

March 28, 2024

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

**Subject: Brunswick (FERC No. 2284-ME), Lewiston Falls (FERC No. 2302-ME) and Pejepscot (FERC No. 4784-ME); Species Protection Plan Annual Reports**

Dear Secretary Reese:

The Lewiston Falls Project (FERC No. 2302) is licensed to Brookfield White Pine Hydro LLC (BWPH). The Pejepscot Project (FERC No. 4784) is licensed to Topsham Hydro Partners, LP (THPLP). The Brunswick Project (FERC No. 2284), licensed to BWPH.

BWPH and THPLP (collectively, "Licensees") herein submit the required annual reports pursuant to the Species Protection Plans (SPP) for each of the respective projects, which are all located on the lower Androscoggin River.

### **Brunswick and Lewiston Falls Projects**

An SPP and Biological Assessment (BA) for the Brunswick and Lewiston Falls Projects was filed with the Commission on December 31, 2019. The National Marine Fisheries Service (NMFS) issued a Biological Opinion (BO) and Incidental Take Statement (ITS) for the projects on December 28, 2021, which included Reasonable and Prudent Measures (RPMs) and Terms and Conditions (T&Cs). FERC issued Orders Amending License to Modify and Approve Final Species Protection Plan for Atlantic Salmon, Atlantic Sturgeon, and Shortnose Sturgeon for the Brunswick and Lewiston Falls Projects on August 16, 2022. The SPP and BO is valid for a period coinciding with the license expiration dates for the current FERC licenses for the Projects or until such time as a new license is issued for either Project. The current FERC license for Brunswick expires on February 28, 2029 and the FERC license for Lewiston Falls expires on August 31, 2026.

The BO requires BWPH to submit an annual report summarizing the results of the proposed action. The SPP indicated that the annual reports will provide information "on fishway operation, discuss any monitoring and study results, and assess the need for any adjustments to fishway operations, or sturgeon handling (Brunswick) and stranding (Lewiston Falls) plans." The SPP states "A draft annual report will be provided to NMFS, USFWS, MDMR, and MDIFW by January 31 of each year, reporting on the prior year's activities. A final annual report will be filed with FERC and the fishery agencies by March 31 for the two Projects. The annual reports for the Brunswick and Lewiston Falls Projects may be combined with anadromous fish passage reports for other Androscoggin River hydropower projects if there is general concurrence with the other project licensees and the fishery agencies."

### **Brunswick**

### *Upstream Passage Operations*

BWPH continued to operate the Brunswick upstream fish passage facility in coordination with MDMR in 2023. MDMR operated the Brunswick fish passage facility from May 12<sup>th</sup> until July 31<sup>st</sup>, and BWPH operated the fish passage facility for the remainder of the season. The fish passage facility had a delayed opening on May 12, 2023 due to high river flows which left a significant amount of debris on the fishway that needed to be removed by hand. The fishway was closed for the season on November 15, 2023. The fish passage facility was also closed for 7 days for routine seasonal maintenance (August 7<sup>th</sup> – August 14<sup>th</sup>). Nine Atlantic salmon passed through the fish passage facility in 2023; one of these was a recapture on July 16, 2023.

### *Upstream Passage Studies*

The SPP and BO require BWPH to conduct effectiveness studies of upstream migrating adult Atlantic salmon at such time that 40 adult salmon are returning to the Androscoggin River and observed at the Brunswick Project in two consecutive years. Currently there are not enough returning adult Atlantic salmon to the Androscoggin River to conduct the upstream effectiveness studies.

In accordance with the BO, BWPH must install, operate, and maintain a PIT tag receiver near the entrance of the fishway and insert a PIT tag into all salmon trapped and handled at the Brunswick fishway to monitor movements of salmon and sturgeon in the project area annually throughout the term of the amended license and provide all PIT tag data to NMFS annually by December 31. A PIT tag detection system was installed in the fishway during the 2023 passage season. No salmon were “trapped and handled” during BWPH’s operation of the fishway. Consultation with NMFS and MDMR on the coordination of PIT tagging efforts determined that BWPH would not be tagging any salmon during the 2023 season. BWPH will consult with NMFS and MDMR on this effort for the 2024 season.

### *Downstream Passage Operations*

BWPH implemented nighttime (2000 - 0700 hours) spill during May to enhance smolt passage. Spill flows at Brunswick are provided based on a set of unit operational guidelines driven by total river flow at the Project, with Unit 2 and Unit 3 prioritized over Unit 1. Unit prioritization measures were implemented and 100 cfs was passed into the bypass reach again for smolts during the 2023 passage season at Brunswick.

### *Downstream Passage Studies*

The SPP and BO for the Project requires BWPH conduct effectiveness studies of downstream migrating smolt at such time that studies are being conducted at the upstream Project (Pejepscot and Worumbo) and adult Atlantic salmon at such time that there are 40 adult salmon returning to the Androscoggin River and observed at the Brunswick Project in two consecutive years. No smolt studies were conducted at the upstream Projects in 2023. As with the

upstream passage effectiveness studies, currently there are not enough returning adult Atlantic salmon to conduct the downstream passage effectiveness studies for kelts.

