penobscot River Modeling Report, April 2003) that can be downloaded from DEP's website.

Compliance of class C dissolved oxygen criteria in the Rockabema impoundment is currently not an issue. However non-compliance of minimum class B criteria is an issue in the West Enfield impoundment. The occurrence of algae blooms is a greater issue in the Rockabema impoundment than the West Enfield impoundment.

Due to the increased time of travel that will occur with the larger impoundments, it is possible that lower dissolved oxygen and higher chlorophyll-a could result. Adjustments were made to the hydraulic component of the model to account for the increased volume and depth and decreased velocity. Since the estimated change in impoundment surface area is small in both cases, it was assumed that the river width should not change.

The model predicts that no lowering of dissolved oxygen levels should occur in the Rockabema impoundment. The maximum lowering of dissolved oxygen that should occur in the West Enfield impoundment is 0.1 ppm. This is within the measurement error of dissolved oxygen. The maximum increase in chlorophyll-a predicted is 0.01 ppb for Rockabema and 0.25 ppb for West Enfield. In either case, the expected change in chlorophyll-a is negligible.

**Penobscot River Model**

**Existing Hydraulic Conditions**

Model Reach	V Coef	V exp	D coef	D Exp	7Q10 Flow cfs	Vel ft	Depth ft	Width ft
8	0.0014	0.8	2.65	0.16	2227	0.667	9.10	367
18	0.001	0.8	2.78	0.1	2833	0.578	6.16	796
19	0.00054	0.8	4.44	0.1	2835	0.312	9.83	924

**New Hydraulic Conditions**

(+1' at Rockabema and West Enfield Impoundments)

Model Reach	7Q10 Flow cfs	Depth ft	Width ft	Area ft <sup>2</sup>	Vel ft	New V Coef	New D Coef
8	2227	10.1	367	3706	0.601	0.00126	2.94
18	2833	7.16	796	5703	0.497	0.000860	3.23
19	2835	10.83	924	10002	0.283	0.00049	4.89

Model Reach 8 is the Rockabema Impoundment. Reaches 18 and 19 are the West Enfield Impoundment.

Notes: The increase in impoundment surface area from a 1 foot increase in the headpond elevation is expected to change from 120 to 125 acres and 1125 to 1148 acres respectively for Rockabema and West Enfield. Since the difference is very small, a constant width was assumed.

**Subject:** FW: Phase 1 Bass Habitat/Pop "Impacts"



Hall Bass Impact  
Text Phase 1....

From: Clem Fay [mailto:pinfish@penobscotnation.org]  
Sent: Wednesday, February 04, 2004 4:13 PM  
To: Hall, Scott D  
Cc: Jeff Reardon (TU); Jeff Reardon (home)  
Subject: Phase 1 Bass Habitat/Pop "Impacts"

Scott:

As you requested, attached is a short summary of my assessment of the "impacts" of Phase 1 energy enhancements at SW, WE, and MW on bass habitat, pops, and fishing in those impoundments. Please let me know if you needed something different. Also, feel free to cut and paste, or paraphrase, as needed for your purposes, as long as such modifications do not change the core substance of what is there.

Clem.

Clem Fay

Fisheries Manager

Penobscot Nation DNR

6 River Road, Indian Island

Old Town, ME 04468

PH: 207-827-7776, ext 7362

PH: 207-817-7362

FAX: 207-827-1137

email: [pinfish@penobscotnation.org](mailto:pinfish@penobscotnation.org)

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**Projected Impacts of Penobscot River Restoration Project  
Phase I Energy Enhancements (Impoundment Elevation Increases)  
at the Stillwater, West Enfield, and Medway Projects  
(by C. Fay, Fisheries Manager, Penobscot Indian Nation DNR)  
February 4, 2004**

Recognizing that, except for spawning activity, smallmouth bass in the Penobscot watershed use impounded habitat as readily as free-flowing reaches, then the increased impoundment elevations associated with the Penobscot River Restoration Project Phase 1 energy enhancements at Stillwater (SW), West Enfield (WE), and Medway (MW) projects (1 foot at each location) are judged to be at worst neutral, and at best, a net positive, with respect to general bass habitat quantity and quality. To the extent that bass spawning activity occurs or would occur in these impoundments (most spawning in the main stem Penobscot River occurs in free-flowing reaches), they should simply be shifted shoreward proportional to the depth increase at the location in question.

As far as angler access to bass fisheries, and navigational safety issues, in these impoundments, again, the Phase 1 energy enhancements should result in either neutral or net positive impacts at all three projects. Specifically at West Enfield, and recognizing that in some cases, new navigational hazards will be formed where there was none previously, the one foot increase should overall reduce the potential for larger power boats/outboards to hit one of the numerous submerged log and rock cribs that are scattered throughout the lowest river mile of the impoundment, and that currently rise to within 0.5-3.0 feet of the normal water surface elevation. This is particularly true for those cribs located well above the dam, which are generally closer to the surface, harder to distinguish, and where several instances of damaged outboard motor lower units have been observed in the recent past.

Finally, and again specific to West Enfield, the increased impoundment elevation should result in improvements in gross habitat quality for bass in the so-called "Merrill Brook Runaround" segment of the project. Presently, that segment of the project area becomes fairly stagnant in the summer due to diminished inflow over the upstream berm that funnels water from the main river into the runaround.

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Tel. 207.827.2247 Fax 207.827.4102  
www.pplweb.com



**MEMORANDUM**

**TO:** DISTRIBUTION  
**FROM:** SCOTT D. HALL, PPL MAINE, LLC *SDH*  
**DATE:** 17 FEBRUARY 2004  
**SUBJECT: DRAFT AMENDMENT APPLICATIONS  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

Pursuant to the terms of the Lower Penobscot River Conceptual Agreement (October 2003) and the anticipated requirements of the Lower Penobscot River Multiparty Settlement Agreement (MPA), expected to be finalized in April 2004, please find the enclosed draft applications for amendment requests associated with PPL Maine, LLC's Stillwater, Medway, and Milford Projects as well as the West Enfield Project, along with the draft application for new license for Orono. Please note that we have not included a draft of the amendment application for Veazie since it will be very short and limited to implementation of the fish passage provisions required by the MPA, thereby requiring no additional supporting information.

As you will remember, these draft applications are intended to outline and support the requests we will make to the Federal Energy Regulatory Commission (Commission) for the purpose of implementing the MPA. In addition, we will be providing the final applications, as well as specific requests to modify the respective water quality certifications, to the Maine Department of Environmental Protection (MDEP) in a separate filing, with copies to the appropriate municipalities.

Please review the enclosed materials and forward any questions/comments you may have as soon as possible. In the event anyone deems it necessary to meet and discuss any portion of these applications please contact me by the end of February and I will try to set up a meeting of interested parties the week of 8 March 2004.

Please remember that, in accordance with Section IV of the MPA, all parties are required to provide a letter of support, to be filed with the Commission (and the MDEP), so please don't hesitate to contact me with any questions, or if you need additional information to enable you to provide such a letter of support within 30 days. In addition, please include in your letter of support a specific statement conveying your consent to our request to waive consultation requirements normally associated with such applications [18 CFR Sec. 4.38(a)(5) and Sec. 16.8(e)(1)].

As we have discussed, our schedule allows for a 30-day review period by all parties to the MPA, and upon receiving your letters of support, and comment where applicable, we will complete the final applications and file them with the Commission and MDEP in early April. Thank you for your prompt attention to this matter.

17 FEBRUARY 2004

**SUBJECT: DRAFT AMENDMENT APPLICATIONS  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

Dana Murch (2 copies)  
Maine Department of  
Environmental Protection  
State House Station 17  
Augusta, ME 04333

Steven Timpano  
Maine Department of Inland  
Fisheries & Wildlife  
41 State House Station  
Augusta, ME 04333-0041

Clem Fay  
Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

Mike Smith  
Maine Department of Inland  
Fisheries & Wildlife  
HC 67 Box 1066  
Enfield, ME 04493

Betsy Elder, Hydropower Coordinator  
Maine State Planning Office  
State House Station 38  
Augusta, ME 04333

Ron Kreisman  
25 Page Street  
Hallowell, ME 04347

Todd Burrows  
Maine State Planning Office  
State House Station 38  
Augusta, ME 04333

Kevin Mendick  
National Park Service  
North Atlantic Region  
15 State Street  
Boston, MA 02109

Bud Newell  
Hydropower Coordinator  
Bureau of Parks and Recreation  
Maine Department of Conservation  
22 State House Station  
Augusta, ME 04333

Earle G. Shettleworth, Jr., Director  
Maine Historic Preservation  
Commission  
Capital Street  
State House Station 65  
Augusta, ME 04333

Norm Dube  
Maine Atlantic Salmon Authority  
650 State Street  
Bangor, ME 04401-5654

Arthur Spiess  
Maine Historic Preservation  
Commission  
Capital Street  
State House Station 65  
Augusta, ME 04333

Pat Kelliher  
Executive Director  
Maine Atlantic Salmon Authority  
172 State House Station  
323 State Street  
Augusta, ME 04330

Barry Dana, Tribal Chief  
Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

17 FEBRUARY 2004

**SUBJECT: DRAFT AMENDMENT APPLICATIONS  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

John S. Banks  
Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

Laura Rose-Day  
Project Director  
3 Wade Street  
Augusta, ME 04330

Kim Owens  
Department of Interior  
Solicitor's Office  
Division of Indian Affairs  
1849 C Street NW  
Mail Stop: 6456  
Washington, DC 20240

Gail Wippelhauser/Tom Squires  
Maine Dept. Marine Resources  
State House Station 21  
Augusta, ME 04333-0021

Judith M Stolfo  
U.S. Department of Interior  
Office of the Solicitor  
1 Gateway Center, Suite 612  
Newton, MA 02458-2881

George LaPointe  
Commissioner  
Maine Dept. Marine Resources  
State House Station 21  
Augusta, ME 04333-0021

Andrew Tittler  
U.S. Department of Interior  
Office of the Solicitor  
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Newton, MA 02458-2881

Gordon Russell  
United States Fish & Wildlife Service  
1033 South Main Street  
Old Town, ME 04468

Jeff Murphy (2 copies)  
National Marine Fisheries Service  
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31 Main Street  
Orono, ME 04473

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## MEMORANDUM

TO: DISTRIBUTION

FROM: SCOTT D. HALL, PPL MAINE, LLC *SDH*

DATE: 25 FEBRUARY 2004

**SUBJECT: DRAFT AMENDMENT APPLICATION - VEAZIE  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

---

Pursuant to the terms of the Lower Penobscot River Conceptual Agreement (October 2003) and the anticipated requirements of the Lower Penobscot River Multiparty Settlement Agreement (MPA), expected to be finalized in April 2004, please find the enclosed draft applications for amendment requests associated with PPL Maine, LLC's Veazie Project.

While we did not include this draft application for Veazie in the previous transmittal (17 February 2004), we wanted to send this along now to ensure that you had all of the draft amendment applications so that you could reference each one in your letters of support as outlined below.

Again, this draft application is intended to outline and support the requests we will make to the Federal Energy Regulatory Commission (Commission) for the purpose of implementing the MPA. In addition, we will be providing the final application, as well as specific requests to modify the water quality certification, to the Maine Department of Environmental Protection (MDEP) in a separate filing, with copies to the appropriate municipalities.

Please review the enclosed materials and forward any questions/comments you may have as soon as possible. In the event anyone deems it necessary to meet and discuss any portion of these applications please contact me by the end of February and I will try to set up a meeting of interested parties the week of 8 March 2004.

Please remember that, in accordance with Section IV of the MPA, all parties are required to provide a letter of support, to be filed with the Commission (and the MDEP), so please don't hesitate to contact me with any questions, or if you need additional information to enable you to provide such a letter of support within 30 days. In addition, please include in your letter of support a specific statement conveying your consent to our request to waive consultation requirements normally associated with such applications [18 CFR Sec. 4.38(a)(5) and Sec. 16.8(e)(1)].

As we have discussed, our schedule allows for a 30-day review period by all parties to the MPA, and upon receiving your letters of support, and comment where applicable, we will complete the final applications and file them with the Commission and MDEP in early April. Thank you for your prompt attention to this matter.

25 FEBRUARY 2004

**SUBJECT: DRAFT AMENDMENT APPLICATIONS  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

Dana Murch (2 copies)  
Maine Department of  
Environmental Protection  
State House Station 17  
Augusta, ME 04333

Steven Timpano  
Maine Department of Inland  
Fisheries & Wildlife  
41 State House Station  
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Clem Fay  
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25 Page Street  
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Hydropower Coordinator  
Bureau of Parks and Recreation  
Maine Department of Conservation  
22 State House Station  
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Earle G. Shettleworth, Jr., Director  
Maine Historic Preservation  
Commission  
Capital Street  
State House Station 65  
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Norm Dube  
Maine Atlantic Salmon Authority  
650 State Street  
Bangor, ME 04401-5654

Arthur Spiess  
Maine Historic Preservation  
Commission  
Capital Street  
State House Station 65  
Augusta, ME 04333

Pat Kelliher  
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Maine Atlantic Salmon Authority  
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323 State Street  
Augusta, ME 04330

Barry Dana, Tribal Chief  
Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

25 FEBRUARY 2004

**SUBJECT: DRAFT AMENDMENT APPLICATIONS  
REQUEST FOR COMMENTS AND LETTERS OF SUPPORT**

John S. Banks  
Penobscot Indian Nation  
6 River Road, Indian Island  
Old Town, ME 04468

Kim Owens  
Department of Interior  
Solicitor's Office  
Division of Indian Affairs  
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Andrew Tittler  
U.S. Department of Interior  
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Laura Rose-Day  
Project Director  
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Maine Dept. Marine Resources  
State House Station 21  
Augusta, ME 04333-0021

George LaPointe  
Commissioner  
Maine Dept. Marine Resources  
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Augusta, ME 04333-0021

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United States Fish & Wildlife Service  
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Old Town, ME 04468

Jeff Murphy (2 copies)  
National Marine Fisheries Service  
PO Box 190  
31 Main Street  
Orono, ME 04473

Charles Lynch  
NOAA Fisheries  
One Blackburn Drive  
Gloucester, MA 01930

-----Original Message-----

From: Andrew Tittler [mailto:tittlers@rcn.com]  
Sent: Wednesday, March 03, 2004 8:31 PM  
To: Hall, Scott D; judithstolfo; jwhittaker@winston.com  
Subject: comments on PPL filings

These are basically OK, with a couple of comments:

General: in your executive summary, you state that the Agreement "will resolve all fish passage, energy generation and tribal issues". It would be more accurate to say that it "presents the opportunity to resolve" all such issues. This is for two reasons - first, it emphasizes the next point, which is that the Commission must act in the right way to make this happen, and, second, because it may not resolve all issues with respect to Howland and Great works if they are not purchased - we may go right back into relicensing with no prejudice to anyone's position. The opportunity is certainly there if FERC does what it's supposed to and the dams are bought, but it's not a certainty.

Veazie-specific. You ask to set the timeframe of article 413 to "as ordered by the Commission." I would prefer to include language, as I suggested in my effort at our filing, pushing back this requirement until 5 years, 6 months from now, or 6 months after a decision not to remove if the option is exercised, as with the fish passage facilities. The delay makes sense, but your suggestion means we will have to badger the Commission for an order to get recreational facilities at all, which is the next best thing to giving up on them entirely, in my book. Also the language of the MSA states that this is to be delayed until after that decision point, not indefinitely.

I may discover more when I get back to this next week, but that's all I've spotted so far - Gordon, of course, has a better handle on the technical stuff than I do.

--

-Andrew Tittler  
U.S. Department of the Interior  
Northeast Regional Solicitor's Office  
One Gateway Center, Suite 612  
Newton, MA 02458

Phone: (617) 527 3400  
Fax: (617) 527 6848

---

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-----Original Message-----

From: Gordon\_Russell@fws.gov [mailto:Gordon\_Russell@fws.gov]  
Sent: Wednesday, March 03, 2004 1:46 PM  
To: Hall, Scott D  
Cc: pinfish@penobscotnation.org; Norm.Dube@state.me.us;  
gail.wippelhauser@maine.gov; steve.timpano@state.me.us;  
tittlers@rcn.com; j.stolfo@comcast.net; Larry\_M\_Miller@fws.gov  
Subject: Comments on Penob. R. draft license amendment applications

Scott:

As we've indicated previously to you, DOI will be sending a single, short letter of concurrence and support for the proposed license amendment applications. It will be signed by our Regional Environmental Officer, Andy Raddant, who is in Boston.

However, there were a few specific items that caught me eye as I looked through the applications that I thought I'd pass on.

Medway:

p. E-6: you can delete the sentence on peregrine falcon - it was delisted in 1999.

p. E-9: you should say something like, "The existing upstream and downstream fish passage measures for eels will not be affected by the 1-ft headpond increase."

Stillwater:

p. E-9: last sentence in the paragraph on fish passage isn't quite accurate - Art. 407 of the license requires fish passage plan for upstream and downstream passage.

p. E-12: should say something like, "The proposed 1-ft. increase in headpond level and decrease in minimum bypass flow will not affect existing or proposed fish passage facilities or their operations."

West Enfield:

p. E-6: similar to last comment. Add sentence such as, "The 1-ft increase will not affect existing upstream and downstream fish passage facilities or their operations."

Milford:

p. ES-2: as we've discussed recently, Art. 405 (DO monitoring) would be modified, not deleted.

That's it!

Gordon

Gordon W. Russell, Supervisor  
Maine Field Office  
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Old Town, ME 04468  
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Fax: (207) 827-6099  
Cellular: (207) 949-0561  
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John E. Baldacci  
Governor

**STATE OF MAINE  
ATLANTIC SALMON COMMISSION**

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[www.state.me.us/asa](http://www.state.me.us/asa)



Patrick C. Keilher  
Executive Director

March 10, 2004

Mr. Scott D. Hall  
Manager, Environmental Services  
PPL Maine, LLC  
Davenport Street  
P.O. Box 276  
Milford, ME 04461-0276

**RE: Draft Amendment Applications – Stillwater Hydroelectric Project (FERC No. 2712), Milford Hydroelectric Project (FERC No. 2534), West Enfield Hydroelectric Project (FERC No. 2600), and Medway Hydroelectric Project (FERC No. 2666)**

**Draft Application for New License – Orono Project (FERC No. 2710)**

Dear Scott:

Under the terms of the October 2003 Lower Penobscot River Conceptual Agreement and with the anticipated requirements of the Lower Penobscot River Multiparty Settlement Agreement (MPA) expected to be finalized next month, PPL had submitted the above-referenced applications for comment. Maine Atlantic Salmon Commission (MASC) staff has reviewed the applications and offer the following comments.

**Stillwater Project**

PPL requests the following license modifications:

- Headpond Increase of one foot,
- Minimum flow reductions of 40 cfs to 20 cfs in the west bypass channel and 155 cfs to 50 cfs in the east bypass channel,
- PPL agrees to modifications of various Stillwater Project License Articles for purposes of making fish passage requirements consistent with the Department of Interior (DOI) and National Marine Fisheries Service (NMFS) modified fishway prescriptions as specified in Attachment A of the MPA, and

- PPL is required to make monetary payments into a Contingent Mitigation Fund (CMF) as provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie (FERC No. 2403) and Great Works (FERC No. 2312) dams are not removed.

### **Milford Project**

PPL requests the following license modifications:

- Inclusion of the Penobscot Indian Nation Agreement,
- PPL agrees to inclusion of appropriate article(s) into the Milford Project License for purposes of making fish passage requirements consistent with the DOI/NMFS modified fishway prescriptions as specified in Attachment A of the MPA, and
- PPL requests that Article 405 and Article 410 be deleted from the Milford License.

### **West Enfield Project**

Bangor-Pacific Hydro Associates (BPHA) requests the following license modifications:

- Headpond increase of one foot,
- Inclusion of the Penobscot Indian Nation Agreement,
- BPHA agrees to inclusion of appropriate article(s) into the West Enfield Project License for purposes of making those requirements associated with upstream American eel passage consistent with Attachment A of the MPA, and
- BPHA is required to make monetary payments into a Contingent Mitigation Fund (CMF) as provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie (FERC No. 2403) and Great Works (FERC No. 2312) dams are not removed.

### **Medway Project**

PPL requests the following license modifications:

- Headpond increase, and
- A requirement for PPL to make monetary payments into a Contingent Mitigation Fund (CMF) as provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie (FERC No. 2403) and Great Works (FERC No. 2312) dams are not removed.

### **Orono Project**

PPL is proposing to:

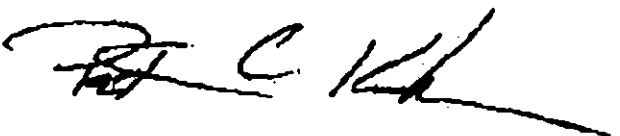
- Relicense and refurbish the Orono Project,
- Operate the facility in a run-of-river mode,
- Provide a flow of 200 cfs into the approximately 1,000 foot long bypass reach making about 250 units (one unit = 100 square yards) of salmon nursery habitat available,

- Provide upstream American eel passage and modified downstream fish passage measures consistent with Attachment A of the MPA and DOI/NMFS modified fishway prescriptions, and
- PPL is required to make monetary payments into a Contingent Mitigation Fund (CMF) as provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie (FERC No. 2403) and Great Works (FERC No. 2312) dams are not removed.

We have no substantial comments to make at this time regarding the license amendments for the Stillwater, Milford, West Enfield, and Medway projects or the new license application for the Orono Project. Atlantic Salmon Commission staff has participated in the development of the Lower Penobscot River Conceptual Agreement signed by numerous parties last fall as well as in the development of the Lower Penobscot River Multiparty Settlement Agreement. We expect that the MPA will be finalized in April 2004. Consequently, much of MASC's issues have been resolved through the Conceptual Agreement and MPA processes. As such, we support PPL's request to waive the three stage consultation requirements normally associated with license amendments and for a new license application under 18 CFR Sec. 4.38(a)(5) and Sec. 16.8(e)(1) of the Federal Power Act.

The MPA is the foundation for the Penobscot River Restoration Project, an extensive and comprehensive undertaking to improve water quality and fish and wildlife habitat, to enhance the ecology of the Penobscot River watershed, and to improve access and habitat for diadromous fish species in the Penobscot basin. We look forward to working with all stakeholders involved in this ambitious effort to restore balance to the Penobscot River.

Sincerely,



Patrick C. Keliher  
Executive Director

- cc: State FERC Coordinating Committee  
 George Lapointe, Commissioner, MDMR  
 Roland D. Martin, Commissioner, MDIFW  
 Paul Frinsko, Public Member, MASC  
 Joan Trial, MASC  
 Todd Burrows, SPO  
 Gordon Russell/Larry Miller, USFWS  
 Jeff Murphy, NMFS  
 Ron Kreisman  
 Laura Rose-Day



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAWN R. GALLAGHER  
COMMISSIONER

March 12, 2004

Scott D. Hall  
Director of Environmental Services  
PPL Maine LLC  
PO Box 276  
Milford, ME 04461

**RE: Comments on Draft Applications for Amendment of License**  
Veazie Hydro Project, FERC No. 2403  
Milford Hydro Project, FERC No. 2534  
West Enfield Hydro Project, FERC No. 2600  
Medway Hydro Project, FERC No. 2666  
Stillwater Hydro Project, FERC No. 2712

**RE: Comments on Draft Application for New License**  
Orono Hydro Project, FERC No. 2710

Dear Scott:

The DEP has reviewed your letters of February 17 and 25, 2004 and the accompanying draft Applications for Amendment of License for the Veazie, Milford, West Enfield, Medway and Stillwater Hydro Projects and the draft Application for New License for the Orono Hydro Project.

We have the following comments on the draft applications.

Veazie Hydro Project, FERC No. 2403

1. We understand that the amendment application calls for: (a) modifying the fish passage requirements in the current FERC license to be consistent with the modified DOI/NMFS fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement; and (b) extending the deadline for filing and implementing a final recreation plan.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4370 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 764-1507

Letter to Scott D. Hall  
March 12, 2004  
Page 2

2. We understand that, with respect to the Veazie Project, the modified DOI/NMFS fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement provide that PPL Maine will continue to operate the project without modifications in existing generating facilities or fish passage facilities, including full responsibility for their operation and maintenance, and to extend, until the expected option to purchase the Veazie, Great Works, and Howland Projects is exercised or expires, the deadlines for complying with the fish passage requirements contained in the current FERC license.
3. In the Maine Waterway Development and Conservation Act Permit and Water Quality Certification previously granted by the DEP for the project (Order #L-16880-35-D-N dated November 10, 1993), compliance with fish passage and recreation conditions is required upon such schedule as established by FERC. Therefore, any extension of these compliance deadlines that is approved by FERC will automatically apply to the certification, and no specific DEP approval of these extensions is required.

Milford Hydro Project, FERC No. 2534

1. We understand that the amendment application calls for: (a) incorporating the provisions of an expected settlement agreement between the Penobscot Indian Nation, PPL Maine, and the DOI Bureau of Indian Affairs; (b) modifying the fish passage requirements in the current FERC license to be consistent with the modified DOI/NMFS fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement; and (c) deleting several articles from the current FERC license.
2. We understand that, with respect to the Milford Project, the provisions of the expected settlement agreement between the Penobscot Indian Nation, PPL Maine, and the DOI Bureau of Indian Affairs call for PPL Maine to: change to run-of-river project operation; implement a stream bank stabilization and monitoring plan; provide a contribution to the Penobscot Indian Nation Curational Fund; provide funding to PIN to establish the Milford Project Monitoring Fund; remove semi-buoyant logs from the project impoundment; provide notice of and access to PIN to participate in any FERC inspections; provide compensation to PIN for flooded land in the impoundment; develop a canoe portage trail under specified circumstances around the western end of the Milford Dam; and include PIN and BIA in all future consultations.
3. We understand that, with respect to the Milford Project, the modified DOI/NMFS fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement provide that PPL Maine will continue to operate the project without modifications in existing generating facilities or fish passage facilities and to extend, until the expected option to purchase the Veazie, Great

Letter to Scott D. Hall

March 12, 2004

Page 3

Works, and Howland Projects is exercised, the deadlines for complying with the fish passage requirements contained in the current FERC license, except that PPL Maine will develop and implement plans for the installation and operation of a new upstream eel fishway. The modified prescriptions further provide that, upon the exercise of the option and the purchase of the designated projects by the Purchasing Entity, PPL Maine will install a new state-of-the-art fish lift, discontinue use of the existing Denil fishway, and implement physical and operational changes to improve downstream fish passage.

4. We understand that the articles proposed for deletion from the FERC license require that the licensee monitor dissolved oxygen in the Penobscot River below the project (Article 405) and develop and implement a plan to evaluate measures to mitigate for any unavoidable losses to Atlantic salmon due to fish passage inefficiencies (Article 410).
5. The proposed amendments constitute a change in project facilities and operation as previously approved by the DEP (Order #L-16011-35-B-N dated October 23, 1992). Therefore, the proposed amendments must be approved under the Maine Waterway Development and Conservation Act and Section 401 of the Clean Water Act. Please submit a completed Application for Project Modification to the DEP, along with two copies of the final Application for Amendment of License as filed with FERC. A fee of \$109.00 must accompany the application. Please note that public notice is not required for this application.

