December 14, 2024

VIA E-FILING

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Comments on Revised Study Plan: Brunswick Hydroelectric Project (FERC No. 2284).

Dear Secretary Reese:

On behalf of its 300 members the Merrymeeting Bay Chapter of Trout Unlimited (MMBTU) in consultation with the Free the Andro Coalition, consisting of Maine Rivers, American Rivers and MMBTU, and the Maine Council of Trout Unlimited (collectively "the Coalition"), respectfully submits these comments on the Revised Study Plan (RSP) for the Brunswick Project (P-2248) filed for Brookfield White Pine Hydro LLC, by Brookfield Renewable US ("Brookfield" or "Applicant") on December 2, 2024. These comments have been reviewed by all members of the Coalition and are approved and endorsed by all.

Introduction and Basis for Action:
As stated in our comments filed in response to the Preliminary Study Plan (PSP), the operations of the hydro-facility located at Brunswick Falls are integrally tied to the health of migratory fish populations accessing the Androscoggin River. The Coalition recognizes that FERC will ultimately determine the operational parameters of the facility if a new license is approved. With its mission **to regulate and oversee energy industries in the economic, environmental, and safety interests of the American public** FERC will be considering impact on migratory fish species, including the Atlantic Salmon which are listed as endangered under the Endangered Species Act. This provides a rare opportunity to take steps to significantly improve migratory fish passage at Brunswick Falls.

As outlined earlier the Coalition's primary goal is to achieve changes in the license terms that will allow remnant populations of diadromous fish to again ascend the falls to reach their historical spawning grounds and complete their respective life cycles with unfettered upstream and downstream passage. The Coalition supports the use of best available science and engineering practices along with new on-site studies leading to the restoration of unimpaired diadromous fish passage.

Comments on Revised Study Plan:
After review of the RSP, the Coalition welcomes certain changes that have been made in response to its comments and those of others.

Specifically, the new inclusion of 2D hydraulic modeling to the spillway area as discussed in Section 5.2 of the RSP and depicted in Figure 5.2.1.5-2. This change and Brookfield's comments in Table 1.2-1: PSP Comment Responsiveness Summary under USFWS-1 are helpful. Brookfield's commentary in that section references back to the PSP comments filed by MMBTU on the need for some baseline data from that area to credibly consider multiple Alternative Fishway designs, including Nature-Like Fishways (NLF). We appreciate Brookfield's willingness to include these study elements at the behest of MMBTU and the US Fish and Wildlife Service (USFWS) and its affirmative statements about including Nature-like-Fishway designs when alternative fishway analyses are undertaken.

Further, in section 5.2.2 entitled 'Upstream and Downstream Fish Passage Alternatives Study", the fourth bullet in the introduction states:

> 'Implementation of a phased alternatives analysis whereby Phase I provides a comprehensive report of potential measures for upstream and downstream passage at the Project without discussion of costs or implied preferences.'

This is another welcome a clarification of the study methodology being proposed. It is in response to requests by the National Marine Fisheries Service (NMFS) , the Maine Department of Marine Resources (MDMR) and the USFWS to use methodology adopted for alternative fishway analysis at the upstream Worumbo Dam site as part of its relicensing process (FERC Docket 3428). Separating analysis of best alternatives for passage efficacy from cost comparisons creates a more objective initial review of the options when looking at what is best for the migratory fishes as a public resource.

As noted in comments to the PSP, the nexus between hydro-operations and a NLF or other fish passage designs for the provision for adequate fish passage by creating volitional routes for fish around the hydro-power production facility rather than at its face should consider costs of construction but also include savings over the operating life of the new license including minimal ongoing long-term maintenance and monitoring costs for a passive fishway design.

Finally, in Table 1.2.1 in its comments on taking into account predicted sea-level rise at this head-of-tide site, under responses to MMBTU-5, Brookfield states:

> "At similar projects throughout the United States there is an increasing trend to improve the resilience of fish passage facilities to climate change. A key component of the design process would be accurate modeled projections of future conditions (e.g., peak streamflow, sea level rise, stream temperature), which are needed for developing facility designs that are resilient to climate change and evaluating whether a proposed design can address predicted changes in environmental conditions. If accurate projections of environmental conditions are available, they can be applied during this process to the design variables (e.g., fish entrance weir elevations, etc.) for any given fish passage facility that is constructed at the Project."

The coalition respectfully asks that FERC require this analysis as part of the methodology for fishway designs and that it comply with similar requirements imposed by the State of Maine on its agencies for design and operations as prescribed under LD 1572,as adopted by the Maine Legislature where Maine Agencies are now required to account for the impacts of sea level rise in planning for infrastructure, social, and economic impacts (https://www.maine.gov/future/sites/maine.gov.future/files/2021-05/GOPIF_SLR_Factsheet_2021_05_06.pdf). The fact that the Maine Legislature has taken this step is a clear statement of concern by the residents of Maine. Incorporating this type of planning will respect these concerns.

Questions concerning this submission be directed to Chip Spies at Merrymeeting Bay Trout Unlimited, Chapter 329. He can be reached at chipspies@gmail.com.

Respectfully submitted,

Charles James Spies III
Member, Merrymeeting Bay Trout Unlimited, Chapter 329
Resident of Water Street, Brunswick, Maine
Free the Andro coalition Coordinator on behalf of Maine Rivers, MMBTU, and American Rivers