### *Stranding*

The BO requires BWPH to “develop, in consultation with NMFS, an appropriate schedule for regularly surveying the pool downstream of the Brunswick dam for both stranded Atlantic salmon as well as Shortnose and Atlantic sturgeon.” The annual consultation meeting for the Brunswick Project SPP was held on March 3, 2023. BWPH confirmed that periodic inspections following high flow events and in anticipation of closing the bypass gate would be conducted. These inspections were conducted daily during the 2023 passage season.

The BO required updates to the Sturgeon Handling and Protection Plan that were completed and distributed on March 3, 2023. No sturgeon species were captured or handled during Brunswick fishway operations and none were observed stranded below the Project in 2023. No sturgeon species were observed during annual maintenance of the units.

### Lewiston Falls

The Project does not have upstream or downstream fish passage facilities. Other than the implementation of an Atlantic salmon stranding plan for the bypass reach of the Lewiston Falls Project, there are no current actions for the Project. The SPP and BO require that an assessment of adult upstream salmon delay be conducted concurrently with upstream studies at the Brunswick Project; to date insufficient numbers of returning Atlantic salmon have prevented implementation of this effort.

### Pejepscot Project

THPLP consulted with the NMFS and USFWS to develop a draft BA and SPP to cover the period from 2017 to when a new license is issued. These documents were filed with FERC on December 22, 2015. A NMFS BO was filed with the Commission on August 30, 2017. On July 10, 2019, FERC approved the revised ISPP and incorporated the RPMs and T&Cs from NMFS BO into the existing Pejepscot license. Ordering Paragraph D requires THPLP to “file annual Final SPP progress reports with the Commission by March 31 of each year. Each annual report shall include, at a minimum: (1) a summary of the progress on the elements described in the Final SPP; (2) a summary of consultation and other correspondence with the NMFS and other resource agencies regarding progress on the elements in the Final SPP; (3) anticipated schedules associated with the elements of the Final SPP; and (4) a description of any issues that arise that may affect the timely completion of the elements of the Final SPP, and how the issues are being addressed in consultation with NMFS and other resource agencies.”

THPLP is required to follow the elements described in the revised SPP and the RPMs and T&Cs of the Pejepscot BO until such time as a new BO is issued. The Final License Application, which includes THPLP’s proposed actions for Atlantic salmon passage and monitoring, and BA was filed with the Commission on August 31, 2020. In response to FERC’s November 2, 2022, request, NMFS initiated Section 7 consultation on December 2, 2022

regarding the continued operation of the Project with proposed fish passage measures. The new license was received on September 21, 2023. NMFS anticipates issuing a BO as it pertains to this consultation on or before March 17, 2023, which will be incorporated into the new license for the Project and will supersede the current SPP and BO requirements.

#### *Upstream Passage Operations*

The upstream fishway is required to open on May 1 of each year but due to high river flow conditions in 2023, it could not be safely opened until May 12. The lift closed for the season on November 15, 2023. There were several occasions throughout the season that the fishway did have to shut down for several days due to high river flows. On October 11, 2023 an electrical issue with the hoist put the lift out of service until October 25, 2023. A faulty component in the control system was subsequently replaced, allowing the lift to resume normal operations. A total of six Atlantic salmon were observed passing upstream at the Pejepscot Project on camera recordings during the 2023 season. There are two cameras at the Project, one fixed on the hopper discharge and one fixed on the flume viewing window. The footage from the cameras is regularly reviewed and shared among the Brookfield fisheries biologist team to confirm identification of salmon passed upstream.

#### *Upstream Passage Studies*

The SPP and BO require BWPH to conduct effectiveness studies of upstream migrating adult Atlantic salmon at such time that there are 40 adult salmon returning to the Androscoggin River and observed at the Brunswick Project for two consecutive years. Currently there are not enough returning adult Atlantic salmon to the Androscoggin River to effectively conduct the upstream effectiveness studies.

#### *Downstream Passage Operations*

The downstream fishway was opened on March 31, 2023 and closed early on December 7, 2023 due to a combination of icing, high river flows and debris loading. Throughout the downstream passage season, the fishway was closed 7 time due to high river flow events, ranging in duration from one day to 17 days. From May 1 to May 16 Crest Gate No. 1 was stuck in the full open position. Repairs were made to the gate on May 17 and nighttime smolt spill resumed normal operations of 500 cfs per night.

#### *Downstream Passage Studies*

As with the upstream passage effectiveness studies, currently there are not enough returning adult Atlantic salmon to the Androscoggin River to conduct downstream passage effectiveness studies for kelts. Future Atlantic salmon studies are addressed in the Final License Application filed for the Project on August 31, 2020, as well as within an Offer of Settlement between THPLP and NMFS filed with FERC on February 18, 2022.

#### *Stranding*

Stranding checks were conducted on the ledges below the projects when spill stopped during repair efforts to Crest Gate No. 4. Per Article 405, BWPH must develop a stranding plan and submit to the Commission within one year of license issuance, or by September 21, 2024.

If you have any questions, please feel free to contact me at (207) 755-5605 or [Randy.Dorman@brookfieldrenewable.com](mailto:Randy.Dorman@brookfieldrenewable.com).

Sincerely,



Randall Dorman  
Manager Compliance – Northeast

Attachment: Androscoggin SPP Annual Meeting Minutes

Cc: D. Bates, S. Michaud, E. Thone, T. Mapleoft, J. Seyfried, A. Brown, M. Leblanc; BWPH

K. Olcott; USFWS  
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HSSE Managed System: 2284|01, 4784|01 and 2302|01