West Enfield Hydro Project, FERC No. 2600

1. We understand that the amendment application calls for: (a) increasing the height of the existing flashboards by 1 foot; (b) establishing a Contingent Mitigation Fund to fully mitigate for the habitat impacts of increasing the headpond elevation in the event that the Veazie and Great Works Dams are not removed; (c) incorporating the provisions of an expected settlement agreement between the Penobscot Indian Nation, PPL Maine, and the DOI Bureau of Indian Affairs; and (d) requiring the installation of upstream eel passage facilities.
2. We understand that the proposed higher headpond elevation will increase the surface area of the project impoundment by 23 acres and will increase annual generation by 6.412 million kW-hours annually.
3. We understand that, with respect to the Milford Project, the provisions of the expected settlement agreement between the Penobscot Indian Nation, PPL Maine, and the DOI Bureau of Indian Affairs calls for PPL Maine to provide compensation to PIN for the flooding of additional reservation lands.

Letter to Scott D. Hall

March 12, 2004

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4. We understand that the proposed requirement for the installation of upstream eel passage facilities will be consistent with the provisions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement.
5. Please verify that there will be no in-stream construction work associated with the installation of 1-foot higher flashboards.
6. Please verify that the increase in impoundment area resulting from the 1-foot higher flashboards will be 23 acres (from an existing size of 1,125 acres to a new size of 1,148 acres).
7. Please state the increase in installed capacity that will result from the 1-foot higher flashboards. We note that the project is currently licensed for an installed capacity of 13 MW.
8. We note that, as amended, the project will have 7-foot-high flashboards that will be designed to fail when overtopped by 1 foot of water (i.e., at elevation 157.1 feet NGVD), which is 0.5 feet higher than the elevation at which the existing flashboards are designed to fail (when overtopped by 1.5 feet of water). We also note that the project has substantial gate capacity to pass excess flows and that, as a result, flashboard failure is expected to occur less than 10% of the time. Consequently, we are not concerned that the reduced overtopping tolerance may cause the higher flashboards to fail more frequently, thus adversely affecting aquatic habitat.
9. The proposed installation of higher flashboards qualifies as the structural alteration of a hydropower project in ways that change water levels or flows above or below the project. The other proposed amendments constitute changes in project facilities and operation as previously approved by the DEP. Therefore, the proposed amendments must be approved under the Maine Waterway Development and Conservation Act (MWDCA) and Section 401 of the Clean Water Act. Please submit a completed Application for Project Approval (Form "Hydro.2") to the DEP, along with two copies of the final Application for Amendment of License as filed with FERC. This will also serve as an application to amend the MWDCA permit and Section 401 water quality certification previously issued by the DEP for the project (Order #L-007973-35-A-A dated February 12, 1986). Please note that public notice of the application must be given to the owners of all property adjacent to the impoundment area affected by the amendment.
10. The Application for Project Approval must be accompanied by the appropriate fee. For a capacity increase of up to 0.4 MW, the base fee is \$235.00. For a capacity increase of greater than 0.4 MW, the fee is \$590.00 per megawatt of additional capacity.

Letter to Scott D. Hall  
March 12, 2004  
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Medway Hydro Project, FERC No. 2666

1. We understand that the amendment application calls for increasing the height of the existing flashboards by 1 foot. We understand that the proposed higher headpond elevation will increase the surface area of the project impoundment by 3.5 acres and will increase annual generation by 2.3 million kW-hours annually.
2. Please verify that there will be no in-stream construction work associated with the installation of 1-foot higher flashboards.
3. Please verify that the increase in impoundment area resulting from the 1-foot higher flashboards will be 3.5 acres (from an existing size of 98 acres to a new size of 101.5 acres). We note that recent survey work has corrected the size of the existing impoundment from 120 acres to 98 acres.
4. Please state the increase in installed capacity that will result from the 1-foot higher flashboards. We note that the project is currently licensed for an installed capacity of 3.44 MW.
5. We note that, as amended, the project will have 5.75-foot-high flashboards that will be designed to fail when overtopped by 1 foot of water (i.e., at elevation 261.3 feet NGVD), which is the same elevation at which the existing flashboards are designed to fail (when overtopped by 2 feet of water). We also note that the flashboards cannot be replaced until river flows drop below turbine capacity, which is exceeded about 58 percent of the time. We further note that the project has limited gate capacity to pass excess flows. As a result, while we appreciate your interest in maintaining the flood flow discharge capacity of the existing project, we are concerned that the reduced overtopping tolerance may cause the higher flashboards to fail more frequently, resulting in larger and more frequent fluctuations in impoundment levels, which may in turn adversely impact aquatic habitat (as well as cause a reduction in generation). Please comment on the likelihood of increased flashboard failure. If increased flashboard failure is likely, please comment on (a) the anticipated impacts on aquatic habitat and (b) the economics of replacing the current flashboard system with an inflatable flashboard system (i.e., a "rubber dam") that will automatically deflate and re-inflate to maintain more stable pond levels.
6. The proposed installation of higher flashboards qualifies as the structural alteration of a hydropower project in ways that change water levels or flows above or below the project. The proposed amendment also constitutes a change in project facilities and operation as previously approved by the DEP. Therefore, the proposed amendment must be approved under the Maine Waterway Development and Conservation Act (MWDCA) and Section 401 of the Clean Water Act.

Letter to Scott D. Hall  
March 12, 2004  
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Please submit a completed Application for Project Approval (Form "Hydro.2") to the DEP, along with two copies of the final Application for Amendment of License as filed with FERC. This will also serve as an application to amend the Section 401 water quality certification previously issued by the DEP for the project (Order #L-18893-33-B-N dated December 23, 1998). Please note that public notice of the application must be given to the owners of all property adjacent to the impoundment area affected by the amendment.

7. The Application for Project Approval must be accompanied by the appropriate fee. For a capacity increase of up to 0.4 MW, the base fee is \$235.00. For a capacity increase of greater than 0.4 MW, the fee is \$590.00 per megawatt of additional capacity.

Stillwater Hydro Project, FERC No. 2712

1. We understand that the amendment application calls for: (a) increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards and by adding flashboards as needed where none currently exist; (b) modifying the minimum bypass flow requirements in the current FERC license; (c) modifying the fish passage requirements in the current FERC license to be consistent with the modified DOI/NMFS fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement; and (d) establishing a Contingent Mitigation Fund to fully mitigate for the habitat impacts of increasing the headpond elevation in the event that the Veazie and Great Works are not removed.
2. We understand that the proposed higher headpond elevation will increase the surface area of the project impoundment by 7 acres and will increase annual generation by 0.965 million kW-hours annually.
3. We understand that the proposed amendment calls for reducing minimum bypass flows from 40 cfs to 20 cfs in the west bypass channel and from 155 cfs to 40 cfs in the east bypass channel.
4. We understand that, with respect to the Stillwater Project, the modified fishway prescriptions outlined in Attachment A to the Lower Penobscot River Conceptual Agreement provide that PPL Maine will: develop and implement plans for the installation and operation of a new upstream eel fishway; continue to operate the existing downstream fish passage facilities; and reduce trashrack spacing to 1 inch. The modified prescriptions further provide that, upon the exercise of the expected option and the purchase of the Veazie, Great Works, and Howland Projects by the Purchasing Entity, PPL Maine will implement physical and operational changes to improve downstream fish passage but will not be subject to any additional requirements for upstream fish passage.

Letter to Scott D. Hall

March 12, 2004

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5. Please verify that there will be no in-stream construction work associated with the installation of new and higher flashboards.
6. Please verify that the increase in impoundment area resulting from the 1-foot increase in headpond elevation will be 7 acres (from an existing size of 184 acres to a new size of 191 acres).
7. Please state the increase in installed capacity that will result from the 1-foot increase in headpond elevation. We note that the project is currently licensed for an installed capacity of 1.95 MW.
8. We note that, as amended, the project will have flashboards ranging in height from 0.65 feet to 3 feet that will be designed to fail when overtopped by 1 foot of water (i.e., at elevation 95.64 feet), which is the same elevation at which the existing flashboards are designed to fail (when overtopped by 2 feet of water). Because of the limited turbine capacity and the small impoundment size, we do not have any concerns about the effects of flashboard failure in aquatic habitat.
9. The proposed installation of higher flashboards qualifies as the structural alteration of a hydropower project in ways that change water levels or flows above or below the project. All of the proposed amendments also constitute changes in project facilities and operation as previously approved by the DEP. Therefore, the proposed amendments must be approved under the Maine Waterway Development and Conservation Act (MWDCA) and Section 401 of the Clean Water Act. Please submit a completed Application for Project Approval (Form "Hydro.2") to the DEP, along with two copies of the final Application for Amendment of License as filed with FERC. This will also serve as an application to amend the Section 401 water quality certification previously issued by the DEP for the project (Order #L-16773-33-A-N dated December 29, 1992). Please note that public notice of the application must be given to the owners of all property adjacent to the impoundment area affected by the amendment.
10. The Application for Project Approval must be accompanied by the appropriate fee. For a capacity increase of up to 0.4 MW, the base fee is \$235.00. For a capacity increase of greater than 0.4 MW, the fee is \$590.00 per megawatt of additional capacity.

Orono Hydro Project, FERC No. 2710

1. We understand that the original FERC license for the Orono Project has expired and that the project has been operating under a self-renewing annual license since September 25, 1985.

Letter to Scott D. Hall  
March 12, 2004  
Page 8

2. We understand that, as part of the subsequent proposal by Bangor Hydro-Electric to construct the Basin Mills Dam, the Orono Project was to be decommissioned. As a consequence, no application for new license was ever filed for the project.
3. We understand that the project penstocks collapsed and were removed in 1996 by Bangor Hydro-Electric. The project has been inoperable since that time.
4. We understand that PPL Maine now proposes to rehabilitate the Orono Project and restore the project to operation at its previous capacity of 2.3 MW. PPL Maine also proposes to file an application for a new license for the project.
5. We understand that the proposed project rehabilitation includes: (a) installation of new penstocks; (b) rehabilitation of the concrete surge tank; (c) replacement of the wheelpit floors; (d) rehabilitation of the turbines; (e) removal of accumulated debris from the tailrace and turbine discharge flumes; (f) rehabilitation of the generators and associated ancillary equipment; (g) replacement of the generator controls and switchgear; and (h) rehabilitation of the powerhouse structure.
6. We understand that PPL Maine proposes to continue to operate the project in a run-of-river mode and to provide a 200 minimum flow in the project bypass reach.
7. None of the proposed rehabilitation activities appear to trigger the permitting requirements of the Maine Waterway Development and Conservation Act. However, the proposed relicensing of the Orono Project is subject to DEP approval under Section 401 of the Clean Water Act. Therefore, please submit a completed Application for Water Quality Certification (Form "Hydro.1") to the DEP, along with two copies of the final Application for New License as filed with FERC. Please note that public notice of the application must be given to the owners of all property adjacent to the dam, penstocks, and powerhouse.
8. The Application for Water Quality Certification must be accompanied by a fee of \$949.90 (2.3 MW x \$413/MW).

\* \* \* \* \*

All of DEP's hydropower project application forms are available on-line at [www.maine.gov/dep/blwq](http://www.maine.gov/dep/blwq) (click on Permits and Standards, then on Hydropower & Dams).

Thank you for this opportunity to comment. If you have any questions, please contact me (287-7784) or Mark Margerum (287-7842).

Letter to Scott D. Hall  
March 12, 2004  
Page 9

Sincerely,



Dana Paul Murch  
Dams & Hydropower Supervisor

cc: Andy Fisk, DEP  
Mark Margerum, DEP  
Jay Clement, COE  
Clem Fay, PIN  
John Banks, PIN  
Betsy Elder, SPO  
Todd Burrowes, SPO  
Bud Newell, DOC  
Norm Dube, ASC  
Pat Keliher, ASC  
Steve Timpano, IF&W  
Mike Smith, IF&W-Region F (Fisheries)  
Kevin Stevens, IF&W-Region F (Wildlife)  
Gordon Russell, USF&WS  
Ron Kreisman, Esq.  
Art Spiess, MHPC  
Gail Wipplehuaser, DMR  
Tom Squiers, DMR  
Laura Rose Day, NRCM  
John Burrows, ASF  
Jeff Reardon, TU  
Maureen Winters, Devine Tarbell & Associates



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2208

MAR 12 2004

Scott D. Hall  
PPL, LLC  
Davenport Street  
P.O. Box 276  
Milford, Maine 04461-0276

re: Draft License Amendment Applications

Dear Mr. Hall:

We are in receipt of your memoranda dated February 17, 2004 and February 25, 2004, as well as the draft license amendment applications attached thereto. The memoranda were directed to the parties involved in the Lower Penobscot River Conceptual Agreement, of which the National Marine Fisheries Service (NOAA Fisheries) was not a party. We appreciate your sending us a courtesy copy.

As you are aware, NOAA Fisheries has not been involved in the negotiation of this matter or in the development of the resultant Multiparty Settlement Agreement (MPA). Accordingly, we are not in a position to offer commentary on the draft applications, nor is the agency, for similar reasons, in a position to sign the MPA. NOAA Fisheries does, however, have significant interest in the aquatic resources of the Penobscot River. We intend to become involved in the imminent Federal Energy Regulatory Commission (FERC) post-filing application process and will provide comments in the usual course as set forth under the FERC's regulations. In developing our comments and modified Section 18 fishway prescription, NOAA Fisheries will take into full consideration the objectives of the MPA and actions proposed therein.

NOAA Fisheries recognizes the substantial efforts undoubtedly made by the involved parties in developing the Lower Penobscot River Conceptual Agreement and Multiparty Settlement Agreement. Further, the agency applauds as a general matter the restoration of free flowing riparian corridors and enhancement of long dormant diadromous fish habitat. NOAA Fisheries looks forward to working with you throughout the FERC license amendment process.

Sincerely,

Patricia Kurkul  
Regional Administrator

cc: Gordon Russell, USFWS  
Judy Stolfo, US Dept. of Interior  
Andrew Tittler, US Dept. of Interior



-----Original Message-----

From: Clem Fay [mailto:pinfish@penobscotnation.org]  
Sent: Wednesday, March 17, 2004 4:16 PM  
To: Hall, Scott D  
Cc: John Banks  
Subject: PIN's Technical Comments on Draft Amendments

Scott:

I decided that none of my technical comments merited inclusion in our formal support letter to come, and so I am submitting them now (attached) so that you can go ahead and address them sooner rather than later, and to save space/verbeage in our pending, more formal, "support" letter. Other than the one on land management at WE, these should all look familiar to you already as per our previous discussions.

I have also attached a revised (deleted last paragraph from original) "Bass Impact Assessment" as referred to in my WE comments.

John may have other comments that may need to be included in our pending formal comment and support letter, but this covers what I have right now from the "technical arm".

Please let me know if any questions/concerns.

Clem.

Clem Fay

Fisheries Manager

Penobscot Nation DNR

6 River Road, Indian Island

Old Town, ME 04468

PH: 207-827-7776, ext 7362

PH: 207-817-7362

FAX: 207-827-1137

email: pinfish@penobscotnation.org

## **PIN's (Clem Fay) Technical Comments on Draft Amendment Applications**

### **Milford**

1. Revise page ES-2 to reflect that Art 405 (D.O. Monitoring) is not being deleted. If any revision of language in 405 is proposed, provide opportunity for review prior to final PIN approval.

### **Stillwater**

1. Insert language where appropriate that stipulates no effect, or if an effect, specify, as to impoundment increases and existing or proposed fishways at that project, with "sign off" from FWS.

### **West Enfield**

#### **1. Page E-5; Existing Fish Resources:**

More of a curiosity than something critical needing revision, and recognizing that the source was FERC (1986), I know of no documented presence of brown trout in the WE impoundment now or ever, nor does DIFW. DIFW indicated that there was some stocking of browns long ago in the Mattawamkeag River, and in Side Pistol Lake in 1984, but that hardly seems basis for including them as a "resident species in the impoundment" in the context of a hydropower EA. Browns were not stocked in the Piscataquis until after 1992.

#### **2. Page E-6, fourth line from top:**

Add "physical" between "original/unaltered" and "habitat".

#### **3. Page E-6, fifth line of SMB impact paragraph:**

Extend the sentence that ends "on bass habitat." to "on bass habitat in the impoundment proper and the so-called "Merrill Brook Runaround" (Fay 2004)" and then delete rest of paragraph.

4. Substitute revised bass impact document (i.e. "new" Fay 2004; attached), for original document, and modify citation in reference list as needed to reflect revised doc.

5. Insert language as appropriate that indicates no effect, or if an effect, specify, as to impoundment increases and existing or proposed fishways at that project, with sign off from FWS.

6. I suggest section 6.1 of Exhibit E be updated to recognize that there are now more than "a few seasonal camps" on the shores of the impoundment. As you know, about 5 or 6 new year-round residences now on east shore of lower impoundment, at least one new

year-round residence at one of the new lots along the west shore, one new year-round residence on the north side of the runaround near the bridge (Ralph), an upgrade of an old/unoccupied residence to year-round residence on the west shore just up from the runaround bridge (Scott), and finally John York's year-round residence.

**Medway**

Insert language as appropriate that indicates no effect, or if an effect, specify, as to impoundment increases and existing or proposed fishways at that project, with sign off from FWS.

**Projected Impacts of Penobscot River Restoration Project  
Phase I Energy Enhancements (Impoundment Elevation Increases)  
at the Stillwater, West Enfield, and Medway Projects  
(by C. Fay, Fisheries Manager, Penobscot Indian Nation DNR)  
March 17, 2004**

Recognizing that, except for spawning activity, smallmouth bass in the Penobscot watershed use impounded habitat as readily as free-flowing reaches, then the increased impoundment elevations associated with the Penobscot River Restoration Project Phase 1 energy enhancements at Stillwater (SW), West Enfield (WE), and Medway (MW) projects (1 foot at each location) are judged to be at worst neutral, and at best, a net positive, with respect to general bass habitat quantity and quality. To the extent that bass spawning activity occurs or would occur in these impoundments (most spawning in the main stem Penobscot River occurs in free-flowing reaches), they should simply be shifted shoreward proportional to the depth increase at the location in question.

As far as angler access to bass fisheries, and navigational safety issues, in these impoundments, again, the Phase 1 energy enhancements should result in either neutral or net positive impacts at all three projects. Specifically at West Enfield, and recognizing that in some cases, new navigational hazards will be formed where there was none previously, the one foot increase should overall reduce the potential for larger power boats/outboards to hit one of the numerous submerged log and rock cribs that are scattered throughout the lowest river mile of the impoundment, and that currently rise to within 0.5-3.0 feet of the normal water surface elevation. This is particularly true for those cribs located well above the dam, which are generally closer to the surface, harder to distinguish, and where several instances of damaged outboard motor lower units have been observed in the recent past.



STATE OF MAINE  
EXECUTIVE DEPARTMENT  
MAINE STATE PLANNING OFFICE  
38 STATE HOUSE STATION  
AUGUSTA, ME 04333

JOHN ELIAS BALDACCI  
GOVERNOR

MARTHA E. FREEMAN  
DIRECTOR

March 17, 2004

Mr. Scott D. Hall  
Manager, Environmental Services  
PPL Maine, LLC  
Davenport Street  
P.O. Box 276  
Milford, ME 04461-0276

BY FACSIMILE

RE: Draft Amendment Applications - Veazie Hydroelectric Project (FERC No. 2403), Stillwater Hydroelectric Project (FERC No. 2712), Milford Hydroelectric Project (FERC No. 2534), West Enfield Hydroelectric Project (FERC No. 2600), and Medway Hydroelectric Project (FERC No. 2666); and Draft Application for New License - Orono Project (FERC No. 2710)

Dear Scott:

I am writing to provide the comments of the Maine State Planning Office ("SPO"), Maine Department of Inland Fisheries and Wildlife, Maine Department of Marine Resources, and Atlantic Salmon Commission<sup>1</sup> (hereinafter collectively referred to as the "Maine resource agencies") on the above noted applications.

By letter dated February 17, 2004, PPL Maine, LLC ("PPL") submitted the above-referenced applications (hereinafter referred to collectively as "the applications") to the Maine resource agencies and requested comments in 30 days. Having reviewed the applications, the Maine resources agencies offer the following comments, which are made contingent on the anticipated execution of the Lower Penobscot River Multiparty Settlement Agreement ("MPA") that provides for the license amendments and new license requested in the applications.

**I. Overview of changes proposed by the applications**

This section summarizes the Maine resource agencies' understanding of changes requested under the applications.

**A. Veazie Project**

PPL requests the following license modifications:

<sup>1</sup> The Atlantic Salmon Commission's letter dated March 10, 2004, is incorporated herein by reference.

- Modify the fish passage requirements in the current FERC license to be consistent with Department of Interior's ("DOI") and National Marine Fisheries Service's ("NMFS") fishway prescriptions modified in the manner provided by Attachment A to the MPA; and
- Extend the deadline for filing and implementing a recreation plan.

#### **B. Stillwater Project**

PPL requests the following license modifications:

- Headpond increase of one foot;
- Minimum flow reductions of 40 cfs to 20 cfs in the west bypass channel and 155 cfs to 50 cfs in the east bypass channel;
- Modifications of various specified license articles to make the license's fish passage requirements consistent with DOI's and NMFS' fishway prescriptions modified in the manner provided by Attachment A to the MPA; and
- Monetary payments into a Contingent Mitigation Fund ("CMF") to fully mitigate for habitat impacts in the manner provided by Attachment B of the MPA in the event the Veazie and Great Works dams are not removed.

#### **C. Milford Project**

PPL requests the following license modifications:

- Inclusion of terms of an agreement among the Penobscot Indian Nation, PPL and DOI/Bureau of Indian Affairs in the manner provided in the MPA;
- Inclusion of appropriate article(s) to make fish passage requirements consistent with the DOI/NMFS modified fishway prescriptions in the manner provided by Attachment A of the MPA;
- Deletion of Article 405 (dissolved oxygen monitoring) and Article 410 (mitigation for unavoidable losses to Atlantic salmon due to passage inefficiencies).

#### **D. West Enfield Project**

Bangor-Pacific Hydro Associates ("BPHA")<sup>2</sup> requests the following license modifications:

- Headpond increase of one foot; Inclusion of the Penobscot Indian Nation Agreement;
- Inclusion of appropriate article(s) into the West Enfield Project License for purposes of making those requirements associated with upstream American eel passage consistent with Attachment A of the MPA; and

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<sup>2</sup> PPL Maine, LLC is the indirect owner of the managing general partner of BPHA.

- Monetary payments into a CMF in the manner provided in Attachment B to the MPA to fully mitigate for habitat impacts in the event the Veazie and Great Works dams are not removed.

**E. Medway Project**

PPL requests the following license modifications:

- Headpond increase of one foot; and
- Monetary payments into a CMF in the manner provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie and Great Works dams are not removed.

**F. Orono Project**

PPL proposes to:

- Relicense and refurbish the Orono Project;
- Operate the facility in a run-of-river mode;
- Provide a flow of 200 cfs into the approximately 1,000 foot long bypass reach making about 250 units (one unit = 100 square yards) of salmon nursery habitat available;
- Provide upstream American eel passage and modified downstream fish passage measures consistent with Attachment A of the MPA and DOI/NMFS modified fishway prescriptions; and
- Make monetary payments into a CMF in the manner provided in Attachment B of the MPA to fully mitigate for habitat impacts in the event the Veazie and Great Works dams are not removed.

**II. Comments**

**A. Floodplain management**

In the event of any changes to a watercourse, regulations governing the National Flood Insurance Program ("NFIP") obligate the community in which the change occurs to notify the Federal Emergency Management Agency ("FEMA") (in Maine, via the state NFIP coordinator) and, depending on the nature of the change, a letter of map revision application to FEMA may be required. If, for example, one or more of the changes proposed under the applications would result in a change in the base flood elevation, revision of the pertinent flood hazard maps may be required under the NFIP regulations. At this stage, the Maine resource agencies suggest that PPL consult with Maine's NFIP coordinator Lou Sidell at SPO (207-287-3261) and pertinent communities to identify additional information needs, if any, and applicable floodplain management procedures.

**B. Community effects**

The Maine resource agencies encourage PPL to continue its efforts to coordinate with pertinent state and federal agencies, the Penobscot Indian Nation, and any municipalities, businesses, individuals or other

potentially affected entities to identify and address as appropriate adverse effects, if any, that may result from the changes to PPL's hydro power projects requested in the applications.

### C. Coastal Zone Management

The Veazie project is located in Maine's designated coastal zone. By letter dated March 12, 2004, the Maine Department of Environmental Protection ("MDEP") has noted that the proposed changes do not trigger DEP license or permit requirements that serve as the pertinent enforceable policies of the Maine Coastal Program. The proposed license amendments concern timing of actions required under the current FERC license and authorized under an existing DEP approval and do not involve any construction or other physical alterations. Thus, the proposed application does not involve a federal license or permit action for which federal consistency review is required.

The Orono, Stillwater, Milford, West Enfield and Medway projects are not located in Maine's designated coastal zone. The proposed federal license or permit actions regarding these projects may affect coastal resources or uses related to diadromous fish. SPO anticipates that any issues regarding coastal resources or uses will be addressed through pertinent state license and permitting processes, as applicable.

### D. Energy

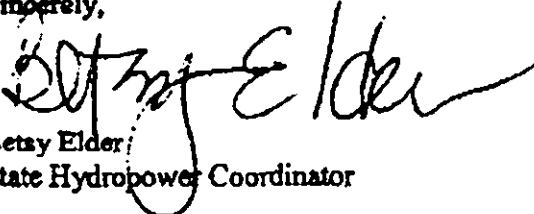
The Maine resource agencies support the increased energy generation capacity proposed by the applications as an important element of the MPA.

## III. Conclusion

The Maine resource agencies offer no specific, additional substantial comments at this time regarding the license amendments for the Veazie, Stillwater, Milford, West Enfield, and Medway projects or the new license application for the Orono Project. The Maine resource agencies have participated in the development of the MPA and anticipate that it will appropriately address natural resources issues pertinent to their legal interests regarding the changes proposed by the applications. Consequently, the Maine resource agencies support PPL's request to waive the three-stage consultation requirements normally associated with applications for license amendment or a new license under the Commission's regulations. The Maine resource agencies intend to continue their involvement as appropriate in Commission as well as other related regulatory processes and may have additional, detailed comments as these processes move forward, as contemplated by the parties to the MPA.

We look forward to continued work with all stakeholders involved to realize the many and significant public benefits of the ambitious Penobscot River restoration effort pursuant to the MPA.

Sincerely,



Betsy Elder  
State Hydropower Coordinator

cc/

Dana Murch, DEP

Mark Margerum, DEP

Clem Fay, PIN

John Banks, PIN

Gail Wipfelhauser, DMR

Tom Squiers, DMR

Betsy Elder, SPO

Todd Burrowes, SPO

Bad Newell, DOC

Norm Dube, ASC

Pat Keliber, ASC

Steve Timpano, DIFW

Art Speiss, MHPC

Gordon Russell, USFWS

Laura Rose Day, NRCM

Ron Kreisman, Esq.

**Winters, Maureen**

---

**From:** Hall, Scott D [shall@ppiweb.com]  
**Sent:** Wednesday, March 17, 2004 2:31 PM  
**To:** Winters, Maureen  
**Subject:** Two more slight edits

Maureen,

I just spoke to Clem at PIN and wanted to pass along two small items for revising the drafts.

