UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

December 17, 2024

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

RE: Comments on Brookfield White Pine Hydro, LLC's Revised Study Plan for the Brunswick Hydroelectric Project (P-2284)

Dear Secretary Reese,

On June 18, 2024, we submitted requests for four studies and the modification of one proposed study for Brookfield White Pine Hydro, LLC's (Brookfield) Brunswick Hydroelectric Project (P-2284)[1]. On August 2, 2024, Brookfield submitted its Proposed Study Plan[2]. We responded with comments on the Proposed Study Plan by letter on November 1, 2024[3]. On December 2, 2024, Brookfield filed its Revised Study Plan. Attached for filing, please find our comments on Brookfield's Revised Study Plan[4]. If you have any questions or need additional information, please contact Matt Buhyoff (Matt.Buhyoff@noaa.gov).

Sincerely,

Julia E. Crocker

Julia E. Crocker
ESA Fish, Ecosystems, and Energy Branch
Chief
Protected Resources Division

Attachment (1)

[1] FERC Accession #: 20240620-5082
[2] FERC Accession #: 20240802-5123
[3] FERC Accession #: 20241101-5037
[4] FERC Accession #: 20241202-5108

NMFS Comments on Brookfield's Revised Study Plan

NMFS Study Request 5: Downstream Fish Passage Effectiveness for Adult and Juvenile Alosines

Brookfield is not proposing to gather any information on the effects of its project on downstream migrating alosines, in spite of our repeated requests for this information. In its August 2, 2024 Proposed Study Plan (PSP), Brookfield stated that it "does not see the benefit in conducting extensive and costly studies on a *potentially* [emphasis added] outdated downstream passage system that *may* [emphasis added] end up being dramatically changed as a result of this licensing proceeding." In lieu of conducting our requested study, Brookfield stated that it instead proposes to conduct a CFD flow modeling study and an up- and downstream passage alternatives study (Passage Alternatives Study), which "will be used to identify the appropriate PME measures, *if necessary* [emphasis added]."

Our November 1, 2024 comments on the PSP noted that the proposed flow modeling study and passage alternatives study would not provide information on project effects to downstream migrating sea-run species. This is a critical information gap necessary to assess project effects and to inform the development of passage alternatives. Brookfield's December 2, 2024 Revised Study Plan (RSP) does not provide any further indication of how the proposed studies would fill this information gap.

Instead, Brookfield continues to imply that it will substantially modify the project, such that any contemporary study of downstream fish passage at the project would be superfluous. In its RSP, Brookfield goes as far to acknowledge, "that the existing downstream passage system does not meet current USFWS or NMFS engineering design guidelines for providing safe, timely, and effective fish passage." We appreciate and agree with Brookfield's acknowledgement that their fish passage facilities are outmoded and therefore, *likely* insufficient. However, as we noted in our comments on the PSP, Brookfield has yet to formally propose any modifications to the existing downstream fish passage system at the project. As such, we continue to maintain that our requested study is necessary to evaluate a potential no-action alternative.

However, we emphasize that our requested study is necessary to adequately evaluate *any* potential downstream passage alternatives. While the existing downstream passage facilities do not meet current engineering guidelines, we emphasize that they are just that – guidelines. The U.S. Fish and Wildlife Services' 2019 Fish Passage Engineering Design Criteria document explicitly states: "The efficacy of any fish passage structure, device, facility, operation, or measure is highly dependent on local hydrology, target species and life stage, dam orientation, turbine operation, and myriad other site-specific considerations. The information provided herein should be regarded as generic guidance for the design, operation, and maintenance of fishways throughout the northeastern U.S. … *The criteria described in this document are not universally applicable and should not replace site-specific recommendations, limitations, or protocols* [emphasis added]." Without establishing any site-specific baseline for project effects, we, the stakeholders (including FERC), have no firm basis for recommending/requiring specific

alternative measures beyond what are established in these generalized engineering guidelines. Brookfield's RSP states that it "does not see the benefit in conducting extensive and costly studies on an outdated downstream passage system that will be substantially modified or replaced as a result of the relicensing of the Project." However, this statement ignores the possibility that studies could demonstrate that, due to site-specific characteristics, elements of the existing downstream passage system are reasonably effective. Without the information that we are requesting, Brookfield could propose, or stakeholders, including FERC, could recommend or require substantial, costly, and ultimately unnecessary alternatives.

Ultimately, we and FERC need to be able to affirmatively evaluate: 1) if the existing downstream passage system is safe, timely, and effective for affected migratory species; 2) if so, where/why is it effective; and 3) if not, where/why is it ineffective. Only after these baseline questions regarding project effects are answered will we be able to make adequately informed decisions regarding the necessity and scope of any potential downstream passage alternatives.

For the reasons above and for those included in our November 1, 2024 comment letter, we continue to request a study of downstream passage effectiveness for adult and juvenile alosines.