- 1) Page E-10 in the Stillwater Application - the end of the second line under Bypass Reach minimum Flows should read, "... in the west channel and 50 cfs in the east..." It currently reads 70 cfs.
- 2) Page G-1 in the Milford Application - the first line should read, "The existing Exhibit G for the Milford Project..." It currently reads Medway.

That's it for now. Talk to you soon.

Scott

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The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.



MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

March 15, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0578A-01 - Milford Hydroelectric Project, Draft Amendment of License Application; FERC #2534  
Location: Milford, ME

Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 19, 2004 to initiate consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

The Milford Project powerhouse and dam are listed in the National Register of Historic Places. Although you have stated on page E-1 that the license changes needed to satisfy the Lower Penobscot River Multi-Party Settlement Agreement (MPA) as it pertains to the Milford Project will not adversely effect the environmental resources described in Exhibit E of the 1997 FEIS, the Commission requests documentation to support this conclusion. Specifically, we ask that you provide us with a comparison between the fish passage requirements as they exist in the current license to those set forth in the MPA, along with a description of how the respective requirements in each scenario might be met through modifications to the historic property. The written analysis should include preliminary plans or other graphic material as appropriate. While you have indicated on page C-1 that consultation with agencies will occur for construction and operation of the fish passages, the Commission requires this material before issuing a finding of effect in accordance with the Advisory Council's regulations in 36 CFR Part 800.5.

In addition to the issue of fish passage at the Milford Project dam, we request clarification of the area subject to the proposed language change in Section E (Schedule for Implementation) on page ES-8. In particular, does this include the former Argyle Boom?

Please contact Mike Johnson of my staff if we can be of further assistance in this matter.

Sincerely,

Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj





MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

March 15, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0411-97 - Medway Hydroelectric Project, Draft Amendment of License Application; FERC #2666

Location: Medway, ME

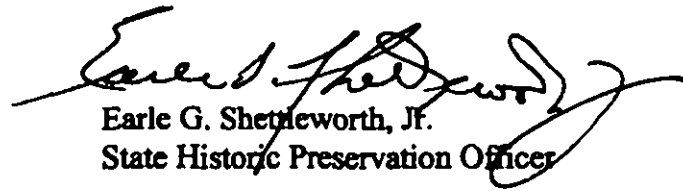
Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 19, 2004 to continue consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the location and scope of work, I have concluded that this project will have no effect upon historic properties [architectural or archaeological].

Please contact Mike Johnson of my staff if we can be of further assistance in this matter.

Sincerely,

  
Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj



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MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

March 15, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0773-99 - Stillwater Hydroelectric Project, Draft Amendment of License Application; FERC #2712

Location: Stillwater, ME

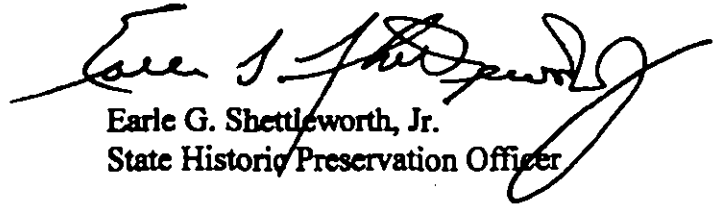
Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 19, 2004 to continue consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the location and scope of work, I have concluded that this project will have no effect upon historic properties [architectural or archaeological].

Please contact Mike Johnson of my staff if we can be of further assistance in this matter.

Sincerely,

  
Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj



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MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

March 15, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0598-04 - Orono Hydroelectric Project, (existing dam), Application for  
New License; FERC #2710

Location: Orono, ME

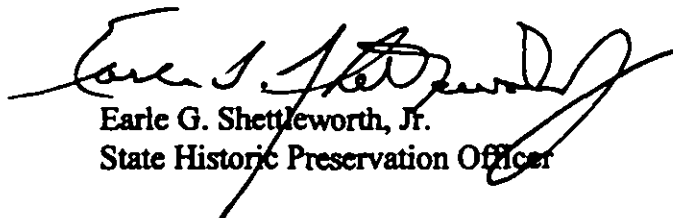
Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 19, 2004 to initiate consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the location and scope of work, I have concluded that this project will have no effect upon historic properties [architectural or archaeological].

Please contact Mike Johnson of my staff if we can be of further assistance in this matter.

Sincerely,



Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj





MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACCI  
GOVERNOR

EARLE G. SHETTLEWORTH, JR.  
DIRECTOR

March 15, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0381-99 - West Enfield Hydroelectric Project, Draft Amendment of License Application; FERC #2600  
Location: West Enfield, ME

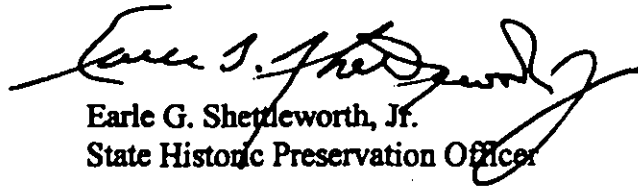
Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 19, 2004 to continue consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the location and scope of work, I have concluded that this project will have no effect upon historic properties [architectural or archaeological].

Please contact Mike Johnson of my staff if we can be of further assistance in this matter.

Sincerely,

  
Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj





MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

JOHN ELIAS BALDACC  
GOVERNOR

EARLE G. SHUTTLEWORTH, JR.  
DIRECTOR

March 25, 2004

Scott D. Hall  
PPL Maine, LLC  
Davenport St., P.O. Box 276  
Milford, ME 04461-0276

Project: MHPC #0772-99 - draft amendment of license application; FERC#2403;  
Veazie Hydroelectric Project

Location: Veazie, ME

Dear Mr. Hall:

In response to your recent request, I have reviewed the information received February 26, 2004 to continue consultation on the above referenced project. This project was reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the location and scope of work, I have concluded that we will need to review design plans for the proposed fish passage in order to assess potential impacts to a National Register listed prehistoric archaeological site, which is adjacent to the Veazie Dam.

Once this information is received, we will forward a response regarding the results of our evaluation. Please contact Dr. Art Spiess of this office if we can be of further assistance in this matter.

Sincerely,

Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

EGS/mj





# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
408 Atlantic Avenue - Room 142  
Boston, Massachusetts 02210-3334

March 23, 2004

Mr. Scott D. Hall,  
PPL Maine, LLC  
Davenport St.  
P.O. Box 276  
Milford, ME 04461-0276

Re: THE LOWER PENOBSCOT RIVER MULTIPARTY SETTLEMENT AGREEMENT:  
PROJECTS Nos. 2403, 2666, 2600, 2534, AND 2712,  
Comments on Draft Applications to Amend Licenses; Project no. 2710, Comment on  
Draft License Application.

Dear Mr. Hall:

The U. S. Department of the Interior (Department) is in receipt of PPL Maine's Draft Applications for the above-referenced projects, dated February 17 and 25, 2004, which have been submitted by you consistent with the terms of the Lower Penobscot River Multiparty Comprehensive Settlement Agreement (Agreement), to which the Department will be a signatory.

The Department has reviewed the Draft Applications to Amend License Articles and the Draft License Application for the above referenced projects, and has provided comments thereon. PPL Maine has thoroughly consulted with the Department regarding the proposed amendments. Based upon a significant administrative record, thorough consultation and negotiation, the Department supports the draft petitions for amendments, and waives any further consultation with the Department or its component Bureaus that may be required under the FPA or FERC regulations with regard to these Applications.

Thank you for your consideration.

Sincerely,

Andrew L. Raddant  
Regional Environmental Officer

RONALD A. KREISMAN  
ATTORNEY AT LAW  
25 PAGE STREET  
HALLOWELL, MAINE 04347-1418

TELEPHONE: (207) 626-0248

FAX: (207) 626-0202

May 31, 2004

Mr. Scott Hall  
PPL Maine, LLC  
Davenport Street, P.O. Box 276  
Milford, ME 04461

RE: Applications to FERC for Milford,  
Orono, Stillwater, Veazie and West Enfield  
Projects

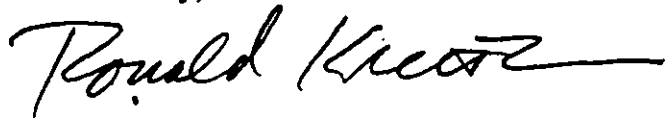
Dear Scott:

I write on behalf of American Rivers, Atlantic Salmon Federation, Maine Audubon Society, Natural Resources Council of Maine, and Trout Unlimited (hereinafter, Conservation Interests), each a party that has negotiated and intends to sign in June 2004 the *Lower Penobscot River Multiparty Settlement Agreement* ("MPA"). As part of the PPL-initiated consultation process, the Conservation Interests have reviewed the following documents that you provided to them: (1) Application for Amendment of License, West Enfield Hydroelectric Project (FERC Project No. 2600); (2) Application for Amendment of License, Stillwater Hydroelectric Project (FERC Project No. 2712); (3) Application for Amendment of License, Veazie Hydroelectric Project (FERC Project No. 2403); (4) Application for Amendment of License, Milford Hydroelectric Project (FERC Project No. 2534); (5) Application for New License Major Water Power Project Under 5 MW -- Existing Dam, Orono Hydroelectric Project (FERC Project No. 2710), all dated February 2004. The Conservation Interests understand the content of the documents and requests being made by PPL, both in terms of the substance of those requests and the consultation/licensing process that PPL is proposing.

Conditioned upon and subject to the execution by all signatories, including the Conservation Interests, of the MPA in a form and substance agreeable to all parties that have been negotiating the MPA (which I anticipate will happen in the first two weeks of June 2004), please consider this letter as representing the Conservation Interests' formal pre-filing indication of support for the various applications cited above. Also, please note that because of the particular circumstances surrounding the development of these applications, the Conservation Interests also are comfortable with, and do not object to, the pre-filing consultation process that PPL has utilized. Once filed at FERC, the Conservation Interests will file comments during the public comment process that FERC will establish.

Mr. Scott Hall  
May 31, 2004  
Page Two

Sincerely,



Ronald A. Kreisman  
Counsel to the Conservation Interests

cc: Laura Rose Day

**PENOBSCOT NATION**

DEPARTMENT OF  
NATURAL RESOURCES

JOHN S. BANKS, DIRECTOR

June 02, 2004

Scott D. Hall  
Director of Environmental Services  
PPL Maine, LLC  
P. O. Box 276  
Milford, ME 04461



6 RIVER ROAD  
INDIAN ISLAND  
OLD TOWN, ME 04468  
TEL: 207/827/7776  
FAX: 207/827/1137

**Re: Comments and Conditional Support for Proposed License Amendment Applications for PPL Maine, LLC's Veazie (FERC #2403), Milford (FERC #2534), Orono (FERC #2710), Stillwater (FERC #2712), West Enfield (FERC #2600) and Medway (FERC #2666) Hydropower Projects, located in the Penobscot River Basin, Maine.**


Dear Scott:

The Penobscot Indian Nation (PIN) has reviewed PPL Maine, LLC's (PPL) Draft "Phase 1" Amendment Applications for their Veazie, Milford, Orono, Stillwater, West Enfield and Medway Hydropower Projects located in the Penobscot River Basin in Maine.

Subject to the final approvals of the " Lower Penobscot River Multiparty Settlement Agreement" by all the parties to that agreement, the PIN formally and fully supports all of the referenced applications. In addition, we specifically consent to PPL's request to waive consultation requirements normally associated with such applications [18 CFR Sec. 4.38(a)(5) and Sec. 16.8(e)(1), as is applicable in each case]. It is the PIN's understanding that consultation under section 106 of the National Historic Preservation Act will commence and is not waived.

Please feel free to contact John Banks (207-817-7330) or Clem Fay (207-817-7362) of our Department of Natural Resources, or Bonnie Newsom (207-827-4168) of our Cultural Resources Department, as appropriate, should you have any questions or concerns.

Sincerely,

  
John S. Banks, Director  
Department of Natural Resources  
Penobscot Nation



**Devine Tarbell & Associates, Inc.**  
Consulting Engineers, Scientists, & Regulatory Specialists

### Telephone Log

<b>Date:</b>	June 10, 2004
<b>Contact Person:</b>	Louis Sidell, Jr
<b>Organization:</b>	Maine State Planning Office/Maine Floodplain Management Program
<b>Phone Number:</b>	(207) 287-8063

***Brief Details of Discussion:***

I contacted Lou to discuss the pond level changes at Medway, Stillwater and West Enfield. In her March 17, 2004 letter to Scott Hall regarding the draft amendment applications. Betsy Elder of the MSPO had noted that PPL should consult with the Maine Floodplain Management Program if there may be changes in local flood levels. Lou had discussed these projects with Todd Burrows and understood that the new flashboard systems were being designed to fail so that there would be no change in water levels during high flow events. Lou was going to review Betsy's letter and may consult with FEMA/NFIP, but he did not see any issues requiring further action by PPL. He will follow up after he has reviewed Betsy' letter and followed up with FEMA ( if warranted)

***Follow-Up Actions:***

<input type="checkbox"/> Notify _____ <input type="checkbox"/> Contact Core Team ASAP <input type="checkbox"/> Tickle for _____ <input type="checkbox"/> Return Call <input type="checkbox"/> Other (See Notes)	
---	--

<b>Employee's Name</b>	Maureen Winters
------------------------	-----------------

## **Organization of Application for New License**

This Application for New License is comprised of the information from the previously filed “Basin Mills Hydroelectric Project Application for License” (Bangor Hydro-Electric Company [BHE] 1990) that is pertinent to the relicensing of the Orono Project. In the Basin Mills proceeding, the applicant proposed decommissioning of the Orono Project in conjunction with development of the Basin Mills Project. However, pursuant to the MPA, PPL Maine is now proposing to relicense and refurbish the Orono Project.

Although the Basin Mills Application reflected the applicant’s predecessor’s previous proposal to decommission the Orono Project, resource descriptions were presented therein that are relevant to the current proposal to relicense the Orono Project. Additionally, in the 1997 “Lower Penobscot River Basin Final Environmental Impact Statement” (FEIS) (FERC 1997), FERC analyzed an alternative that included relicensing and refurbishing of the Orono Project, along with decommissioning of the Veazie Project and not building the Basin Mills dam—an alternative now embodied in the MPA. Therefore, in addition to the Basin Mills Application, the FEIS is relied upon herein for resource descriptions and impact assessments.

This Application for New License has been prepared in accordance with 18 CFR Part 16. Because the Orono Project has an installed capacity of 5 MW or less, this application includes an Initial Statement and Exhibits A, E, F and G, prepared pursuant to 18 CFR §4.61.

## **Exhibit A**

# **Project Description**

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### **I. Project Facilities**

#### **A. Introduction**

PPL Maine, LLC (PPL Maine) owns the Orono Hydroelectric Project which is licensed by FERC as Project No. 2710. The Orono Project is located in the town of Orono, Penobscot County, Maine, on the Stillwater Branch of the Penobscot River. The Stillwater Branch is 10.5 miles long and is essentially a channel of the Penobscot River as it flows around the west side of Orson and Marsh islands. The Orono Project is located at the downstream confluence of the Stillwater Branch and the mainstem of the Penobscot River. Figure A-1 presents a location map for the Orono Project. The Stillwater Project (FERC No. 2712) is located 2.4 miles upstream of the Orono Project.

The existing Orono Project works consist of a concrete dam totaling 1,174 feet in length; a forebay intake supplying water to three penstock thimbles; a surge tank; a powerhouse containing four turbine-generator units with a total installed capacity of 2.3 MW; a 175-acre reservoir; and appurtenant facilities.

Table A-1 summarizes the project data. Exhibit F contains plans of the project structures. Exhibit G contains drawings depicting the project boundary<sup>1</sup>. All elevations contained herein are consistent with the National Geodetic Vertical Datum (NGVD), which is equivalent to the 1929 Mean Sea Level Datum (msl), unless otherwise noted.

A brief description of the Orono Project structures and operations is presented herein. Additional information can be found in Exhibits A and B of the Basin Mills Application and the FEIS (FERC 1997).

---

<sup>1</sup> Consistent with the Commission's Critical Energy Infrastructure Information (CEII) regulations [18 CFR §388] Exhibits F and G are provided in a separate volume filed only with Commission staff. However, descriptions of the changes made to existing Exhibit F and G plans are provided in Exhibits F and G in this volume.

## B. Description of Facilities

### *Existing Facilities*

The concrete dam, which was originally reconstructed in 1960, has a total length of approximately 1,174 feet, consisting of the following sections: a left abutment which is a concrete gravity structure approximately 168 feet long with an average height of approximately 20 feet and a top elevation of 80.1 feet; an auxiliary spillway which is a concrete gravity structure, 297 feet long and approximately 13 feet high with a permanent crest at elevation 73.2 feet; a main spillway which is a concrete gravity structure 320 feet long and approximately 10 feet high (average) with a permanent crest at elevation 70.0 feet and top of flashboards at elevation 72.4 feet; a central abutment consisting of a concrete structure, 123 feet long and approximately 18 feet high with a top elevation of 77.9 feet; intake structure constructed of concrete, 57 feet long and approximately 23 feet high with a top elevation of 82.9 feet; and a right abutment constructed of concrete, 209 feet long and approximately 18 feet high with a top elevation of 77.9 feet.

During 2002, the Licensee completed rehabilitation work on the Ambursen-design forebay wall. Loose and deteriorated concrete was removed from the top and downstream surfaces of the Ambursen-design forebay deck and wall arches. Soil and debris was removed to ledge on the downstream side of the forebay wall and the ledge surfaces were pressure washed. Forms were erected approximately 18 inches downstream of the original line of the forebay wall, dowels were placed in ledge, a rebar mat was erected inside the forms, and concrete was placed. The concrete entirely filled and encased the forebay wall arches and the top 18 inches of the upper deck to restore it to original elevation. The concrete portion of the gate structure was similarly repaired with mass concrete placement. The previously abandoned 12-foot-diameter penstock thimble was filled with a mass concrete placement and the three remaining 10-foot-diameter penstocks were stubbed out and formed around for future use. The trashrack debris sluice was repaired by removal of loose and deteriorated concrete, installation of forms to original lines and

grades, and mass placement of concrete. The buttress at the spillway end of the forebay wall was repaired in similar manner.

During performance of the 2002 work mentioned above, the headgates were rehabilitated and/or replaced. Two of the headgates were of steel construction but were operated by timber gate stems that had deteriorated badly. One of the headgates was entirely of timber construction. The two steel gates were modified and fitted with new steel gate stems and the timber gate was replaced with a new steel gate and stems. New steel gate rabbets were cast into the concrete headgate structure for all three gates.

During the 2002 forebay wall rehabilitation work, the trashrack structural support steel was removed, inspected, and replaced as necessary. Trashrack panels were removed and inspected at the same time. All structural steel and trashrack panels were reassembled with new fasteners.

The existing power facilities include a concrete intake structure at the dam which diverted water to three 10-foot-diameter penstocks, which previously existed but failed in 1996. The penstocks were 836 feet long and were of steel construction for the first 278 feet and wood stave for the remaining 558 feet.

The penstocks delivered water to four turbine-generator units with a total nameplate capacity of 2.3 MW. The powerhouse is a masonry structure approximately 150 feet long, 150 feet wide, and 50 feet high. Water passing the turbines enters straight-drop conical draft tubes discharging to a tailrace. The tailrace delivers flow to the Penobscot River just below the confluence with the Stillwater Branch.

The Orono station currently has four turbine-generator units with a total nameplate rating of 2.3 MW. Turbines No.1 and 2 are each rated at 800 hp and turbines No.3 and 4 are each rated at 1,200 hp. The turbines are direct connected to generators rated at 565 and 600 kVA for Units No. 1 and 2, respectively, and 875 each for Units No. 3 and 4.

Ancillary equipment in service at the Orono station includes: manually operated steel slide gates at the intake structure; a 20-ton electric overhead crane in the powerhouse; control governors; switchgear, electrical leads, circuit breakers, and transformers; and lubrication, motor control, HVAC, and lighting systems.

The reservoir formed by the existing Orono dam has a surface area of approximately 175 acres at the normal maximum water surface elevation of 72.4 feet. The gross storage capacity at this elevation is 1,750 acre-feet. The Orono station operated as a run-of-river development and is not considered to have significant usable storage capacity.

### ***Proposed Rehabilitation***

PPL Maine proposes to reactivate the Orono Project after completing rehabilitation work that includes the following actions:

- Replacement of the three failed wood-stave penstocks with new penstocks;
- Rehabilitation of the concrete surge tank that is integral to the powerhouse;
- Replacement of the wood planked wheelpit floors with new concrete floors;
- Rehabilitation of the four triple-runner horizontal turbines;
- Debris removal from the tailraces of each turbine discharge flume;
- Rehabilitation of the four generators and associated ancillary equipment;
- Replacement of the generator controls and switchgear; and
- Rehabilitation of the powerhouse structure.

A more detailed description of the above actions follows:

### ***Replace Penstocks***

The three 10-foot-diameter wood stave penstocks that conveyed water to the surge tank failed in June of 1996 and caused the project to become non-operational. The project owner at that time demolished the remaining sections of penstocks. The Licensee proposes to install new penstocks

in the existing penstock right-of-way. There will be three 10-foot-diameter penstocks installed as per the prior penstock arrangement.

#### *Rehabilitation of the Concrete Surge Tank*

The existing concrete surge tank, approximate inside dimensions 24 feet x 88 feet, has some deteriorated concrete present. The Licensee proposes to remove loose and/or deteriorated concrete from the inner walls of the surge tank, to install dowels and a rebar mat in and on the inner walls, to install forms, and to place an approximately 12-inch-thick concrete "liner" inside of the surge tank.

#### *Replacement of the Wood Planked Wheelpit Floors*

The existing turbine wheelpit floors, for Units No. 1 through 4, are of double layered plank construction on timbers supported by structural steel. These plank floors have historically been a maintenance item and have resulted in loss of water from leakage. The Licensee proposes to remove the planks and timbers, install forms, and place concrete floors on the structural steel members.

#### *Rehabilitation of the Triple-runner Horizontal Turbines*

Turbine Units No. 1, 2, and 4 were in good operating condition when the penstocks failed in 1996. Turbine Unit No. 3 experienced damage to two of its three waterwheels from portions of wooden penstock staves prior to full penstock failure. Consequently, the Licensee proposes to refurbish Units No. 1, 2, and 4 with new wicket gate pins, bushings, weak links, gateshaft bearings, push-pull arms, etc., as necessary. Major components appear to be in good and reusable condition. However, Unit No. 3 will need two replacement waterwheels in addition to the same components noted for Units No. 1, 2, and 4, above. The turbines will be removed and aligned when reinstalled on the new concrete wheelpit floors.

*Debris Removal From Turbine Discharge Flumes*

Over many years of operation, debris accumulations have closed in on either side of the turbine discharge flumes and have most significantly affected the flumes for turbine Units No. 1 and 4. The Licensee proposes to use the summer low flow period, when the discharge flumes are nearly dry, to remove the accumulated river debris from the tailrace.

*Rehabilitation of Generators and Ancillary Equipment*

The four generators have been sitting in the unheated Orono powerhouse since 1996. The Licensee proposes to perform extensive generator testing and perform maintenance actions, as necessary, to place the generators back into service. The winding insulation will be "dried out" and electrical tests conducted. The generator bearings will be removed and inspected. All ancillary equipment and governor hydraulic pumping units will be inspected and tested. The exciters will be serviced and tested.

*Replacement of Generator Controls and Switchgear*

The existing generator controls are very old, circa 1920s equipment mounted on live-front slateboards. The switchgear is similar vintage mechanical breakers of open, live front design. The Licensee proposes to replace the controls with cabinet mounted, dead-front equipment. Protective relaying will be provided with Basler Generator Protection Units (GPUs), or equivalent. The breakers will be replaced with dead-front, metal-clad switchgear.

*Rehabilitation of the Powerhouse Structure*

The powerhouse has been essentially unmanned since 1996 when it became non-operational. Licensee personnel, on an ongoing basis, have performed routine inspections of the powerhouse in the interim. As a result of sporadic vandalism, all necessary windows will be replaced and the remainder will be bricked in. Access doors will be replaced. The interior of the powerhouse will be cleaned and painted. The roofing material will be inspected and repaired as necessary. The

deteriorated plank decking above the wheelpits will be replaced. The wheelpit gates will be replaced with new gates. The wheelpit gate operators will be serviced.

### C. Mode of Operation

#### *Existing Operations*

The Orono Project has been operated in the past in a run-of-river mode. It was an unmanned station that was monitored several times daily by a roving operator.

The existing hydraulic capacity of the turbines is 1,740 cubic feet per second (cfs). This flow is exceeded approximately 65 percent of the time, based on average daily flows from the upstream Stillwater Project. Flow duration curve for the Orono Project are provided in Figures A-2 to A-14. The normal impoundment elevation of 72.4 feet is maintained when river flows are at or below the hydraulic capacity of the turbines. At elevation 72.4, the existing impoundment has a surface area of approximately 175 acres and extends upstream approximately 2.3 miles.

When river flows exceed turbine capacity water spills over the flashboards. The flashboards on the spillway begin to fail when the impoundment reaches elevation 74.4 feet. The hinged flashboards cannot be replaced safely until the river flow is reduced close to turbine capacity. This allows the impoundment to be lowered near to the permanent crest of 70.0 feet, thus providing a safe environment for workers to erect new boards on the crest of the dam.

The probable maximum flood (PMF) flow at the Orono Project has been calculated at 115,000 cfs, based on the proportionate flow of the Stillwater Branch to the mainstem of the Penobscot River. The spillway discharge capacity of the Orono Project is approximately 34,000 cfs with the headwater at the top of the non-overflow sections (elevation 77.9 feet). This value does not include flow through the powerhouse. This available capacity represents 29 percent of the 115,000 cfs PMF flow.

### ***Proposed Operations***

PPL Maine proposes to continue to operate the Orono Project in a run-of-river mode. There are no current refurbishment plans that would otherwise affect operations or station capacity. As discussed in Section E-IV and agreed to by agencies in the MPA, PPL Maine is also proposing to provide a 200 cfs minimum flow in the project bypass.

#### **D. Estimated Average Annual Generation**

Based on the Licensee's records, the average annual net generation between 1961 and 1996 had been 17,821 MWh. While the proposed bypass flows will reduce generation as much as 1,139 MWh annually, the relicensing proposal will otherwise restore annual average generation to historic levels.

#### **E. Estimated Cost of Project**

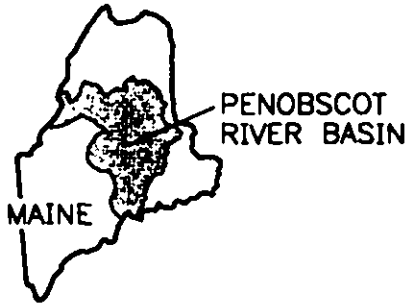
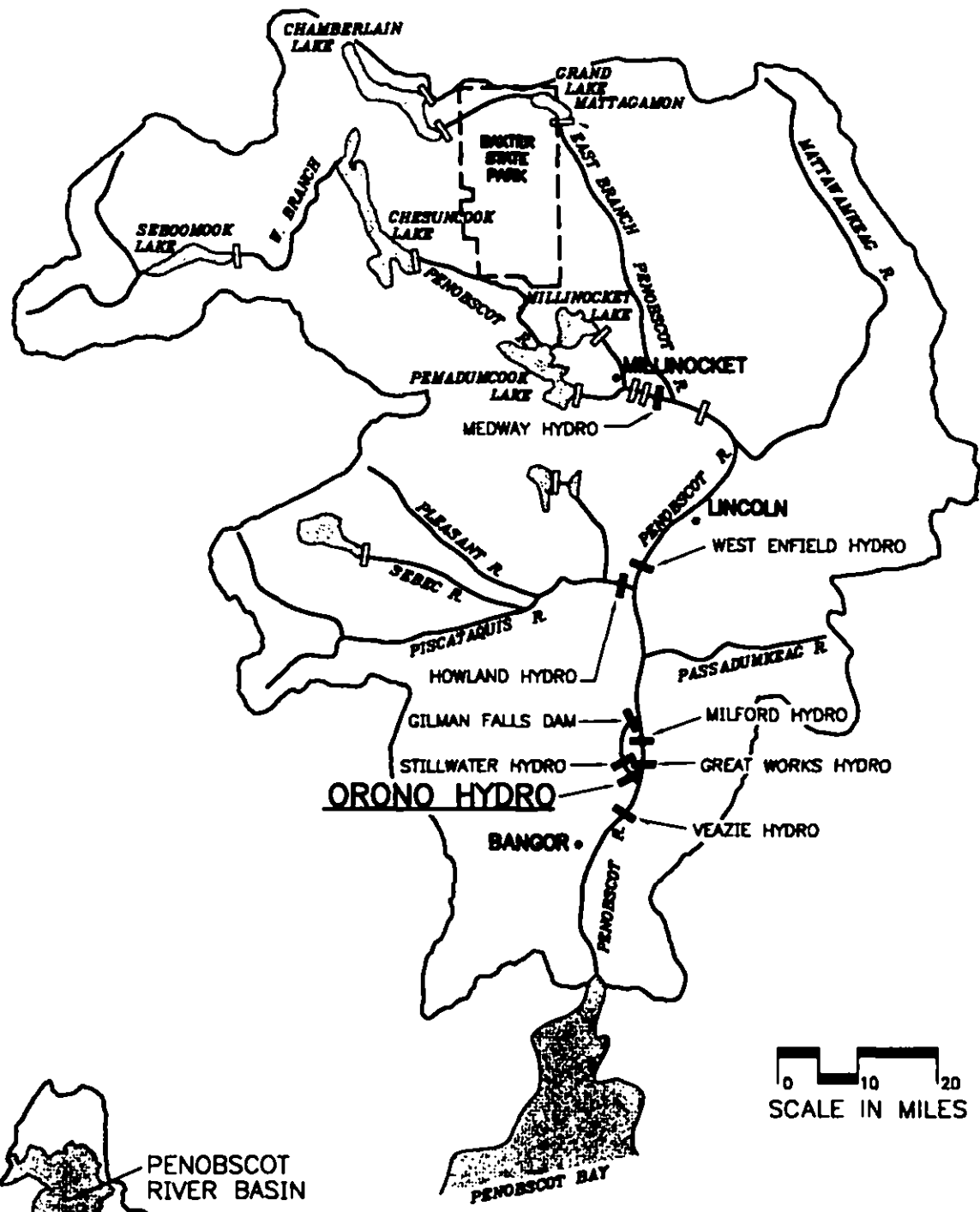
The costs for all rehabilitation, license compliance, and environmental protection, mitigation and enhancement measures will be financed through PPL Maine's normal capital and operating budgets. The capital and operating costs of the upstream eel passage and downstream fish passage will be determined based upon the final passage design, after consultation with agencies.

## II. Purpose of the Project

The power generated at the project will be used by the Applicant to supply capacity and energy to the New England region.

**TABLE A-1  
ORONO PROJECT EXISTING STRUCTURES DATA**

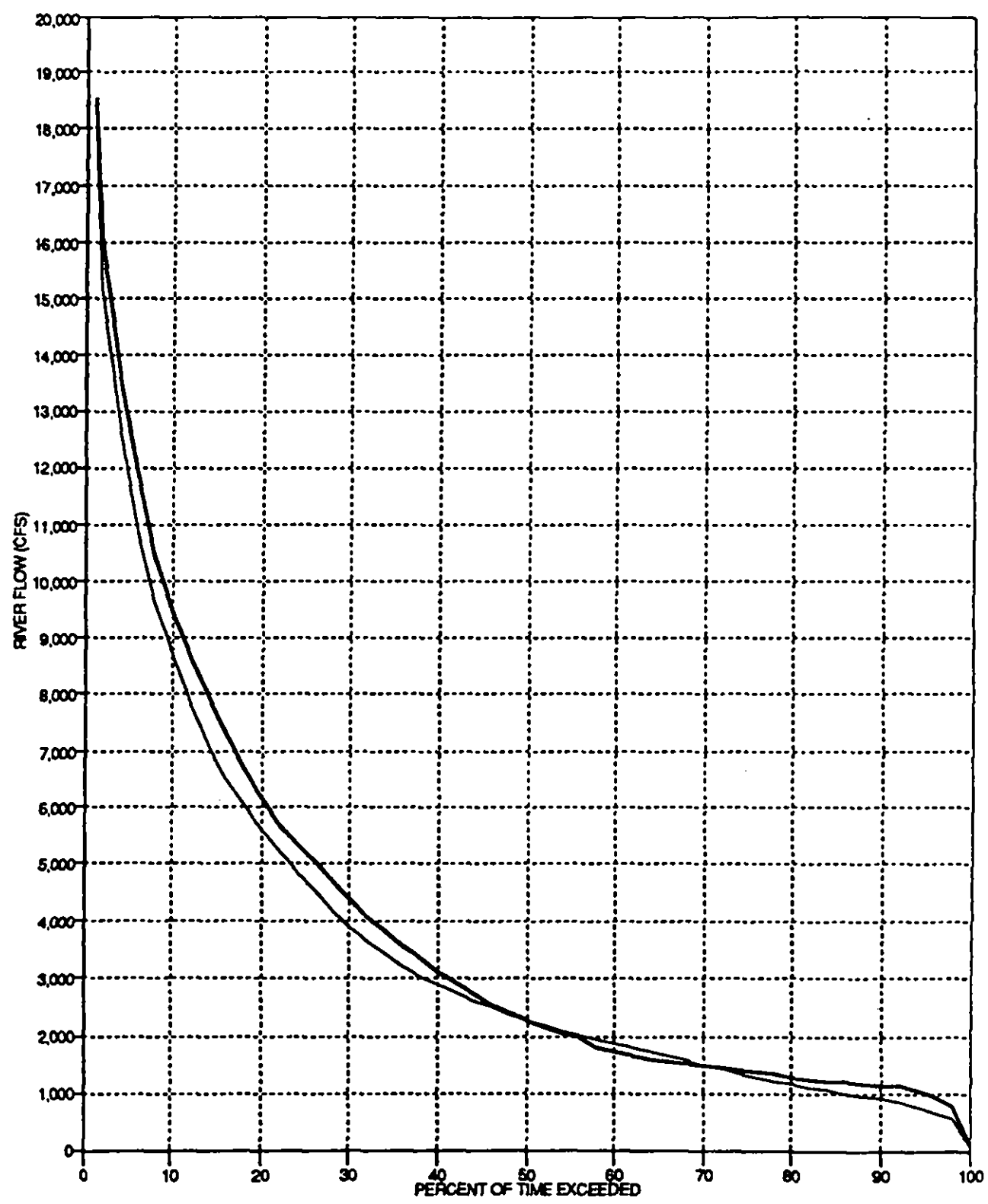
<b>Dam</b>	Type	Concrete gravity
	Height (feet)	15
	Total Length (feet)	1,174
	Crest Length - Overflow section (feet)	617
	Crest Elevation - Main Spillway (feet)	70.0
	Crest Elevation - Aux. Spillway (feet)	73.2
	Flashboard Elevation - Main Spillway (feet)	72.4
<b>Intake</b>	Width (feet)	57
	Top Elevation (feet)	82.9
	Number of Gates	4
	Type of Gates	Steel slide
<b>Penstocks</b>	None presently functional	To be refurbished
<b>Power Plant</b>	Overall Dimensions (feet)	150 x 150 x 50
	Total Number of Units	4
	Total Nameplate Capacity (MW)	2.3
<b>Units 1 and 2</b>	Turbine Type	Francis
	Rated Head (feet)	25
	Rated Flow (cfs)	370 each
	Rated Turbine Output (hp)	800 each
	Unit rpm	225 Unit 1/220 Unit 2
	Generator Type	Synchronous
	Rated Capacity (kVA)	565 Unit 1/600 Unit 2
	Power Factor	0.8
	Voltage	2400
Cycles (Hz)	60	
<b>Units 3 and 4</b>	Turbine Type	Francis
	Rated Head (feet)	25
	Rated Flow (cfs)	500 each
	Rated Turbine Output (hp)	1200 each
	Unit rpm	225 Unit 3/212 unit 4
	Generator Type	Synchronous
	Rated Capacity (kVA)	875 each
	Power Factor	0.8
	Voltage	2300
Cycles (Hz)	60	



**LOCATION PLAN**

**PPL MAINE, LLC  
ORONO HYDROELECTRIC PROJECT  
PROJECT LOCATION MAP  
FIGURE A-1**

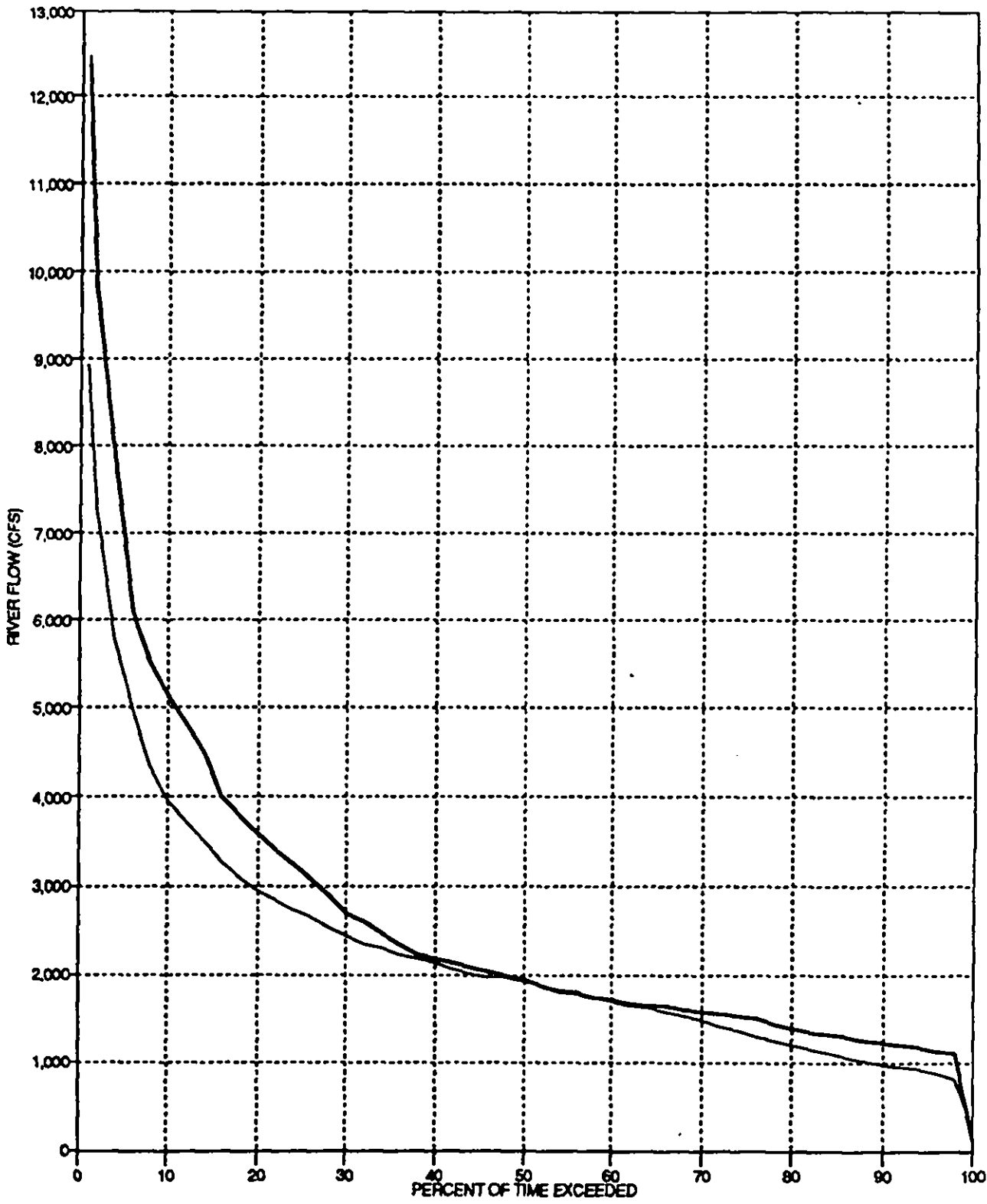
NORTHROP DEVINE & TARBELL, INC.



LEGEND:  
— GILMAN FALLS ACTUAL 1988 - 1990  
— GILMAN FALLS COURT STIPULATED 1988 - 1990

**FIGURE A-2**  
**ANNUAL FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

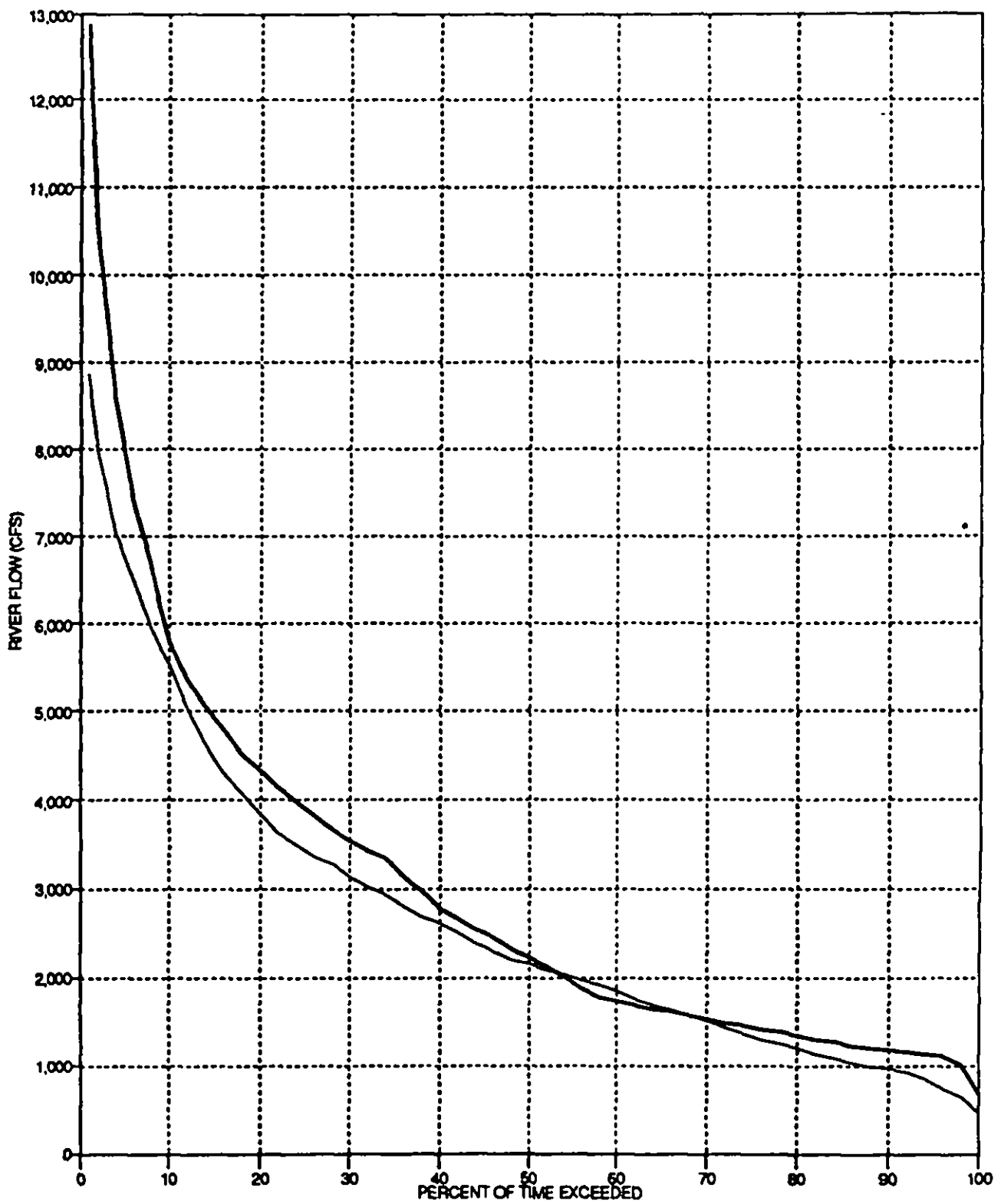
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—— GILMAN FALLS COURT STIPULATED 1968 - 1980

**FIGURE A-3**  
**JANUARY FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

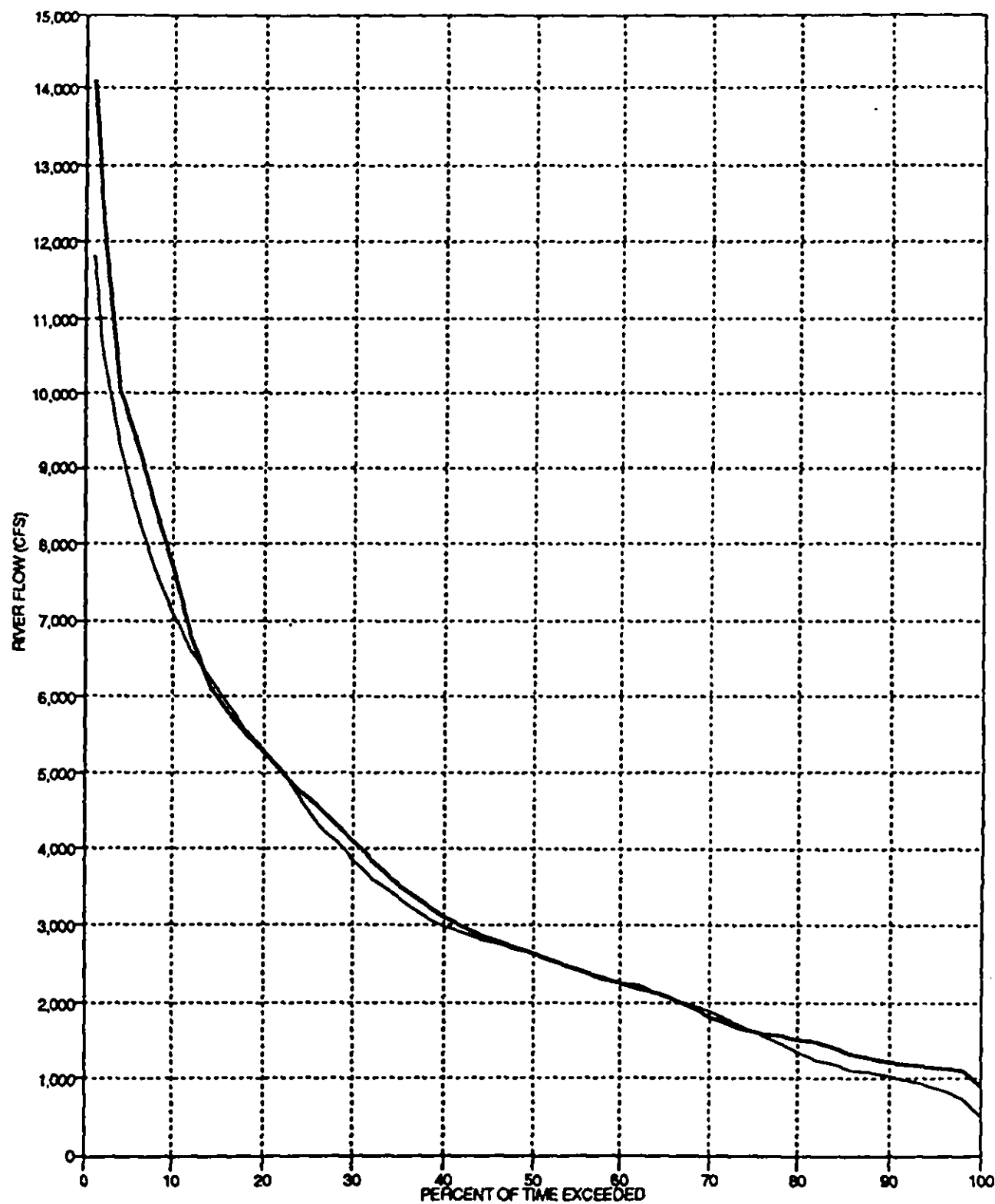
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—— GILMAN FALLS ACTUAL 1968 - 1980  
- - - GILMAN FALLS COURT STIPULATED 1968 - 1980

**FIGURE A-4**  
**FEBRUARY FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

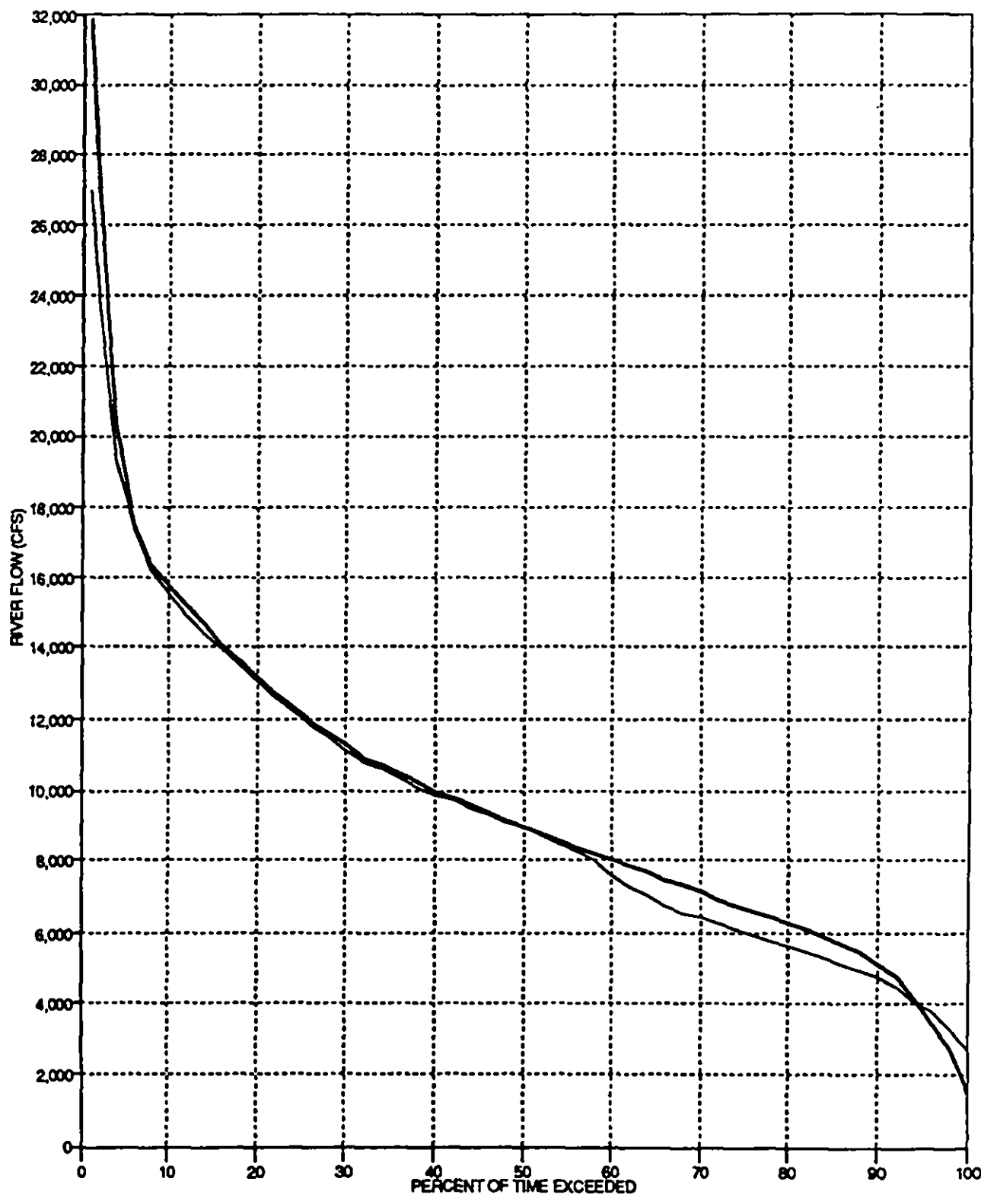
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- - - GILMAN FALLS COURT STIPULATED 1968 - 1990

**FIGURE A-5**  
**MARCH FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

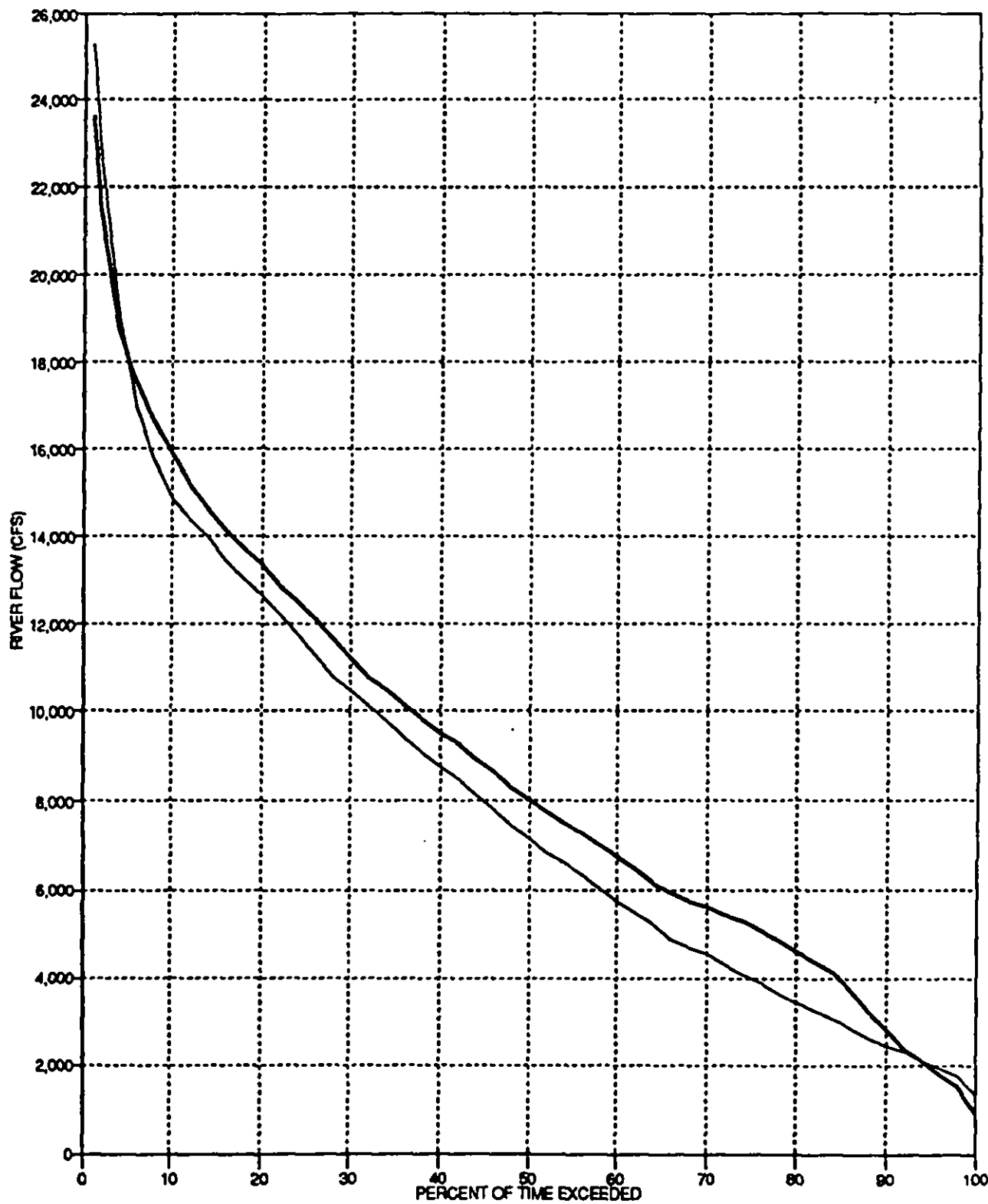
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— GILMAN FALLS ACTUAL 1968 - 1980  
— GILMAN FALLS COURT STIPULATED 1968 - 1980

**FIGURE A-6**  
**APRIL FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

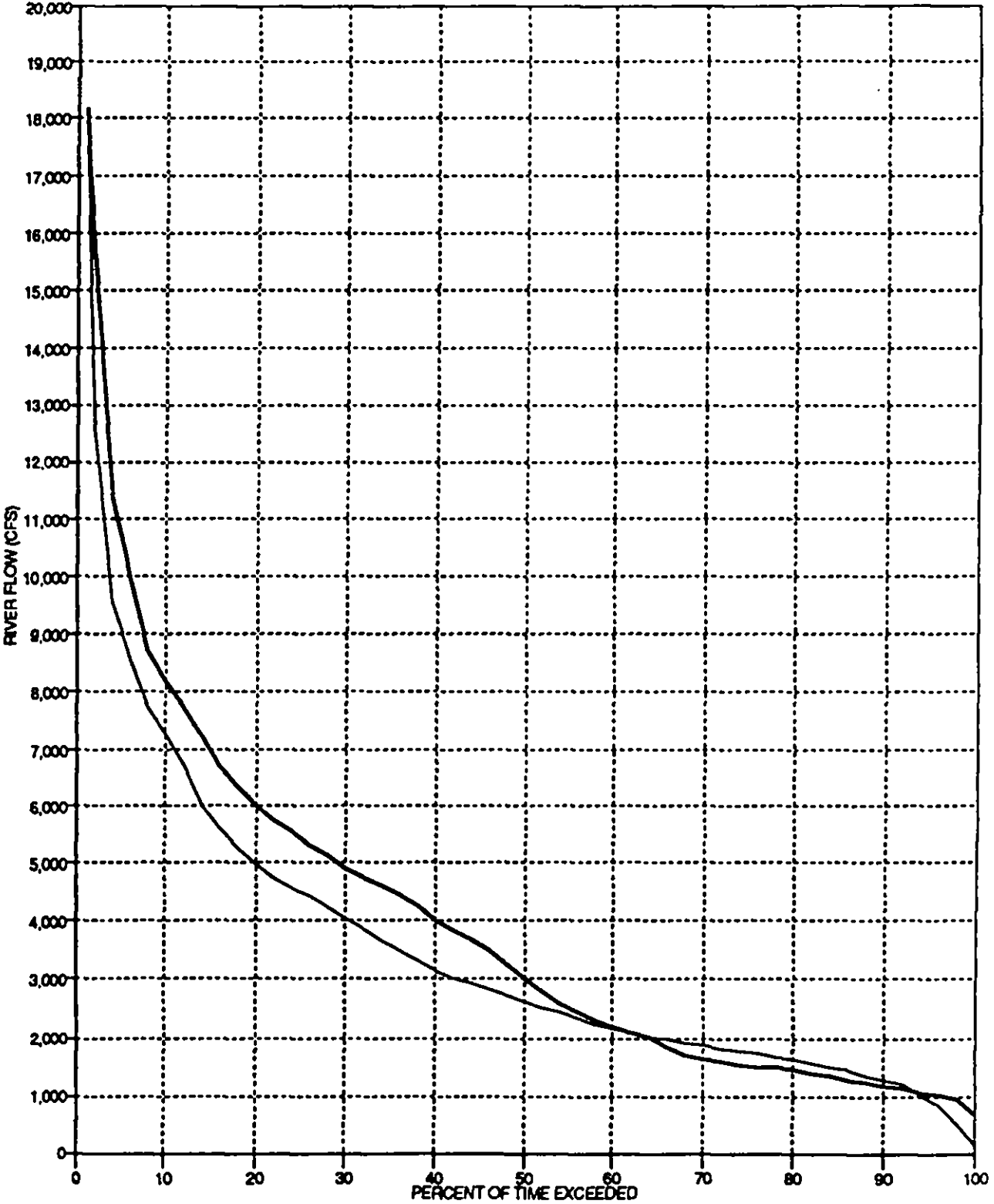
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LEGEND:  
— GILMAN FALLS ACTUAL 1968 - 1990  
- - - GILMAN FALLS COURT STIPULATED 1968 - 1990

**FIGURE A-7**  
**MAY FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

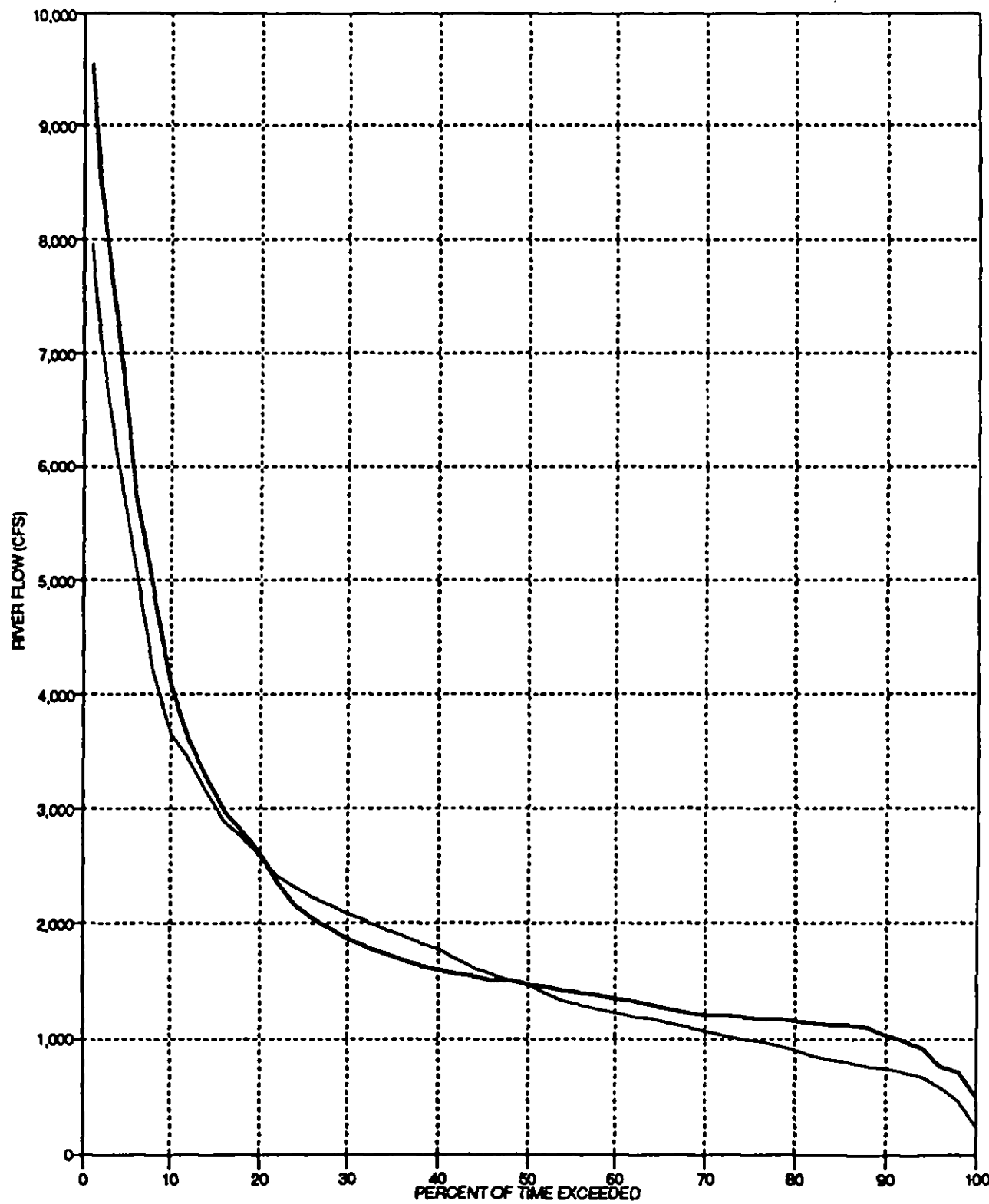
NORTHROP, DEVINE & TARBELL, INC.



LEGEND:  
— GILMAN FALLS ACTUAL 1968 - 1980  
— GILMAN FALLS COURT STIPULATED 1968 - 1980

**FIGURE A-8**  
**JUNE FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

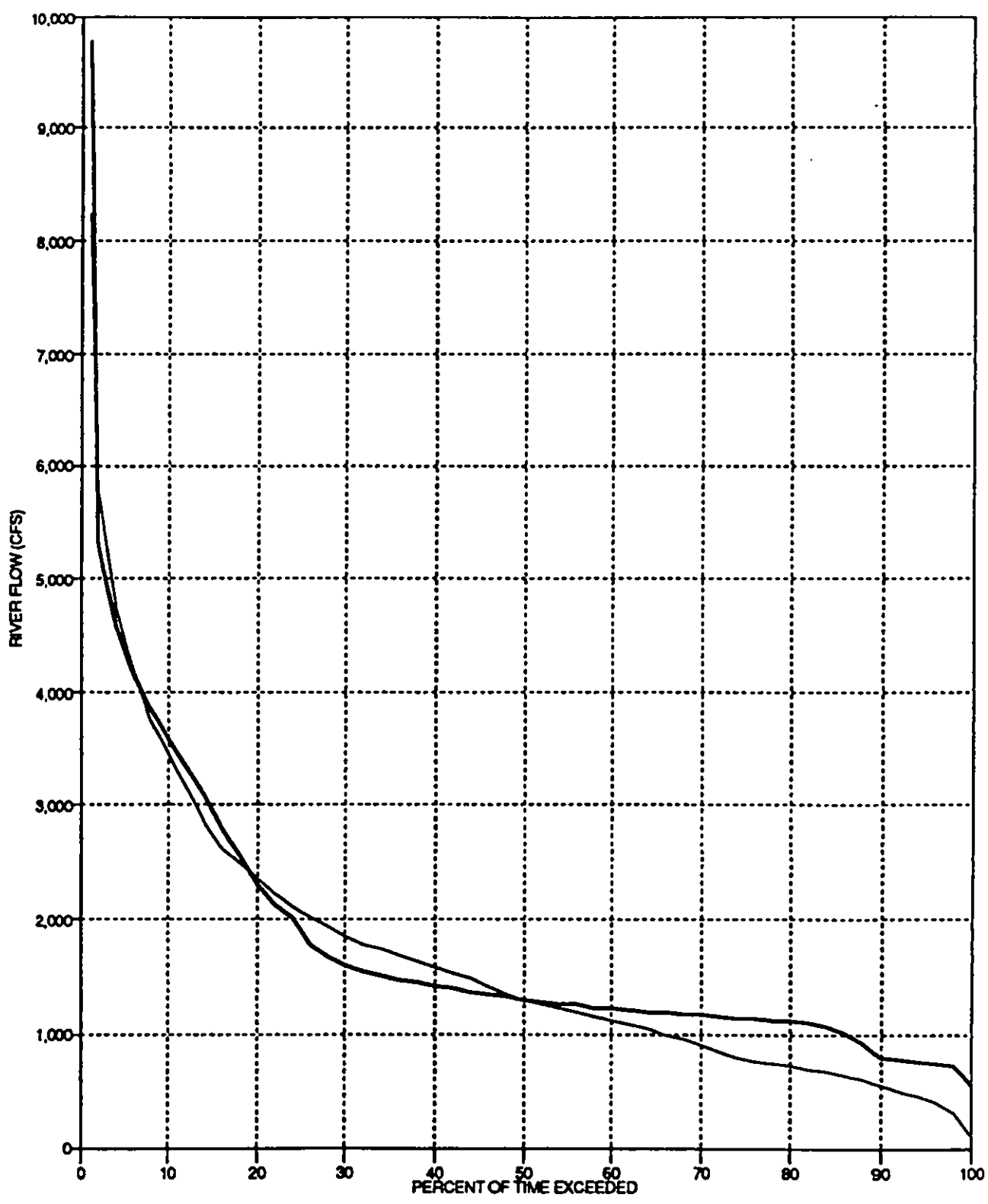
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—— GILMAN FALLS ACTUAL 1988 - 1990  
- - - GILMAN FALLS COURT STIPULATED 1988 - 1990

**FIGURE A-9**  
**JULY FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

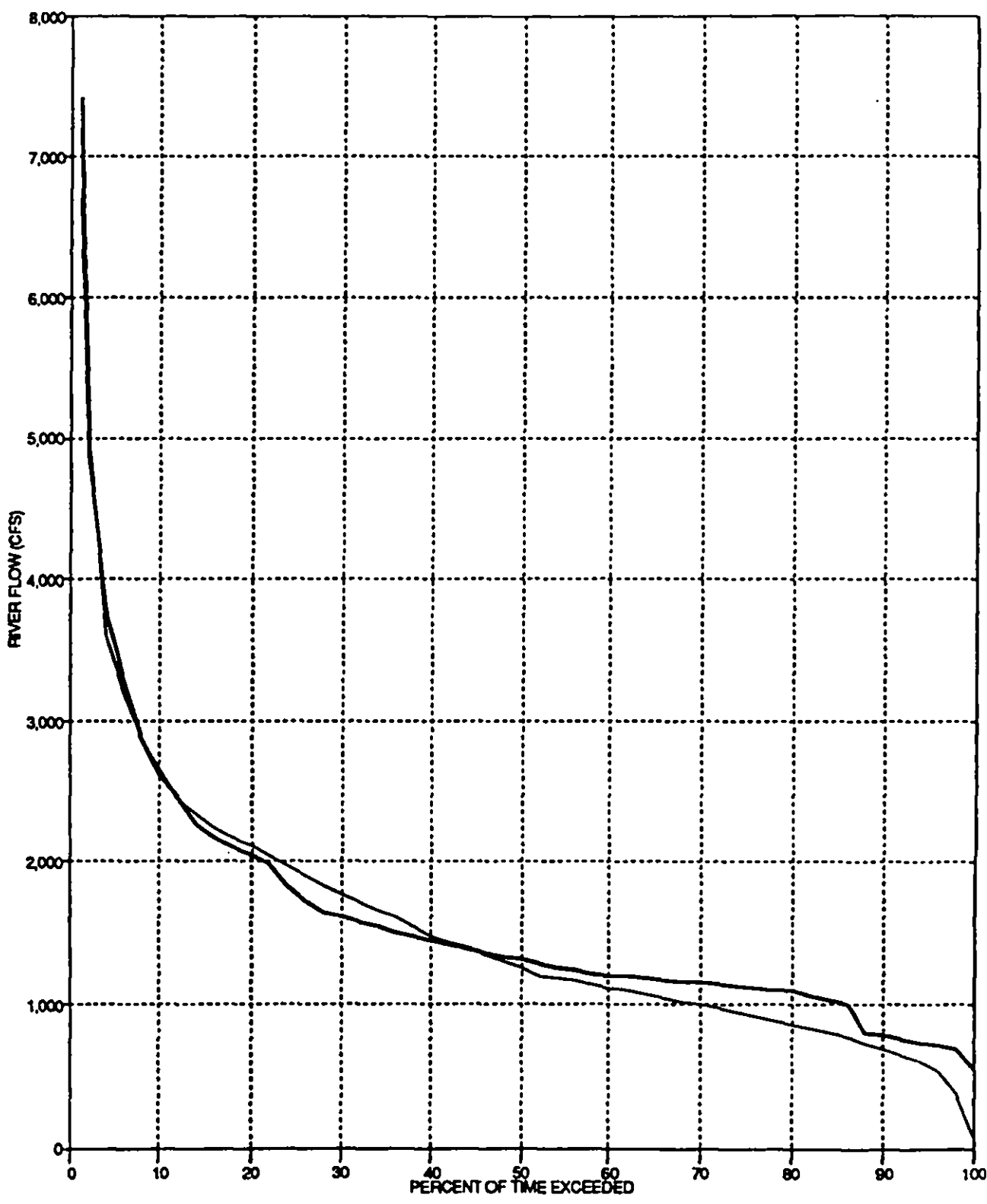
NORTHROP DEVINE & JARBELL, INC.



LEGEND:  
—— GILMAN FALLS ACTUAL 1988 - 1990  
- - - GILMAN FALLS COURT STIPULATED 1988 - 1990

**FIGURE A-10**  
**AUGUST FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

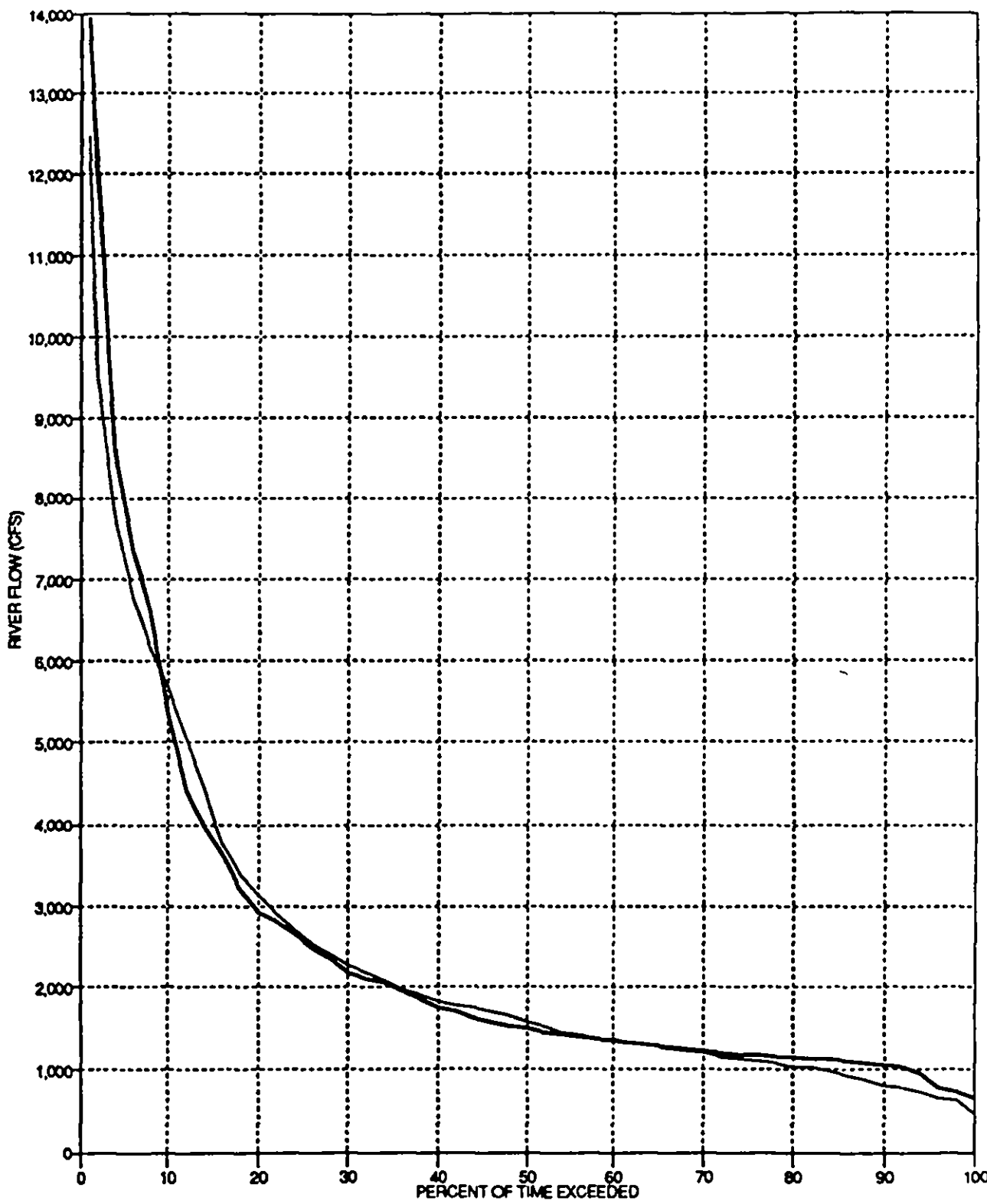
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LEGEND:  
—— GELMAN FALLS ACTUAL 1988 - 1990  
- - - GELMAN FALLS COURT STIPULATED 1988 - 1990

**FIGURE A-11**  
**SEPTEMBER FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

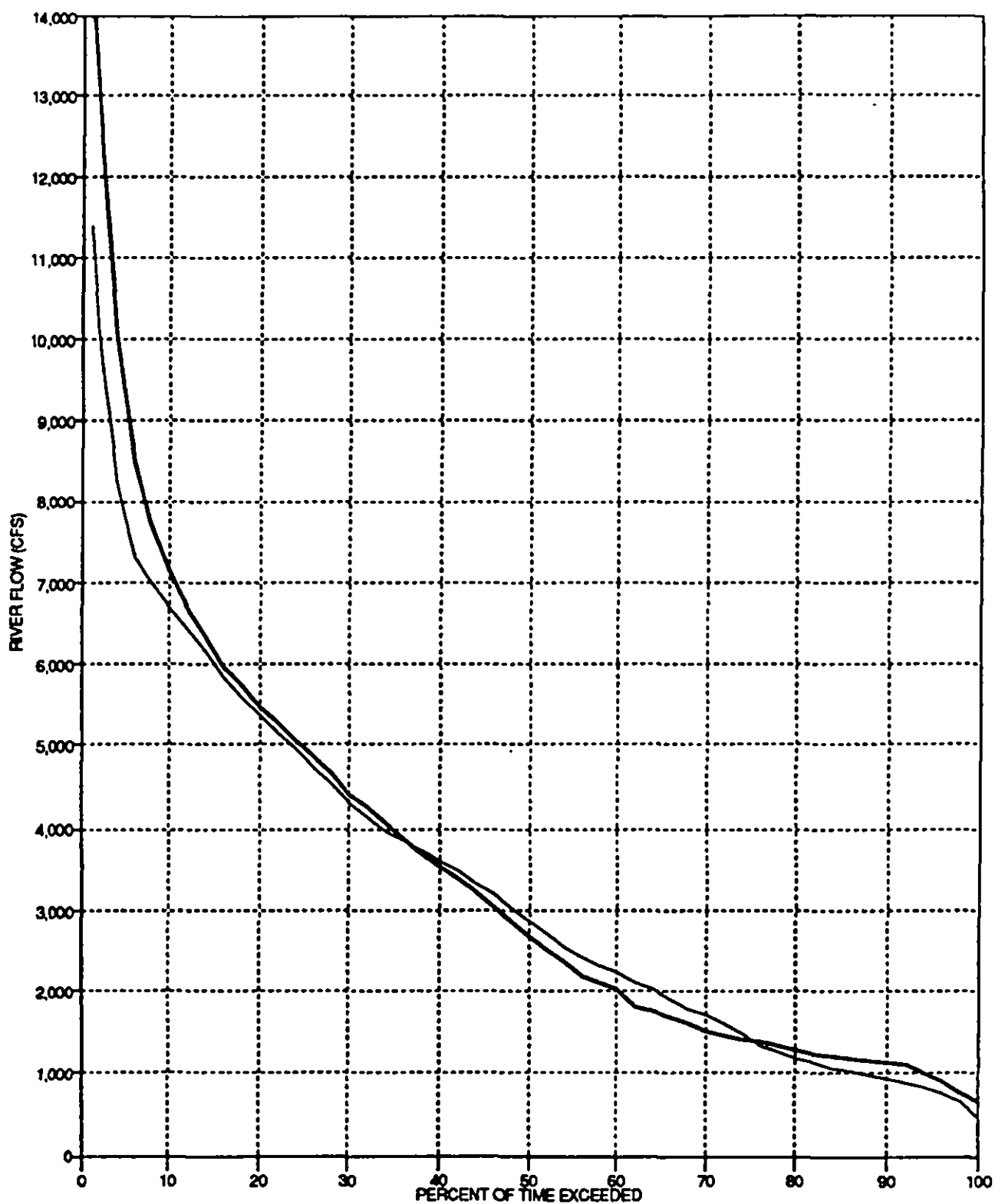
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— GILMAN FALLS COURT STIPULATED 1988 - 1990

**FIGURE A-12**  
**OCTOBER FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

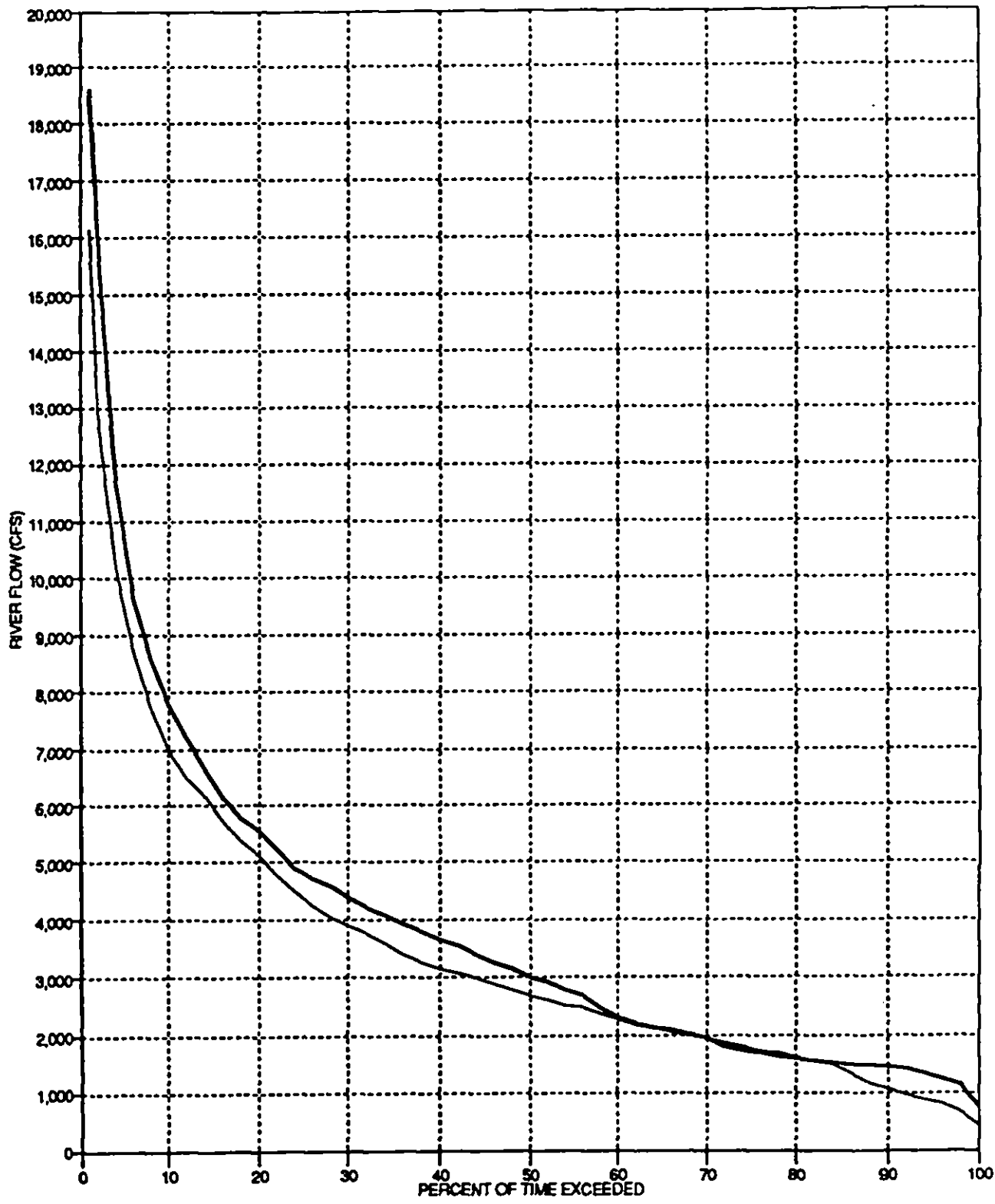
NORTHROP, DEVINE & TARBELL, INC.



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—— GILMAN FALLS ACTUAL 1968 - 1990  
—— GILMAN FALLS COURT STIPULATED 1968 - 1990

**FIGURE A-13**  
**NOVEMBER FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

NORTHROP DEVINE & TARBELL, INC.



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**FIGURE A-14**  
**DECEMBER FLOW DURATION CURVES**  
**ORONO HYDROELECTRIC PROJECT**

## **Exhibit E**

# **Environmental Report**

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### **E.1 Introduction**

*This Application for New License supplements the previously filed “Basin Mills Project Application for License”. In that proceeding, the applicant proposed decommissioning of the Orono Project in conjunction with development of the Basin Mills Project. However, pursuant to the MPA (see Executive Summary) PPL Maine is now proposing to relicense and refurbish the Orono Project.*

*Although the Basin Mills Application reflected the applicant’s previous proposal to decommission the Orono Project, resource descriptions were presented therein that are relevant to the current proposal to relicense the Orono Project. Additionally, in the “Lower Penobscot River Basin Final Environmental Impact Statement” (FEIS), FERC analyzed an alternative that considered relicensing and refurbishing of the Orono Project, along with decommissioning of the Veazie Project and not building Basin Mills dam — an alternative now embodied in the MPA. Therefore, consistent with FERC’s April 20, 1998 Order (83 FERC ¶ 61,039) requiring the licensee to explain its plans for relicensing the Orono Project, in addition to the Basin Mills Application, the FEIS is relied upon herein for resource descriptions and impact assessments.*

**I. General Description of Locale**

**A. Description of Existing Resources**

The Orono Hydroelectric Project is located on the Stillwater Branch of the Penobscot River in the community of Orono, Maine. The Stillwater Branch is 10.5 miles long and is a channel of the Penobscot River as it flows around the west side of Orson and Marsh islands. The Orono Project is located at the downstream confluence of the Stillwater Branch and the mainstem Penobscot River. The Penobscot River and Stillwater Branch drainages above the project encompass approximately 7,602 square miles. The Penobscot River Basin's surface topography ranges from low hills and monadnocks to wide, flat river valleys. Surficial soils include ice-contact soils, out-wash sands, morainic silts and clays. Bedrock is formed from of a variety of metamorphosed sediments and it is exposed near the river's surface along much of the river. A complete description of the Orono Project locale and geologic resources can be found in Exhibit E.1 of the Basin Mills Application and in the FEIS (Section 3.2).

**B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed**

**1. Anticipated Environmental Impacts**

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect geologic resources of the Orono Project area. In its FEIS (Section 4.1) analysis, FERC did not identify any geologic resource impacts associated with relicensing and refurbishing the Orono Project.

**2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to geologic resources (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect geologic resources, and no mitigation measures are proposed.

## II. Vegetative Resources

### A. Description of Existing Resources

Light residential development encompasses approximately 30 percent of the Orono Project area, mostly in the vicinity of the dam and powerhouse. In undeveloped areas, the predominant cover types include hardwood forests, mixed forests and bottomland forests (including forested wetlands). Approximately 11 acres of nonforested wetlands occur in the Orono Project area, including scrub/shrub (4 acres), emergent (4 acres), and riverine aquatic bed (3 acres) (BHE 1991). There are no known federally listed threatened or endangered botanical species in the Orono Project area. The Maine Natural Heritage Program's database indicates that two special concern species, Orono sedge (*Carex oronensis*) and long-leaved bluet (*Houstonia longifolia*), have been documented to occur along the Orono impoundment (BHE 1992). A complete description of the Orono Project botanical resources can be found in Exhibit E.3.3 of the Basin Mills Application and in the FEIS (Sections 3.5, 3.6, and 3.7).

### B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed

#### 1. Anticipated Environmental Impacts

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect botanical resources of the Orono Project area. In its FEIS analysis, FERC did not identify any impacts to botanical resource, including threatened and endangered species, associated with relicensing and refurbishing the Orono Project (Sections 4.4, 4.5, and 4.6).

**2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to botanical resources (see Appendix ES-A, Consultation Documentation).

**3. Enhancement and/or Mitigation Proposed by Licensee**

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect botanical resources, and no mitigation measures are proposed.

### III. Wildlife Resources

#### A. Description of Existing Resources

Wildlife habitat in the Orono Project area includes hardwood and mixed forests, and small forested, palustrine, and lacustrine wetlands (BHE 1991). Along the lower impoundment urban residential development predominates. There are no known federally-listed threatened or endangered wildlife species in the Orono Project area. A complete description of the Orono Project wildlife resources can be found in Exhibit E.3.2 of the Basin Mills Application for License and in the FEIS (Sections 3.4, 3.5, and 3.6).

#### B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed

##### 1. Anticipated Environmental Impacts

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect wildlife resources of the Orono Project area. In its FEIS (Sections 4.5, 4.6, and 4.7) analysis, FERC did not identify any wildlife resource impacts associated with relicensing the Orono Project.

##### 2. Studies/Measures Recommended by Resource Agencies

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to wildlife resources (see Appendix ES-A, Consultation Documentation).

##### 3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect wildlife resources, and no mitigation measures are proposed.

## **IV. Fish Resources**

### **A. Existing Fish Resources**

Fisheries habitat in the Orono Project area includes the impoundment, bypass reach and tailrace. The Orono impoundment, with a total surface area of approximately 175 acres, is approximately 2.3 miles long, extending upstream to just below the Stillwater Project. Fish habitat in the Orono Project impoundment waters is similar to habitat in other lower velocity areas with moderate depth. Resident riverine species expected to be found in the project waters (based upon surveys of the Stillwater Project impoundment) include minnows, smallmouth bass, white perch, pickerel and hornpout. There are no known threatened or endangered fish species in the Orono Project area.

A complete description of the fisheries resources of the Orono Project area can be found in Exhibit E.3.3 of the Basin Mills Application and in the FEIS (Section 3.4). The fish resources potentially impacted by the project relicensing, including the habitat within the bypass, and migratory species, are discussed below.

#### ***Bypass Reach***

The Orono Project bypass reach is approximately 1,000 feet long and as much as 500 feet wide including intermittent islands. The bypass is a wide, flat channel with heavy substrate (rock, cobble, ledge) with three separate channels leading to the mainstem of the Penobscot River. Currently, leakage flows and spillage occur in the bypass.

#### ***Migratory Species***

Anadromous species including Atlantic salmon and alewife are believed to utilize the Stillwater Branch as a secondary migratory route, and occur in the project area as dropdowns and downstream migrants from upstream stocking on the mainstem of the Penobscot River.

Additionally, migratory species, including Atlantic salmon parr, have been observed resting and holding in the Orono Project bypass and tailrace. The catadromous American eel is present throughout the Penobscot Basin. There have been no structural provisions for fish passage at the Orono Project other than allowing for downstream fish passage by maintaining an opening in the flashboards adjacent to the intake during past operations.

## B. Anticipated Environmental Impacts and Enhancement Measures Proposed

### 1. Anticipated Environmental Impacts

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will improve fish habitat and resources of the Orono Project area through the addition of bypass flows and the installation of upstream American eel passage and modified downstream fish passage measures.

#### *Bypass Reach Flows*

An Instream Flow Incremental Methodology Study (IFIM) was conducted in the Orono bypass reach (FERC 1997). Results of the IFIM study indicated that weighted usable area (WUA) for most life stages of salmon, smallmouth bass and shad would increase from leakage to between 189 and 258 cfs. However, habitat for bass young-of-year would decline at flows above 86 cfs and the rate of habitat improvement declines for most other species and lifestages above 189 cfs. Therefore, the proposed flow of 200 cfs will optimize habitat for most species and lifestages. A flow of 200 cfs will provide approximately 250 salmon nursery habitat units in the Orono bypass reach. The proposed 200 cfs bypass flow is supported by federal and state resource agencies (see Appendix ES-A, Consultation Documentation).

***Fish Passage***

PPL Maine's proposal to provide upstream American eel passage and modified downstream fish passage measures consistent with the MPA and DOI modified fishway prescription, dated June 2004, will support agency management plans and objectives.

**2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to fish resources (see Appendix ES-A, Consultation Documentation).

**3. Enhancement and/or Mitigation Proposed by Licensee**

PPL Maine is proposing to implement the MPA and DOI modified fishway prescription dated June 2004, which includes providing upstream American eel passage and modified downstream fish passage measures, upon relicensing of the Orono Project. Specifically, the MPA and DOI fishway prescription require the following articles to be included in the Orono Project license and PPL Maine requests that they be included in the new license:

1. The licensee shall provide safe and effective upstream eel passage at the Orono project. The licensee shall assess the appropriate location for the siting of the new upstream eel fishway, and upon approval of its proposed location by the USFWS, MDMR and PIN, shall complete installation and initial testing, and have the fishway fully operational prior to the beginning of the third upstream eel migration season (approximately May 1) following the effective date of the Agreement.

2. The licensee shall provide downstream fish passage as previously prescribed by the Department in its prescription dated May 20, 1997, within 3 years after the license is issued. If shown to be necessary by studies of the effectiveness of these measures, but in no case before the expiration of the safe harbor period delimited in Attachment A,

Section II(c) of the Lower Penobscot River Multiparty Settlement Agreement, the licensee shall institute nightly shut-downs for downstream eel passage for a two week period during downstream eel migration season.

3. The Department hereby reserves its authority under § 18 of the FPA to prescribe such fishways as may be necessary and not inconsistent with the Agreement during the term of the license. This specifically includes authority to prescribe a fish trap, as specified in Attachment A to the Agreement, upon acquisition of the Veazie, Great Works, and Howland Projects.

PPL Maine will continue consultation with fisheries agencies and interested parties regarding the downstream fish passage facilities and anticipates that the design drawings will be filed within six months of the issuance of the Commission's order issuing a new license for the Orono Project, and that construction will be completed within 18 months of FERC approval of the design drawings. In addition, in order to fully mitigate for any potential habitat impacts associated with the Orono Project and modifications at other projects, parties to the MPA developed a Contingent Mitigation Fund (CMF) (Attachment B to the MPA), whereby it was agreed that the impacts will be fully mitigated by removal of the Veazie (FERC No. 2403) and Great Works (FERC No. 2312) dams. If those dams are not removed, then the MPA provides for the establishment of the CMF and requires PPL Maine to make monetary payments in certain circumstances, as specified in Attachment B to the MPA, to the CMF to fully mitigate for the habitat impacts. Accordingly, PPL Maine requests that the following article be included in the new license:

Article . The licensee shall implement the requirements of Attachment B to the Lower Penobscot River Multiparty Settlement Agreement, dated June 2004 (Contingent Mitigation Fund), as it pertains to the Orono Project.

**V. Water Quantity and Quality**

**A. Description of Existing Resources**

The Stillwater River in the vicinity of the Orono Project is designated by the State of Maine as a Class B water. By letter dated January 26, 2004 the Maine Department of Environmental Protection (MDEP) stated that the relicensing, as proposed in the MPA and this application, will not measurably affect water quality in the Orono Project area. PPL Maine has applied for a Water Quality Certification for the relicensing of the Orono Project (Exhibit E, Appendix E-A). A complete description of the water resources of the Orono Project area can be found in Exhibit E.2 of the Basin Mills Application and the FEIS (Section 3.3).

**B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed**

**1. Anticipated Environmental Impacts**

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not measurably affect water quality in the Orono Project area (MDEP 2004). In its FEIS analysis (Section 4.2), FERC did not identify any adverse water quality impacts associated with relicensing and refurbishing the Orono Project.

**2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to water quality (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not measurably affect water quality (MDEP 2004), and no mitigation measures are proposed.

## **VI. Land and Water Uses**

### **A. Description of Existing Resources**

The land bordering the Orono impoundment is predominantly forested, with mixed urban residential and commercial development along the lower impoundment near the dam and powerhouse. There are no known domestic, irrigation or other consumptive uses of the river water in the project area. There are also no known industrial uses of the water or any points of industrial wastewater discharge into the impoundment. A complete description of the land and water uses of the Orono Project area can be found in Exhibits E.2 and E.9 of the Basin Mills Application and the FEIS (Sections 3.3 and 3.10).

### **B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed**

#### **1. Anticipated Environmental Impacts**

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect land and water uses in the Orono Project area. In its FEIS analysis (Sections 4.2 and 4.9), FERC did not identify any adverse impacts to land and water uses associated with relicensing and refurbishing the Orono Project.

#### **2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to land and water uses (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect land and water uses, and no mitigation measures are proposed.

## VII. Recreation Resources

### A. Existing Recreational Resources

The University of Maine maintains a hand-carry access site, including a seasonal dock, on the east shore of the impoundment. There are also a number of trails used by a local land trust on the west shore of the impoundment. The Town of Orono maintains two day-use parks along the east shore and a portage at PPL Maine's upstream Stillwater Project (FERC No. 2712) offers canoe and kayak access to the Orono Project impoundment. In addition, PPL Maine maintains a portage trail around the Orono Project. A complete description of recreational resources of the Orono Project area can be found in Exhibit E.7 of the Basin Mills Application and in the FEIS (Section 3.9).

### B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed

#### 1. Anticipated Environmental Impacts

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect recreational resources in the Orono Project area. In its FEIS analysis (Section 4.8), FERC did not identify any adverse impacts to recreational resources associated with relicensing and refurbishing the Orono Project. Recent Form 80 recreation surveys performed in 2002 indicated that use of existing facilities is light and no additional facilities are needed (Exhibit E, Appendix E-B).

#### 2. Studies/Measures Recommended by Resource Agencies

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to recreational resources (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect recreational resources, and no mitigation measures are proposed.

**VIII. Historical and Archaeological Resources**

**A. Description of Existing Resources**

In association with Basin Mills licensing proceeding, the Maine Historic Preservation Commission (MHPC) reported that there are no properties in the Orono Project area of prehistoric, historic, architectural, or archaeological significance that would be impacted by the project. A complete description of cultural resources of the Orono Project area can be found in Exhibit E.4 of the Basin Mills Application and in the FEIS (Section 3.13).

**B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed**

**1. Anticipated Environmental Impacts**

In association with Basin Mills licensing proceeding, the MHPC reported that there are no properties in the Orono Project area of prehistoric, historic or architectural archaeological significance that would be impacted by the project. PPL Maine consulted with the MHPC State Historic Preservation Officer (SHPO) and the Penobscot Indian Nation Tribal Historic Preservation Officer (THPO) regarding the relicensing of the Orono Project to confirm that there are no additional historic or archaeological issues at this time. By letter dated March 15, 2004 (see Appendix ES-A, Consultation Documentation), the SHPO stated that the relicensing of the Orono Project as proposed herein will have no effect upon archaeological or architectural historic properties. *Additional consultation with the SHPO and THPO will occur as necessary to address potential impacts associated with construction activities at the project.*

2. Measures Recommended by Resource Agencies

PPL Maine consulted with the SHPO and THPO regarding the refurbishment activities proposed in this Amendment Application. No measures were recommended (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Based upon consultation with the SHPO and THPO, no mitigation or enhancement measures were determined to be necessary.

## **IX. Scenic and Aesthetic Resources**

### **A. Description of Existing Resources**

The Orono Project encompasses the Orono dam and powerhouse, the area immediately below the dam at the confluence with the Penobscot River, and an approximately 175-acre impoundment extending 2.3 miles upstream. The area on either side of the river in the vicinity of the dam and powerhouse contains mixed residential and commercial development. Buildings along the river have views of the project structures and the confluence with the mainstem of the Penobscot River. Upstream, the impoundment shoreline is largely undeveloped and forested for approximately 1.5 miles, to the tailwaters of the Stillwater Project, where residential development occurs in the area. A complete description of scenic and aesthetic resources of the Orono Project area can be found in Exhibit E.8 of the Basin Mills Application and in the FEIS (Section 3.12).

### **B. Anticipated Environmental Impacts and Enhancement and/or Mitigation Measures Proposed**

#### **1. Anticipated Environmental Impacts**

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect scenic and aesthetic resources in the Orono Project area. In its FEIS analysis (Section 4.10), FERC did not identify any adverse impacts to scenic resources associated with relicensing and refurbishing the Orono Project.

#### **2. Studies/Measures Recommended by Resource Agencies**

No additional studies or resource protection, mitigation, or enhancement measures have been requested by resource agencies to address impacts to scenic and aesthetic resources (see Appendix ES-A, Consultation Documentation).

3. Enhancement and/or Mitigation Proposed by Licensee

Relicensing and refurbishing the Orono Project as proposed by PPL Maine, and consistent with the MPA, will not adversely affect scenic and aesthetic resources, and no mitigation measures are proposed.

**X. Literature Cited**

Bangor Hydro-Electric. 1990. Basin Mills Hydroelectric Project, Application for License. Volumes I through XIV. BHE, Bangor, Maine.

—. 1991. Basin Mills Hydroelectric Project: Maine Waterway Development and Conservation Act Permit Application. Applicant's response to MDEP request for additional information: Orono Impoundment Study. BHE, Bangor, Maine.

—. 1992. Orono Project, Rare Plant Survey. In BHE 1993. Basin Mills Project – Applicant's response to resource agencies and interested parties. Comments and reply comments. Appendix F. BHE, Bangor, Maine.

Federal Energy Regulatory Commission. 1997. Final Environmental Impact Statement - Lower Penobscot River Basin, Maine (Basin Mills, Stillwater, and Milford Hydroelectric Projects - FERC Nos. 10981, 2712, and 2534, respectively). FERC, Washington, D.C.

Lower Penobscot River Multiparty Settlement Agreement. June 2004.

Maine Department of Environmental Protection. 2004. Letter from Dana P. Murch to Scott D. Hall, January 26, 2004, re: Phase I Energy Enhancements Lower Penobscot River Conceptual Agreement. MDEP, Augusta, Maine.

**APPENDIX E-A**  
**401 WATER QUALITY CERTIFICATION APPLICATION**

**PPL Maine, LLC**  
Davenport Street  
PO Box 276  
Milford, ME 04461-0276  
Tel. 207.827.2247 Fax 207.827.4102  
www.pplweb.com



14 June 2004

Dana P. Murch  
Dams and Hydro Supervisor  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

**RE: LOWER PENOBSCOT RIVER MULTIPARTY SETTLEMENT AGREEMENT, JUNE 2004**

**WATER QUALITY CERTIFICATION, MAINE WATERWAY DEVELOPMENT AND CONSERVATION ACT, AND PROJECT MODIFICATION APPLICATION FORMS**

- Medway - FERC NO. 2666 (WQC & MWDCA)**
- Stillwater - FERC NO. 2712 (WQC & MWDCA)**
- Milford - FERC NO. 2534 (Project Modification)**
- Orono - FERC NO. 2710 (WQC)**
- West Enfield - FERC NO. 2600 (WQC & MWDCA)**

Dear Mr. Murch:

In accordance with the *Lower Penobscot River Multiparty Settlement Agreement, June 2004* (MPA), PPL Maine, LLC has prepared various applications requesting approval for changes to the subject projects' water quality certifications and respective Federal Energy Regulatory Commission (FERC or Commission) licenses that are intended to implement the first phase of the MPA. The MPA is entirely consistent with the *Lower Penobscot River Conceptual Agreement, August 2003*, that we briefed the Department on several months ago. Please note that we expect to file the MPA, as well as all associated documents and requests with FERC, on or about 14 June 2004. Included in that filing, which will be copied to the Department, will be an explanatory statement that outlines the MPA and how the various requests for changes at our hydro projects fit within it.

We appreciate the Department's 12 March 2004 letter commenting on the draft applications. Without waiving any objections we may have as to provisions of State law that are preempted by the Federal Power Act, PPL Maine, LLC (and Bangor-Pacific Hydro Associates in the case of West Enfield) are submitting an original and one copy of each of the application forms for the above-referenced projects under the Maine Waterway Development and Conservation Act and Section 401 of the Clean Water Act. You will note that each application form cites applicable exhibits in the corresponding FERC application that will be filed soon hereafter. In the FERC applications we are requesting that the Commission use the revised license article provided by us to implement the requested changes and we also request that the Department, to the extent practicable, utilize the same language for changes to the water quality certification conditions.

Specifically, the enclosed application forms request changes to various projects as summarized below:

Medway Hydro Project, FERC No. 2666, Medway, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards

Stillwater Hydro Project, FERC No. 2712, Old Town, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards; modifying the minimum bypass flow requirements; and modifying the fish passage requirements to be consistent with the modified DOI/NMFS fishway prescription.

Milford Hydro Project, FERC No. 2534, Milford and Old Town, Maine: modifying the fish passage requirements to be consistent with the modified DOI/NMFS fishway prescription.

Orono Hydro Project, FERC No. 2710, Orono Maine: relicense and rehabilitate the Project to operate at its existing capacity of 2.3 MW; and modifying the fish passage requirements to be consistent with the modified DOI/NMFS fishway prescription.

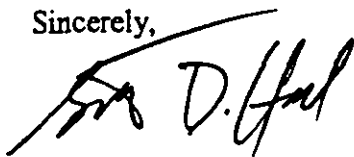
West Enfield Hydro Project, FERC No. 2600, Enfield and Howland, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards, and incorporating the installation of upstream eel passage facilities.

As required by the Department's Chapter 2 rules, and certified within the enclosed respective application forms, please be advised that we have published a combined "Notice of Intent to File" (NOI) in the Bangor Daily News (2 June 2004) and we have sent a copy of the NOI to abutting property owners of the affected projects via certified mail. In addition, we have provided a copy of the NOI as well as copies of the enclosed application forms to the appropriate municipalities.

In addition, in accordance with the Department's 12 March 2004 letter commenting on the draft applications for the above-referenced projects, we have enclosed a check for \$1835.70 (combined total of \$235.00 for Medway; \$235.00 for Stillwater; \$109.00 for Milford; \$949.90 for Orono; and \$306.80 for West Enfield) to cover the application and processing fees.

Thank you for your attention to this filing. Please contact me at (207) 827-5364 with any questions.

Sincerely,



Scott D. Hall  
Manager of Environmental Services

Enclosures

RECEIVED  
MAINE D.E.P.

2004 JUN 14 P 2:43

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Bureau of Land and Water Quality  
17 State House Station  
Augusta, Maine 04333  
Telephone: (207) 287-3901

FOR DEP USE  
#L- \_\_\_\_\_  
Fees Paid \_\_\_\_\_  
Date Fees Received \_\_\_\_\_

**APPLICATION FOR  
WATER QUALITY CERTIFICATION  
(U.S. P.L. 92-500, SECTION 401)**

**HYDROPOWER PROJECT LICENSING/RELICENSING ONLY**

This form shall be used to request Water Quality Certification for the proposed FERC licensing or relicensing of an existing hydropower generating or storage project where no construction, reconstruction or structural alteration of project facilities which would affect water levels or flows is proposed.

All required fees must be paid before application processing will begin. Please contact the Department for current fee schedule information. Fees are payable to Treasurer, State of Maine.

**APPLICANT INFORMATION**

Name of Applicant: **PPL Maine, LLC**  
Mailing Address: **Davenport Street, P.O. Box 276 Milford, ME 04461**  
Name of Contact or Agent: **Scott D. Hall**  
Telephone: **(207) 827-5364**

**PROJECT INFORMATION**

Name of Project: **Orono Project** FERC No. **2710**

Address (use "911" address, if available): **Mill Street**

Name of Waterbody Affected: **Stillwater Branch of the Penobscot River**

Municipality or Township: **Orono** County: **Penobscot**

GPS Coordinates, if known: **Not Known**

**REQUIRED INFORMATION**

- 1. Provide all the information requested by this application form.
- 2. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing. (**Attachment A**)
- 3. A signed Certification of Publication and a completed Notice of Intent to File an application for Water Quality Certification.

**NOTE:** All supporting documents summarized above must be attached to this form and sent to the DEP Office listed below:

Department of Environmental Protection Bureau of Land and Water Quality 17 State House Station Augusta, ME 04333 Tel: (207) 287-3901
--

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

DATE: 14 June 2004

(IF SIGNATURE IS OTHER THAN APPLICANT, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY APPLICANT)



SIGNATURE OF APPLICANT

**Scott D. Hall**  
**Manager of Environmental Services**

## WATER QUALITY CERTIFICATION APPLICATION

### GENERAL INFORMATION

1. By submitting this application, an applicant requests Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act for the continued operation of an existing hydropower generating or storage project under the terms of an initial or a new license from the Federal Energy Regulatory Commission. Certification must be obtained for any activity requiring a federal license or permit which may result in a discharge into the navigable waters of the United States.
2. The purpose of this application form is to obtain from the applicant a thorough description of project facilities and operation and the impacts of the continued operation of the project on water quality.

The Department's Regulations provide that the applicant bears the burden of proof in the application process. This is the burden of presenting sufficient evidence for the Department to make the affirmative findings required by law regarding matters about which no questions are raised and the burden of presenting a preponderance of the evidence regarding matters about which questions are raised.

3. In order to grant certification, the Department must conclude that there is a reasonable assurance that the continued operation of a hydropower generating or storage project will not violate applicable Water Quality Standards. These standards have been established in the State's Water Classification Program (Title 38 MRSA Sections 464-469). These standards designate the uses and related characteristics of those uses for each class of water and establish water quality criteria necessary to protect those uses and related characteristics.
4. Any applicant for a FERC license must complete a three stage consultation process with appropriate state and federal agencies. The purpose of this process is to identify and analyze the potential environmental and socioeconomic impacts of a project.

The consultation process requires an applicant to have either requested or obtained water quality certification at the time of filing with FERC. The process also requires that an applicant serve a copy of its FERC application, including any revisions, supplements or amendments thereto, on each of the agencies consulted.

## WATER QUALITY CERTIFICATION APPLICATION

### FILING INSTRUCTIONS AND PROCEDURES

1. When filing, send an original plus one (1) copy of a completed Application for Water Quality Certification to the Department, along with two (2) copies of the Application for Initial License or New License has been or as will be filed with FERC. The State filing can be made prior to or concurrent with the FERC filing.
2. The Department is required by law to assess fees for processing applications and for monitoring permit compliance. Application processing will not begin until all required fees have been paid. When filing, submit full fee payment (checks payable to: Treasurer of State) or request that a fee bill be sent.
3. A number of consulting agencies will be involved in the State review process of hydropower projects. Distribution of copies of the FERC application to these agencies may be coordinated by DEP or may be handled directly by the applicant. When filing, please notify the DEP staff to discuss distribution procedures.
4. Most information requested by this application form can be provided by making reference to the appropriate exhibit of the FERC license application. Space is provided on the form for such references.
5. Within 15 working days of receiving an application and all required fees, the DEP shall determine whether the application as filed is acceptable for processing.
6. Additional information may be required during the review process on any aspect of the project relating to compliance with applicable statutory criteria.

WATER QUALITY CERTIFICATION APPLICATION

1. NATURE OF ACTIVITY. Check appropriate item:

- Application for Initial License.
- Application for New License (Relicense).

A COPY OF A COMPLETED FERC APPLICATION FOR LICENSE (THIRD STAGE CONSULTATION) MUST ACCOMPANY THIS FORM.

NOTE: A copy of any document revising, supplementing, amending, or correcting deficiencies in the application as originally filed with FERC must also be filed with D.E.P.

2. EXISTING ENVIRONMENT. Provide a description of the physical environment of the project site and its immediate vicinity. The project site includes all land and water areas affected by the project.

REFERENCE: FERC EXHIBIT(S) Exhibit E

3. PROJECT DESCRIPTION. Provide a detailed description of the existing project. A hydropower project includes all powerhouses, dams, water conduits, transmission lines, water impoundments, roads, and other appurtenant works and structures that are part of the development. This description must include:

- A. The physical composition, dimensions, and general configuration of all project structures;
- B. The normal maximum surface area and elevation, gross storage capacity, and usable storage capacity of any impoundments;
- C. The number, type, and rated capacity of any turbines or generators; and
- D. The number, length, and voltage of any primary transmission lines.

REFERENCE: FERC EXHIBIT(S) Exhibit A

4. PROJECT OPERATION. Provide a description of project operation, to include:

- A. The mode of project operation during low, mean, and high water years, including extent and duration of flow release and impoundment fluctuations;
- B. An estimate of the dependable capacity and average annual energy production, in kilowatt hours, of the project;
- C. An estimate of minimum, mean, and maximum flows, in cubic feet per second, at the project site, including a flow duration curve;
- D. An estimate of the maximum and minimum hydraulic capacities, in cubic feet per second, of any powerplant; and
- E. A statement of the manner in which the power generated at the project is utilized.

REFERENCE: FERC EXHIBIT(S) Exhibit A

- 5. **PROJECT PLANS.** Provide general design drawings showing all major project structures in sufficient detail to provide a full understanding of the project, including:
  - A. Plans (overhead view);
  - B. Elevations (front view); and
  - C. Sections (side view).

REFERENCE: FERC EXHIBIT(S) **Exhibit F**

- 6. **PROJECT MAPS.** Provide maps of the project showing:
  - A. The location of the project, including principal project structures and features, with reference to local geographic features; and
  - B. A project boundary enclosing all principal project structures and features proposed to be licensed.

REFERENCE: FERC EXHIBIT(S) **Exhibit G**

- 7. **TITLE, RIGHT OR INTEREST.** The Department's Regulations require that any applicant must possess sufficient title, right or interest in all project lands and waters in order to have standing to seek a permit, license, or certification. Please complete the appropriate item(s) below establishing title, right or interest and attach a copy of the indicated document(s):

- Deed.
- Option to buy.
- Lease.
- Valid FERC License (including all amendments/modifications). (Attachment B)**
- Exercise of flowage rights through operation of the Mill Act (12 MRSA Section 651).
- Exercise of eminent domain under FERC License.

- 8. **WATER QUALITY.** Provide a description of the impact of the project on water quality, including:
  - A. A description of the applicable water quality standards and stream segment classification for the project impoundment and downstream waters, including a description of designated uses;
  - B. A description of existing water quality in the project impoundment and downstream waters affected by the project, including a description of existing in-stream water uses;
  - C. A statement of the existing measures to be continued and new measures proposed for the purpose of protecting and improving water quality, including measures for the mitigation of project impacts on the designated uses of project waters; and
  - D. A description of any anticipated continuing impact on water quality from the continued operation of the project, including impacts on the designated uses of project waters.

REFERENCE: FERC EXHIBIT(S) **Exhibit E**

9. **PUBLIC NOTICE.** The Department requires that an applicant provide public notice describing the location and nature of the activity proposed for approval. The public notice requirements that apply to this application are described in the Certification of Publication below, which must be signed and dated by the applicant or authorized agent.

The following information must be submitted with this form:

- A copy of a completed Notice of Intent to File. (Attachment C)

A list of abutters to whom notice was provided. [For the purposes of public notice of this application, an "abutter" is any person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.] (Attachment C)

**CERTIFICATION OF PUBLICATION**

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located, within 30 days prior to filing the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail or Certificate of Mailing to abutters, as determined by local tax records or other means, within 30 days prior to filing the application; and
3. Sent a copy of the Notice of Intent to File by certified mail or Certificate of Mailing and filed a duplicate of this application with the town clerk of the municipality(ies) where the project is located, within 30 days prior to filing the application.

  
 \_\_\_\_\_  
 Signature of Applicant

14 June 2004  
 \_\_\_\_\_  
 Date

**Scott D. Hall, Manager of Environmental Services**  
 Name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by the applicant.

**ATTACHMENT A**  
**CERTIFICATE OF GOOD STANDING**



# MAINE

Department of the Secretary of State  
Bureau of Corporations, Elections and Commissions

## Information Summary

Subscriber activity report

This record contains information from the CEC database and is accurate as of: Thu Mar 25 2004 16:48:53. Please print or save for your records.

[REDACTED]

PPL MAINE, LLC      19990136FC      LIMITED LIABILITY COMPANY (FOREIGN)      GOOD STANDING

[REDACTED]

01/26/1999      N/A      DELAWARE

[REDACTED]

PENOBSCOT HYDRO, LLC      F

[REDACTED]

C T CORPORATION SYSTEM  
ONE PORTLAND SQUARE  
PORTLAND, ME 04101

**ATTACHMENT B**  
**FERC LICENSE AND AMENDMENTS**

**Bangor Hydro-Electric Company, Project No. 2710**

[61,216]

[¶61,104]

**Bangor Hydro-Electric Company, Project No. 2710**

**Order Issuing License (Major)**

**(Issued November 10, 1977)**

**Before Commissioners: Charles B. Curtis, Chairman; Don S. Smith, Georgiana Sheldon, Matthew Holden, Jr. and George R. Hall.**

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act has not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the

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function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR 1000.1, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Bangor Hydro-Electric Company (Applicant) of Bangor Maine, filed on August 3, 1970, an application for a major license under Section 4(e) of the Federal Power Act (Act), 16 U.S.C. §797(e), to authorize the continued operation and maintenance of its constructed Project No. 2710 known as the Orono Project. Supplements and revisions to the application were filed on March 22, August 23, and October 12, 1971; April 13 and June 1, 1972; July 23 and December 12, 1973; and January 19, 1977.

The Orono Project is located on the Stillwater Branch of the Penobscot River in the Town of Orono, and the City of Old Town, Penobscot County, Maine.

Public notice of the filing of the application was issued on March 29, 1973, with May 31, 1973, as the last day for filing protests or petitions to intervene. Letters protesting the application, or portions of it, were received from the City of Old Town, Maine, filed June 1, 1973; the League of Women Voters of Orono, Maine, dated May 16, 1973; and the Town of Orono, Maine, dated May 29, 1973. Each of these parties specifically addressed Applicant's proposals for public recreation at the project (Exhibit R of the application) which is discussed further below.

By this order we issue a major license for Project No. 2710 subject to the terms and conditions hereafter discussed and enumerated.

#### DESCRIPTION OF THE PROJECT

The project dam, consisting of two spillway sections with a total length of 617 feet, is located on the Stillwater Branch of the Penobscot River immediately above its confluence with the Main Branch of the Penobscot River. The project also consists of a 140-acre reservoir, a forebay intake supplying water to three penstocks, a surge tank, a powerhouse containing

four generating units with a total installed capacity of 2,332 kW, a step-up transformer, and appurtenant facilities. The project is more fully described in Ordering Paragraph (B) below.

#### HISTORY OF THE PROJECT

The Orono Plant and penstocks existed in 1898 when the project was used as a pulp mill by the Webster Paper Company. Between 1917 and 1925 the log structures were removed and concrete dams and intake works were constructed. The project was owned over the years by various individuals and companies. The Applicant acquired the project in 1949. In 1949-1950, Applicant added three generators to existing, unused turbines. In 1953, Applicant replaced the wood staves in the three penstocks and abandoned the wooden portions of the fourth penstock. In 1960, the Applicant replaced the timber crib spillway with a concrete gravity section.

#### JURISDICTION

The Penobscot River and its East and West Branches have been found navigable by the FPC. *Bangor Hydro-Electric Co.*, 33 FPC 278 (1975). In that case, the Commission stated that the river and the two branches had been used extensively in boating operations. The FPC also stated that extensive logging operations have been conducted between the mouth of the Penobscot River at Penobscot Bay and the international boundary on the West Branch and Chamberlain Lake on the East Branch. The Stillwater Branch where Project No. 2710 is located is within that stretch of the Penobscot River that has been found navigable. In its application for license Applicant stated that rafts of logs were floated on the Stillwater Branch from points located above the project to sawmills and pulp and paper mills located at the project site and below the site on the Penobscot River. We find, therefore, that the Stillwater Branch is a navigable waterway of the United States as defined by Section 3(8) of the Act, 16 U.S.C. §796(8).

#### LETTERS OF COMMENT

By letters dated June 18, 1974, the Secretary of the FPC requested comments on the application from appropriate Federal and State agencies. The Department of Health Education and Welfare by letter dated July 2, 1974, and the Public Utilities Commission of Maine by letter of June 26, 1974, did not offer any comments on the application and did not object to the licensing of the project. We turn now to a discussion of the substantive comments.

#### NAVIGATION

By letter dated September 16, 1974, the Corps of Engineers (Corps) reported that the project structures were satisfactory insofar as the interests of navigation were concerned. The Corps stated that it was not necessary to include in the license any special terms or conditions in the interest of navigation.

#### RECREATION

The Department of the Interior (Interior), in its letter dated September 5, 1974, stated that the project waters are polluted and rather treacherous for water-oriented recreation. Interior further stated that other recreational facilities in the area fulfill the needs of the general public at the present time. Interior recommended that a provision be included in

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the license for the development and implementation of a recreation plan when water quality of the river improves.

In its protest filed on May 29, 1973 the Town of Orono, Maine (Orono) stated that the water quality of the river had improved and was suitable for certain recreational uses. Orono enclosed in its protest a copy of a letter from its Conservation Commission dated May 17, 1973. The Conservation Commission made the following recommendations as to sites it considered suitable as potential recreational areas:

- (1) A small parcel of land at the corner of Water Street and Broadway to be preserved as open-space and playground.
- (2) A parcel of land immediately to the south of the project power plant extending from Broadway Street to the river bank to be considered as a potential park or open space area and play ground.
- (3) The group of islands in the Stillwater River between the dam and Bridge Street to be preserved for their scenic value as

natural areas.

The Conservation Commission further stated that the river provides many recreational uses including canoeing and fishing. Orono recommended that a revised Exhibit R be prepared that is comprehensive for the entire Stillwater River.

The City of Old Town, Maine in protest filed June 1, 1973, stated that since water quality at the project has improved, a recreation plan should now be prepared. The protest filed by Old Town expressed similar concerns as were expressed by Orono.

The League of Women Voters of Orono, Maine (League) in a letter dated May 16, 1973, requested that the Applicant be required to file a recreation plan for the project. The League enclosed in its letter the results of a survey it conducted concerning the recreational needs of the community.

By letter dated July 9, 1974, the Maine Department of Conservation (Conservation) stated that because of the classification of the river, swimming would be unsafe but the water would be suitable for non-contact recreation such as boating, fishing, and as a wildlife habitat. Conservation stated that the planning efforts by State and local interests would provide sufficient boating opportunities at the project.

In a letter dated November 18, 1974, Applicant responded to the protest and comments filed by Orono. The Applicant stated that the water quality of the river is only suitable for non-contact recreation. The Applicant stated that it doubts substantial use of the river can be documented, noting that Orono's riverside park appeared to receive minimal use. Respecting the first two parcels of land suggested by Orono as playgrounds, Applicant believed that those areas are a poor place for a playground because of their proximity to the powerhouse, penstocks, and transmission lines. As to the island in the river, Applicant did not object to the granting of a scenic easement to Orono. We do not believe that the issuance of the license should be delayed pending the approval of an acceptable recreation plan. We are including Article 31 in the license providing for the filing, after consultation with the appropriate Federal, State, and local agencies, of a revised Exhibit R which would show project lands that are to be provided for existing and future recreational use. We are also including in the license Article 17 which provides for future modifications of project recreational facilities should the need arise.

#### STREAM GAGING

Interior commented that the flow of the Stillwater Branch is regulated, in accordance with a court decree, at Gillman Falls Dam located 5.8 miles upstream from the Orono Dam. Interior stated that two streamflow stations are currently used to gage most of the water available for diversion. Even though it does not anticipate the need for any additional monitoring sites, Interior recommended that the standard stream gaging article be included in the license.

Applicant did not respond to Interior's comments. We are including Article 8 in the license which is the standard article respecting stream gaging.

#### FISH AND WILDLIFE

Interior stated that continued operation of the project would not have any significant impacts on the fish and wildlife resources in the area. Interior stated further that polluted waters have practically eliminated fishing in the river. Interior believed that fish passage facilities at the project were not considered necessary at this time. Interior requested that the standard conditions concerning fish and wildlife resources be included in the license. We are including Articles 15 and 16 in the license with respect to fish and wildlife resources.

#### ANNUAL CHARGES

The installed capacity of the project is 2,332 kilowatts. For annual charge purposes this is converted to horsepower by multiplying by 4/3. In determining administrative annual charges, the authorized installed capacity is therefore 3,110 horsepower. Article 33 of the license provides for the annual charges for the project.

#### SAFETY AND ADEQUACY AND COMPREHENSIVE DEVELOPMENT

All project structures were found to be in a safe condition when inspected by the FPC Staff. Minor adverse conditions were observed, however, including the spalling of concrete at various points. We conclude that the project is in a safe condition and is considered to be best adapted to the comprehensive development.

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of the Stillwater Branch of the Penobscot River upon compliance with the terms and conditions hereinafter set forth. We are including Article 30 in the license which provides for the preparation of an Emergency Action Plan for the project.

#### TRANSMISSION FACILITIES

We have examined the transmission facilities and find that the generator leads, the circuit breakers, the disconnect switches, the 3750 kVA, 2.4/13.2-kV three-phase, step-up transformer and the appurtenant facilities to connect the 2.4-kV bus in the Orono Substation to the Applicant's distribution system are project works as defined by Section 3(12) of the Act, 16 U.S.C. §796 (12), and should be included in the license. The transmission facilities are shown and described in the exhibits approved below.

#### EXHIBITS

Applicant filed Exhibits J, K, L, M, R, and S as part of its application for license. The Exhibits J, K, L, M, and S have been examined and found to conform generally to our Regulations and should be approved and made a part of the license for Project No. 2710. The exhibits are described more fully in ordering paragraph (B). The Exhibit R, consisting of a one page statement in lieu of a recreation plan, and one map "Recreation Plan" (FPC No. 2710-B), generally conforms to our Regulations; however, it does not provide for any existing or future recreational needs of the project. As discussed above, Article 31 is included in the license to provide for the filing of a revised Exhibit R.

#### CONSERVATION

The continued operation of the project would provide 2,332 kW of installed capacity of an average annual generation of 18,000 MWH, and would utilize a renewable resource that would save the equivalent of approximately 29,600 barrels of oil per year or 8,330 tons of coal per year.

#### ENVIRONMENTAL CONSIDERATIONS

We find that the issuance of a license for Project No. 2710 would not constitute a major Federal action significantly affecting the quality of the human environment, because there are no plans for expansion or construction of project works and there will be no change in project operations. The existing facilities have been in operation for many years and the initial environmental impacts have stabilized.

The National Register of Historic Places has been consulted, and there are no historic sites included or being considered for inclusion within or near the project area. In the event that future facilities, as may be approved during the term of any license issued, would affect any cultural resources in the project area, we have included Special Article 35 to protect any of such cultural resources. A water quality certificate was issued on August 13, 1971, by the Maine Environmental Improvement Commission. A copy of the certificate was furnished to the Environmental Protection Agency. We are including Article 32 in the license for the continued protection and enhancement of environmental resources.

#### LICENSE TERM

As discussed above, the Stillwater Branch of the Penobscot River is a navigable waterway of the United States. In 1950, the Applicant added three generators to existing, unused turbines without filing a declaration of intention as required by Section 23(b) of the Act, 16 U.S.C §817. We have, therefore, determined that the license should be made effective July 1, 1950, and terminate December 31, 1993. This is in conformance with the principles set forth in *Public Service Company of New Hampshire*, 27 FPC 830 (1962).

*The Commission finds:*

- (1) The Stillwater Branch of the Penobscot River is a navigable waterway of the United States.
- (2) The Applicant, Bangor Hydro-Electric Company, is a corporation organized under the laws of the State of Maine and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effectuate the purposes of a license for the project.

(3) Public notice of the application was given. No additional protests or petitions to intervene, other than those discussed above, were received.

(4) No conflicting application for license or preliminary permit is before the Commission.

(5) The project does not affect a government dam nor will the issuance of a license therefore, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(6) Subject to the terms and conditions hereinafter imposed, the project will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes.

(7) The installed horsepower capacity of the project, hereinafter authorized for the purpose of computing annual charges, is 3,110 horsepower and the amount of annual charge, based on such capacity, to be paid under the license for the costs of administration of Part I of the Act, is reasonable as hereinafter fixed and specified.

(8) Issuance of a license for Project No. 2710 would not constitute a major Federal action significantly affecting the quality of the human environment.

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(9) The exhibits designated and described in paragraph (B) below conform to the Commission's Rules and Regulations and should be approved, to the extent indicated, as part of the license for Project No. 2710.

(10) The term of the license hereinafter authorized is reasonable.

*The Commission orders:*

(A) This license is hereby issued to Bangor Hydro-Electric Company under Section 4(e) of the Federal Power Act for a period effective July 1, 1950, and terminating December 31, 1993, for the continued operation and maintenance of the constructed Orono Project No. 2710, located on the Stillwater Branch of the Penobscot River, a navigable waterway of the United States in the Town of Orono, Penobscot County, Maine, subject to the terms and conditions of the Federal Power Act, which is incorporated herein by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) Project No. 2710 consists of:

(i) all lands constituting the project area and enclosed by the project boundary or the Licensee's interest in such lands, the limits of which are otherwise defined, the use and occupancy of which are necessary for the purposes of the project; such project area and project boundary being shown and described by certain exhibits which form part of the application for license and are designated and described as follows:

Exhibit J -- Sheet 1 of 2: (FERC No. 2710 - 1) General Map of the Transmission System

Exhibit J -- Sheet 2 of 2: (FERC No. 2710-2) General Map of the Transmission System

Exhibit K -- Sheet 1 of 2: (FERC No. 2710-3) Detail Map of the Reservoir

Exhibit K -- Sheet 2 of 2: (FERC No. 2710-4) Detail Map of the Reservoir

(ii) project works consisting of: (1) a 320-foot long, concrete gravity spillway (crest elevation 73.2 feet m.s.l.) with an average height of 12 feet, and fitted with 2.4-foot-high flashboards; (2) a concrete gravity auxiliary spillway that is about 297 feet long and averages 15 feet in height; (3) a concrete arch-buttress intake section, 57 feet long and about 26 feet high, and containing three timber slide gates, each 11 feet wide and 10 feet high; (4) non-overflow section, 216 feet of which is a concrete arch-buttress averaging 17 feet high, and the remaining 235 feet of which is a 15-foot-high (avg.) concrete gravity structure; (5) a 140-acre reservoir at normal high water elevation 72.4 feet (m.s.l.) that extends 2.2 miles upstream to the

Applicant's Stillwater Project No. 2712; (6) a forebay intake supplying water to three, 10-foot diameter, 1100-foot-long penstocks; (7) a surge tank which supplies water to 8 5-foot x 9-foot wooden headgates; (8) a powerhouse 107 feet long, 98 feet wide, and 56 feet at maximum height and containing four units with an aggregate capacity of 2,332 kW; (9) a step-up transformer; and (10) all other facilities appurtenant to the operation of the project. The location, nature and character of which are more specifically shown and described as follows:

Exhibit L Sheet No.	FERC No. 2710-	Showing
1	5	General Plan and Dam Section
2	6	Main Floor Plan
3	7	Power House Section

*Exhibit M* -- Seven typewritten pages entitled "General Description and Specifications of Equipment and Appurtenances".

*Exhibit S* -- Consisting of a one page typewritten text entitled "Orono Project, Exhibit S" (filed December 17, 1973).

(iii) all of the structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance or operation of the project.

(C) The exhibits designated and described in paragraph (B) are hereby approved and made a part of the license for Project No. 2710.

(D) This license is also subject to the terms and conditions set forth in Form L-3 (Revised October, 1975, see 54 FPC 1817) entitled "Terms and Conditions of License for Constructed Major Projects Affecting Navigable Waters of the United States" which terms and conditions designated as Articles 1 through 28 are attached hereto and made a

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part hereof and subject to the following special conditions set forth herein as additional Articles:

*Article 29.* The Licensee shall, to the satisfaction of the Commission's authorized representative, install and operate such signs, lights, sirens, or other devices below the powerhouse to warn the public of fluctuations in flow from the project, and shall install such signs, lights and other safety devices above the powerhouse intakes, as may be reasonably needed to protect the public in its recreational use of project lands and waters.

*Article 30.* Licensee shall file with the Commission, implement, and modify when appropriate, an emergency action plan designed to provide an early warning to upstream and/or downstream inhabitants and property owners if there should be an impending or actual sudden release of water caused by an accident to, or failure of, project structures. Such plan, to be submitted within one year of the date of issuance of the license, shall include, but not be limited to, instructions to be provided on a continuing basis to operators and attendants for actions they are to take in the event of an emergency; detailed and documented plans for notifying law enforcement agents, appropriate Federal, State, and local agencies, operators of water-related facilities, and those residents and owners of properties that could be endangered; actions that would be taken to reduce the inflow to the reservoir, if such is possible, by limiting the overflow upstream dams or control structures; and actions to reduce downstream flows by controlling the outflow from dams located on tributaries to the stream on which the project is located. Licensee shall also submit a summary of the study used as a basis for determining the areas that may be affected by such an emergency occurrence, including criteria and assumptions used. Licensee shall monitor any changes in upstream or downstream conditions which may influence possible flows or affect areas susceptible to damage, and shall promptly make and file with the Commission appropriate changes in such emergency action plan.

*Article 31.* Licensee shall consult with the Bureau of Outdoor Recreation of the Department of the Interior, the Maine Department of Conservation, the town of Orono, and the city of Old Town and shall prepare and file within one year of the date of issuance of this order a revised Exhibit R for Project No. 2710, conforming to Section 4.41 of the Commission's Regulations under the Federal Power Act.

*Article 32.* Licensee, in the interests of providing for optimum recreational use and protecting the scenic values of project lands and waters, may to a reasonable extent grant permits to individuals or groups of individuals for landscape plantings on project lands, or for the construction of access roads, wharves, landings, and other similar facilities, the occupancy of which may, under appropriate circumstances, be subject to the payment of rent in a reasonable amount; *Provided, that* Licensee shall, in granting such permits, require that permittees provide for multiple occupancy and use of such facilities, where feasible, and shall ensure that such facilities are constructed and maintained in such a manner so as to be consistent with shoreline aesthetic values; *Provided, further,* that the Licensee's consent to the construction of access roads, wharves, landings and other facilities shall not, without its express agreement, place upon the Licensee any obligation to construct or maintain such facilities. These facilities are in addition to the facilities that the Licensee may construct and maintain as required by the License.

*Article 33.* The Licensee shall pay the United States for the cost of administration of Part I of the Act, a reasonable annual charge as determined by the Commission in accordance with the provisions of its Regulations, in effect from time to time. The authorized installed capacity for such purposes is 3,110 horsepower.

*Article 34.* Pursuant to Section 10(d) of the Act, after the first 20 years of operation of the project under the license, the rate as computed below shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves.

One-half of the project surplus earnings, if any, accumulated after the first 20 years of operation under the license, in excess of the specified rate of return per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year: *Provided that,* if and to the extent that there is a deficiency of project earnings below the specified rate of return per annum for any fiscal year or years after the first 20 years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained until further order of the Commission.

The annual specified reasonable rate of return shall be the sum of the weighted cost components of long-term debt, preferred stock, and the cost of common

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equity, as defined herein. The weighted cost component for each element of the reasonable rate of return is the product of its capital ratios and cost rate. The current capital ratios for each of the above elements of the rate of return shall be calculated annually based on an average of 13 monthly balances of amounts properly includable in the Licensee's long-term debt and proprietary capital accounts as listed in the Commission's Uniform System of Accounts. The cost rates for such ratios shall be the weighted average cost of long-term debt and preferred stock for the year, and the cost of common equity shall be the interest rate on 10-year government bonds (reported as the Treasury Department's 10-year constant maturity series) computed on the monthly average for the year in question plus four percentage points (400 basis points).

*Article 35.* The Licensee shall, prior to the commencement of any new construction or development at the project of any facilities approved by this order or that may be hereinafter approved, consult and cooperate with the Maine State Historic Preservation Officer to determine if there is a need for any archeological or historical survey or salvage work at the project; and, if a need is established, the Licensee shall provide funds in a reasonable amount for such work. All survey and salvage work shall be completed prior to commencement of construction or developments of any facilities at the project.

(E) The Licensee shall within 90 days from the date of acceptance of this license, file in accordance with the provisions of Section 11.20(a) (4) of the Regulations a statement under oath showing the gross amount of power generation for the project in kilowatt-hours for each calendar year commencing with the effective date of the license.

(F) This order shall become final 30 days from the date of its issuance unless an application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

Commissioner Holden voted present.

Bangor Hydro-Electric Company, Project No. 2710-001

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Bangor Hydro-Electric Company, Project No. 2710-001

Order Accelerating Expiration Date of License

(Issued September 25, 1985)

Kenneth M. Pusateri, Acting Director, Office of Hydropower Licensing.

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On August 30, 1984, the Bangor Hydro-Electric Company (Bangor Hydro) filed an application to amend its license for the Orono Project No. 2710,<sup>1</sup> to accelerate the expiration date of the license.

Pursuant to the terms of its current license, that license expires December 31, 1993. Bangor Hydro plans to redevelop the project to produce additional power of 195,000,000 kWh over the current capability (for a total of 270,000,000 kWh per year). In order to facilitate this development, Bangor Hydro requests that the license be terminated so that a new application for license for a more comprehensive project may be considered. Bangor Hydro's request will be approved so that the licensing proceeding may commence.

In accordance with 16 U.S.C. §§807-808, the Commission will give public notice of the new application for license. That notice will provide an opportunity for the filing of competing applications and give Federal departments and agencies the opportunity to recommend Federal takeover. The Commission will also consider whether Federal takeover should be recommended.

*Pursuant to 18 C.F.R. §375.314, the Director of the Office of Hydropower Licensing or the Director's designee orders:*

(A) Bangor Hydro-Electric Company's application to terminate its license for the Orono Project No. 2710, is granted, effective immediately.

(B) An annual license is issued to Bangor Hydro-Electric Company for the period commencing the date this order is issued and terminating one year thereafter for the continued operation and maintenance of the Orono Project, FERC Project No. 2710, subject to the same terms and conditions of its license issued November 10, 1977. Should the Commission not act on Bangor Hydro-Electric Company's application for a new license within one year, a new annual license will be issued each year thereafter, until such time as the Commission acts on the application for new license, without further notice being given by the Commission.

(C) This order is final unless appealed to the Commission by any party within 30 days from the issuance date of this order under 18 C.F.R. §385.1902 (1984).

— Footnote —

<sup>1</sup> On November 10, 1977 [1 FERC ¶61,104], a major license was issued to the Bangor Hydro-Electric Company for the Orono Project No. 2710 located on the Penobscot River in Penobscot County, Maine.

OD-ORDER, 87 FERC ¶62,001, Bangor Hydro-Electric Company and Penobscot Hydro, LLC, Projects Nos. 2403-013, 2534-021, 2666-009, 2710-011, 2712-015, 2721-015, 2727-059, (Apr. 01, 1999)  
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Bangor Hydro-Electric Company and Penobscot Hydro, LLC, Projects Nos. 2403-013, 2534-021, 2666-009, 2710-011, 2712-015, 2721-015, 2727-059

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Bangor Hydro-Electric Company and Penobscot Hydro, LLC, Projects Nos. 2403-013, 2534-021, 2666-009, 2710-011, 2712-015, 2721-015, 2727-059

**Order Approving Transfer of Licenses**

(Issued April 1, 1999)

**J. Mark Robinson, Director, Division of Licensing and Compliance.**

By application filed December 7, 1998, as amended January 22, 1999, Bangor Hydro-Electric Company (Bangor or transferor) and Penobscot Hydro, LLC (Penobscot or transferee) request Commission approval to transfer the licenses for the Veazie, Milford, Medway, Orono, Stillwater, Howland, and Ellsworth Hydroelectric Projects (Nos. 2403, 2534, 2666, 2710, 2712, 2721, and 2727, respectively) from Bangor to Penobscot. <sup>1</sup> The first five named projects are located on the Penobscot and Stillwater Rivers in Penobscot County, Maine; the sixth on the Piscataquis River in Penobscot County, Maine; and the seventh on the Union River in Hancock County, Maine.

Transfer of the licenses for these projects is requested in connection with the divestiture by Bangor of certain generation and other assets, pursuant to Maine Public Law 1997, ch. 316, 35-A §3204, *et seq.* (An Act to Restructure the State's Electric Industry).

As discussed below, the transfers will be approved. <sup>2</sup>

*Background*

Bangor holds original licenses for the Medway, Orono, and Howland Projects, <sup>3</sup> and new licenses for the Veazie, Milford, Stillwater, and Ellsworth Projects. <sup>4</sup>

Bangor proposed to decommission the Orono Project No. 2710 (which is operating under an annual license) as part of its proposal to build the downstream Basin Mills Project No. 10981. However, by order issued April 20, 1998, the Commission denied Bangor's application for license for Project No. 10981. <sup>5</sup> Bangor subsequently requested rehearing of the denial, which is pending before the Commission.

Penobscot will be succeeding to the interests of PP&L Global, Inc., under an Asset Purchase Agreement entered into between Bangor and PP&L Global, Inc., on September 25, 1998, pursuant to the noted Maine restructuring law, whereby Bangor agreed to sell certain generation and other assets to PP&L Global, Inc., including the seven subject hydroelectric projects, subject to Commission approvals. PP&L Global, Inc. is a wholly owned subsidiary of PP&L Resources, Inc., and is primarily engaged in the development, acquisition, ownership, and management of generation, transmission, and distribution facilities worldwide. Penobscot is a wholly owned subsidiary of PP&L Global, Inc.

On January 29, 1999, public notice of the amended transfer application was issued. A timely motion to intervene was filed by the Maine State Planning Office (requesting party status only). <sup>6</sup> The U.S. Department of the Interior filed comments.

*Discussion*

Interior notes that it has reserved authority to prescribe fishways under Section 18 of the Federal Power Act (FPA) at the Ellsworth and Medway Projects. It describes Bangor's cooperation in developing fish passage measures at Ellsworth and eel passage measures at Medway, and urges the Commission to view with disfavor any transferee request for extensions

OD-ORDER, 87 FERC ¶62,001, Bangor Hydro-Electric Company and Penobscot Hydro, LLC, Projects Nos. 2403-013, 2534-021, 2666-009, 2710-011, 2712-015, 2721-015, 2727-059, (Apr. 01, 1999)

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of compliance deadlines based solely on the transfer.

The applicants request substitution of Penobscot for Bangor as applicant in the pending relicensing proceedings in Project Nos. 2666 and 2721 and waiver of the requirements of Section 16.9(d)(1) pertaining to the public notice requirements for material amendments relicensing applications.<sup>7</sup>

The public notice of the transfer application stated that the transfer would lead to the substitution of the transferee for the transferor as the applicant for new licenses for Project Nos. 2666 and 2721. This notice was published in the *Federal Register* and in the local newspaper once, and was served on federal and state resource agencies and Indian tribes, substantially as required by Section 16.9(d)(1).<sup>8</sup> Adherence to the remaining notice requirements of Section 16.9(d)(1) would serve no useful public purpose, and those requirements are therefore waived.

Applicants request that the substitution be made contingent upon the consummation of the asset sale contemplated in the Asset Purchase Agreement and be made effective upon the "transfer date." Since the "transfer date" is unknown to the Commission until the date of the filing of transferee acceptance forms and conveyance documents (*see* Ordering Paragraph (C), below), substitution is approved as of the latter date.<sup>9</sup>

As noted in the public notice of the transfer application, the Commission's policy is to scrutinize transfer requests that are filed during the last five years of a license to determine if the transfer's primary purpose is to give the transferee an advantage in relicensing, such as when a transfer is intended to escape consideration of a transferor's poor compliance record.<sup>10</sup> Here, the compliance record of the transferor is satisfactory, and the transfer will facilitate the continued operation and maintenance of the projects under the described transaction. Therefore, there is no basis for concluding that the transfer is intended to avoid a poor compliance record or otherwise give Penobscot an advantage in relicensing.

#### *Conclusions*

Bangor has satisfactorily complied with the terms and conditions of the licenses. Bangor has paid and agrees to continue to pay charges which accrue until the transfer is effective.<sup>11</sup>

Penobscot is not a licensee of the Commission. Therefore, we have no hydroelectric compliance record to review. However, Penobscot intends to hire several employees of the transferor who have experience operating and maintaining the licensed projects. Penobscot is qualified to hold the licenses and to operate the properties under the licenses, and it has agreed to accept all the terms and conditions of the licenses, and to be bound by the licenses as if it were the original licensee. In the January 22, 1999 amendment to the transfer application, at p. 3, Penobscot states that it has not yet obtained, but will obtain, authority to conduct business in the State of Maine.

The proposed transfers are consistent with the Commission's regulations and are in the public interest.

#### *The Director orders:*

(A) Transfer of the licenses for Projects Nos. 2403, 2534, 2666, 2710, 2712, 2721, and 2727, the Veazie, Milford, Medway, Orono, Stillwater, Howland, and Ellsworth Hydroelectric Projects, from Bangor Hydro-Electric Company to Penobscot Hydro, LLC is approved.

[64,003]

(B) Bangor Hydro-Electric Company shall pay all annual charges that accrue up to the effective date of the transfer.

(C) Approval of the transfers is contingent upon: (1) transfer of title of the properties under license and delivery of all license instruments to Penobscot Hydro, LLC, which shall be subject to the terms and conditions of the licenses as though it were the original licensee; (2) Penobscot Hydro, LLC acknowledging acceptance of this order and its terms and conditions by signing and returning the attached acceptance sheets [omitted in printing]; and Penobscot Hydro, LLC obtaining authorization to conduct business in the State of Maine. Within 60 days from the date of this order, Penobscot Hydro, LLC shall submit certified copies of all instruments of conveyance, the signed acceptance sheets, and the state authorization to

OD-ORDER, 87 FERC ¶62,001, Bangor Hydro-Electric Company and Penobscot Hydro, LLC, Projects Nos. 2403-013, 2534-021, 2666-009, 2710-011, 2712-015, 2721-015, 2727-059, (Apr. 01, 1999)

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conduct business.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

- Footnotes -

[64,001]

<sup>1</sup> The amendment substituted Penobscot Hydro, LLC for Penobscot Hydro, Inc., as the proposed transferee.

<sup>2</sup> On March 15, 1999, the Commission issued an order in Docket Nos. EC99-23-000 and ER99-1166-000, approving Bangor Hydro-Electric Company's related application for authority under Section 203 of the Federal Power Act for the sale of jurisdictional facilities and accepting for filing proposed agreements. See *Bangor Hydro-Electric Company*, 86 FERC ¶61,281

<sup>3</sup> 6 FERC ¶61,287 (1979), 1 FERC ¶61,104 (1977), 12 FERC ¶62,207 (1980).

<sup>4</sup> 83 FERC ¶61,040 (1998), 83 FERC ¶61,037 (1998), 83 FERC ¶61,038 (1998), 41 FERC ¶62,304 (1987).

<sup>5</sup> 83 FERC ¶61,039.

<sup>6</sup> The motion to intervene was timely, unopposed, and accordingly granted by operation of Rule 214(c) of the Commission's Rules of Practice and Procedure, 18 C.F.R. Section 385.214 (c) (1998).

[64,002]

<sup>7</sup> Under Section 4.35(f)(4) of the Commission's regulations (18 C.F.R. §4.35 (f)(4) (1998)), the Commission treats a substitution of all of the original applicants for a license as a material amendment to the application. It changes the filing date of the application to the filing date of the amendment and reissues public notice of the application. See *Michigan Power Company and Indiana Power Company*, 57 FERC ¶61,227 (1991). Under Section 16.9(b)(3) of the Commission's relicensing regulations (18 C.F.R. §16.9 (b)(3)), Section 4.35 does not apply to a relicensing application, except that the Commission will reissue a public notice of the application in accordance with the Provisions of Section 16.9(d)(1), if an amendment described in Section 4.35(f) is filed.

<sup>8</sup> Section 16.9(d)(1)(ii) and (iii) requires publishing notice once a week for four weeks and notifying appropriate federal, state, and interstate resource agencies and Indian tribes by mail of material amendments to relicensing applications.

<sup>9</sup> Applicants also request that Penobscot be substituted for Bangor in the pending rehearing request, filed May 20, 1998, in the Veazie, Milford, Stillwater, and Basin Mills Projects Nos. 2403, 2534, 2712, and 10981.

<sup>10</sup> See *Hydroelectric Relicensing Regulations Under the Federal Power Act*, 54 Fed. Reg. 23,756 (June 2, 1989); *FERC Statutes and Regulations, Regulations Preambles 1986-1990* ¶30,854, at p. 31,438, n.318 (May 17, 1989).

<sup>11</sup> As noted, Section 8 of the FPA provides that a transferee is subject to the conditions of the license as if it were the original licensee, and Section 9.3 of the Commission's regulations, 18 C.F.R. §9.3, states that the transferee shall be responsible for the payment of annual charges that accrue prior to the date of transfer. Based on these statutory and regulatory provisions, any delinquent annual charges are regarded as the responsibility of the transferee.

OD-ORDER, 93 FERC ¶62,076, Penobscot Hydro, LLC and PPL Maine, LLC, Project Nos. 2403-028, 2534-040, 2666-016, 2710-022, 2712-032, 2721-018, 2727-067 and 10981-006, (Oct. 31, 2000)

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Penobscot Hydro, LLC and PPL Maine, LLC, Project Nos. 2403-028, 2534-040, 2666-016, 2710-022, 2712-032, 2721-018, 2727-067 and 10981-006

[64,120]

[¶62,076]

Penobscot Hydro, LLC and PPL Maine, LLC, Project Nos. 2403-028, 2534-040, 2666-016, 2710-022, 2712-032, 2721-018, 2727-067 and 10981-006

**Order Amending Licenses<sup>1</sup>**

(Issued October 31, 2000)

**Peter J. McGovern, Division of Hydropower Administration and Compliance.**

Penobscot Hydro, LLC<sup>2</sup> has requested that its licenses for the Veazie Project, FERC No. 2403,<sup>3</sup> Milford Project, FERC No. 2534,<sup>4</sup> Midway Project, FERC No. 2666,<sup>5</sup> Orono Project, FERC No. 2710,<sup>6</sup> Stillwater Project, FERC No. 2712,<sup>7</sup> Howland Project, FERC No. 2721,<sup>8</sup> Ellsworth Project, FERC No. 2727,<sup>9</sup> and the Basin Mills Project, FERC No. 10981,<sup>10</sup> be

[64,121]

amended to reflect its new name PPL Maine, LLC. The licensee states that there is no change in the legal entity that is the licensee, and this is a change in name only. Project Nos. 2403, 2534, 2710, and 2712 are located on the Penobscot River, in Penobscot County, Maine, between the towns of Veazie and Old Town. Project No. 2666 is located on the Penobscot and Stillwater Rivers in Penobscot County, Maine. Project No. 2721 is located on the Piscataquis River in Penobscot County, Maine. Project No. 2727 is located on the Union River in Hancock, Maine.

The name change does not affect the licensee's qualifications to be a licensee under the Federal Power Act. The request to approve a change in the name of the licensee will, therefore, be approved.

*The Director orders:*

(A) The licenses for the for the Veazie Project, FERC No. 2403, Milford Project, FERC No. 2534, Midway Project, FERC No. 2666, Orono Project, FERC No. 2710, Stillwater Project, FERC No. 2712, Howland Project, FERC No. 2721, and the Ellsworth Project, FERC No. 2727 are amended to change the licensee's name from Penobscot Hydro, LLC to PPL Maine, LLC.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. 6385.713.

– Footnotes –

[64,120]

<sup>1</sup> To reflect new name of licensee.

<sup>2</sup> On April 1, 1999, the Commission issued an Order Approving Transfer of Licenses for seven hydroelectric projects from Bangor Hydro-Electric Company to Penobscot Hydro, LLC (87 FERC ¶62,001).

<sup>3</sup> 83 FERC ¶61,040 (1998).

<sup>4</sup> 83 FERC ¶61,037 (1998).

<sup>5</sup> 6 FERC ¶61,287 (1979).

OD-ORDER, 93 FERC ¶62,076, Penobscot Hydro, LLC and PPL Maine, LLC, Project Nos. 2403-028, 2534-040, 2666-016, 2710-022, 2712-032, 2721-018, 2727-067 and 10981-006, (Oct. 31, 2000)

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<sup>6</sup> The Orono Project license expired on September 26, 1990. The relicense application for the Orono Project (part of the Basin Mills Project, FERC No. 10981 proposal) was issued on April 20, 1998 (83 FERC ¶61,039).

<sup>7</sup> 83 FERC ¶61,038 (1998).

<sup>8</sup> 12 FERC ¶62,207 (1980).

<sup>9</sup> 41 FERC ¶62,304 (1987).

<sup>10</sup> On April 20, 1998, the Commission issued an Order on Applications for New and Original Licenses, which among other things, denied the license application of Bangor Hydro-Electric Company (Bangor) for the Basin Mills Project No. 10981 (83 FERC ¶61,039). Bangor filed for rehearing and also requested that Penobscot Hydro, LLC be substituted for Bangor in the rehearing proceeding. On June 9, 1998, the Commission issued an Order Granting Rehearing For Further Consideration (Unpublished). Subsequently, the licensee and other parties filed a joint request asking the Commission to delay issuing its order on rehearing until or after February 2, 2001.

[64,121]

As the Commission has not acted on the substitution request for Basin Mills Project No. 10981, we cannot act on the amendment request as it relates to this project.

**ATTACHMENT C**  
**NOTICE OF INTENT TO FILE AND ABUTTER LIST**

## BANGOR DAILY NEWS | WEDNESDAY, JUNE 2, 2004 | D5

## Legal Notices

## NOTICE OF INTENT TO FILE

## MAINE WATER QUALITY CERTIFICATION AND WATERWAY DEVELOPMENT AND CONSERVATION ACT APPLICATIONS

Please take notice that PPL Maine, LLC and Bangor-Pacific Hydro Associates of Davenport Street, P.O. Box 278, Milford, Maine 04461, (207) 827-2247 are intending to file applications with the Maine Department of Environmental Protection for Water quality Certifications pursuant to the provisions of the Maine Waterway Development and Conservation Act and the Federal Clean Water Act, Section 401. The applications are for the following Projects and activities:

Milford Hydro Project, FERC No. 2534, Milford and Old Town, Maine: modifying the fish passage requirements to be consistent with the modified DOI/NMFS fishway prescription.

West Enfield Hydro Project, FERC No. 2600, Enfield and Howland, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards, and incorporation the installation of upstream eel passage facilities.

Medway Hydro Project, FERC No. 2666, Medway, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards.

Stillwater Hydro Project, FERC No. 2712, Old Town, Maine: increasing the normal headpond elevation by 1 foot by increasing the height of the existing flashboards; modifying the minimum bypass flow requirements; and modifying the fish passage requirements to be consistent with the modified DOI/NMFS fishway prescription.

Orono Hydro Project, FERC No. 2710, Orono, Maine: relinse and rehabilitate the Project to operate at its existing capacity of 2.3 MW.

The applications will be filed on or about June 4, 2004 for inspection at the DEP's offices in Augusta during normal working hours. A copy of the applications may also be seen at the municipal offices in the above-referenced towns.

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over these applications must be received by the Department, in writing, no later than 20 days after the applications are found by the Department to be complete and are accepted for processing. Public comment on the applications will be accepted throughout the processing of the applications.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of these applications shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333.

June 2, 2004

**ORONO HYDROELECTRIC PROJECT  
FERC PROJECT NO. 2710  
ABUTTERS LIST**

ALLEN, PHYLIS  
ESTATE OF GERALDINE ROBICHAUD  
6 CASSIDY LANE  
ORONO, ME 04473

MCCLYMER, JAMES P.  
MCCLYMER, KELLY M.  
18 WATER STREET  
ORONO, ME 04473

AMBROSE, EDWIN  
54 BROADWAY  
ORONO, ME 04473

RHYMER, JUDITH M  
31 WATER STREET  
ORONO, ME 04473

BONNEVA STEVENS, ET AL  
C/O BEAL, GORDON & VIRGINIA  
6 PLUMMER STREET  
ORONO, ME 04473

RICHARDS, CHARITY  
PO BOX 340  
ORONO, ME 04473

CROSS, DENNIS  
CROSS, CAROL  
185 FOREST AVENUE  
ORONO, ME 04473

SKAGGS, C. THOMAS  
PO BOX 144  
STILLWATER, ME 04489

FRANCIS & IRENE DUPUIS  
100 MILL STREET  
ORONO, ME 04473

ST.CLAIRE, REBECCA H.V.  
ST.CLAIRE, STEPHEN A.  
110 MILL STREET  
ORONO, ME 04473

FEICHTINGER, OSKAR  
FEICHTINGER, ELAINE  
33 WATER STREET  
ORONO, ME 04473

STEVENS, NORMAN L.  
42 BROADWAY  
ORONO, ME 04473

FOLTZ, DONNA  
15 BROADWAY  
ORONO, ME 04473

STURGEON, JAMES R.(LIFE ESTATE)  
C/O STURGEON, PATRICIA E.  
232 CEDAR BREEZE SOUTH  
GLENBURN, ME 04401

HAIMES, STUART  
1702 ANDROS ISLE APT.K3  
COCONUT CREEK, FL 33066

RAYMOND THOMAS  
104 MILL STREET  
ORONO, ME 04473

KELLEY, JOSEPH  
KELLEY, ALICE  
7 CASSIDY LANE  
ORONO, ME 04473

WALLS, JOSEPH  
PO BOX 416  
BINGHAM, ME 04920

MASON, FRED E., JR.  
MASON, ROSE A.  
48 BROADWAY  
ORONO, ME 04473

WHITE, LINWOOD E., JR  
35 BROADWAY  
ORONO, ME 04473

MASON, FRED E., JR. ET AL  
5 BROADWAY  
ORONO, ME 04473

ROGER WHITE  
108 MILL STREET  
ORONO, ME 04473

BANGOR HYDRO-ELECTRIC COMPANY  
PO BOX 932  
BANGOR, ME 04402

MAINE CENTRAL RAILROAD COMPANY  
C/O GUILFORD TRANSPORTATION  
HIGH ST - IRON HORSE PARK  
NO. BILLERICA, MA 01862

ORONO, TOWN OF  
PO BOX 130  
ORONO, ME 04473

SHAW & TENNEY, INC.  
PO BOX 213  
ORONO, ME 04473

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May 25, 2004

**APPENDIX E-B**  
**ORONO PROJECT 2003 FORM 80 REPORT**

# Licensed Hydropower Development Recreation Report

This form collects data on recreational facilities at projects licensed by the Federal Energy Regulatory Commission under the Federal Power Act (16 USC 791a-825r). This form must be submitted by licensees of all projects except those specifically exempted under 18 CFR 8.11 (c). Submit this form on or before April 1, 2003. Submit subsequent filings of this form on or before April 1, every 6th year thereafter (for example, 2009, 2015, etc.). Submit an original and three copies of the form to the Commission's Regional Office (specified in the cover letter to this form). The public burden estimated for this form is three hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information. Please send your comments about this burden estimate, or any other aspect of this collection of information, including suggestions to reduce the burden, to: Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426 and the Office of Information and Regulatory Affairs, Desk Officer-FERC, Office of Management and Budget, Washington, D.C. 20503.

Failure to comply with this collection of information will not result in a penalty, if you were unaware that a valid control number assigned by the Office of Management and Budget must be displayed on this collection of information.

## Schedule 1. Public Use Information: Please read the instructions and glossary before completing this form

1. Instructions:
  - 1.1 All data reported on this form must represent recreational facilities and services located within the development boundary.
  - 1.2 To insure a common understanding of terms, please refer to the Glossary on page 3.
  - 1.3 Report actual data for each item. If actual data are unavailable, then please estimate.

<p>2.1 Licensee Name: <u>PPL Maine</u></p> <p>2.2 Project Name: <u>OronoHydro Project</u></p> <p>2.21 Project Number: <u>2710</u></p> <p>2.3 Development Name: <u>Orono Hydro Project</u></p> <p>2.4 States Project Traverses (abbreviated):</p> <p>2.41 State #1: <u>ME</u> (List State(s) with largest to smallest area within the Development boundary)</p> <p>2.42 State #2: _____</p> <p>2.5 Type of Project License: Major <input checked="" type="checkbox"/> Minor _____ (Check One)</p>	<p>3.1 Name of Stream: <u>Stillwater Branch of the Penobscot River</u></p> <p>3.2 Reservoir Surface Area: <u>175</u></p> <p>3.3 Shoreline Miles at Normal Pool Elevation: _____</p> <p>3.4 Name of Nearest City with a Population of 40,000 or More: <u>Portland, Maine</u></p> <p>3.41 Distance: From This City to the Dam: <u>4.4</u></p> <p>3.42 Population of This City: <u>64,000+-</u></p> <p>3.5 Estimated Population Within 100 mile Radius from the Dam: <u>400,000</u></p> <p>3.6 Percent of Shoreline Safely Accessible to the General Public by Land Travel Without Trespassing: <u>2.0</u> %</p>
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For the previous calendar year, enter only the licensee's annual recreational construction, operation, and maintenance costs for the development (project). Also enter the corresponding annual recreation revenues in whole dollars.

Item	Licensee's Annual Recreation Costs and Revenues (In Whole Dollars)	
	Construction, Operation and Maintenance Costs	Recreation Revenues for Calendar Year
4. Dollar Values:	1000.00	0

5. Length of Recreation Season  
 Summer: From (MM/DD): 04/01 To: 10/14 Winter: From (MM/DD): 10/15 To: 03/31

Enter the number of visits to all recreational areas at development (in Recreation Days)

Period	Number of Recreation days	
	Annual Total	Peak Weekend Average
6.1 Daytime	814	30
6.2 Nighttime	n/a	n/a



## **Exhibit F**

# **Project Drawings**

---

The existing Exhibit L drawings for the Orono Project includes the following three plans:

- L-1 General Plan and Dam Section (FERC 2710-9) (as approved by FERC Order dated July 30, 2003)
- L-2 Maine Floor Plan (FERC 2710-6) (as approved by FERC Order Issuing License dated November 10, 1977)
- L-3 Powerhouse Section (2710-7) (as approved by FERC Order Issuing License dated November 10, 1977)

The proposed relicensing will not materially affect any structures depicted on the project plans. Accordingly, the only changes that have been made to the existing plans were to change outdated references to Exhibit L to Exhibit F, and to update project ownership information.

Because plans show details of project structures that are considered Critical Energy Infrastructure Information (CEII), and FERC regulations limit public distribution of such materials, the revised plans are being filed with FERC in a separate CEII volume. Procedures for obtaining access to CEII may be found at 18 CFR §388.133. Requests for access to CEII should be made to the Commission's CEII Coordinator.

## **Exhibit G**

# **Project Maps**

---

The existing Exhibit K for the Orono Project includes the following two maps:

- K-1 Detail Map of the Reservoir (FERC 2710-3) (as approved by the FERC Order Issuing License dated November 10, 1977)
- K-2 Detail Map of the Reservoir (FERC 2716-4) (as approved by the FERC Order Issuing License dated November 10, 1977)

The proposed project relicensing will not affect features depicted on the project area maps. Accordingly, the only changes that have been made to the existing maps were to change outdated references to Exhibit K to Exhibit G, and to update project ownership information.

Because the maps show details of project structures that are considered Critical Energy Infrastructure Information (CEII), and FERC regulations limit public distribution of such materials, the revised maps are being filed with FERC in a separate CEII volume.<sup>2</sup> Procedures for obtaining access to CEII may be found at 18 CFR §388.133. Requests for access to CEII should be made to the Commission's CEII Coordinator.

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MW/elt  
June 14, 2004

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<sup>2</sup> The submitted Exhibit G maps have not been updated to conform to FERC's 2003 amended regulations for these maps. PPL Maine will submit conforming maps following FERC approval of this application for new license.