

August 14, 2023

Ms. Kimberly D. Bose
Secretary Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426



Via online submission to: <http://www.ferc.gov>

Subject: Comments of Maine Council of Trout Unlimited on the Response to Allegations of Flow Deviations Dated August 11, 2023 for the Ripogenus Project, Project Number P-2572

Dear Secretary Bose:

On behalf of its six chapters and over 2,000 members, Maine Council of Trout Unlimited (TU) submits these comments on the Response to Allegations of Flow Deviations for the Ripogenus Project (P-2572) filed for Great Lakes Hydro America, LLC by Brookfield Renewable ("Brookfield" or "Operator") dated August 11, 2023. Given the strandings and mortality documented by the Brookfield Stranding Study conducted on October 5, 2022¹ incident to the ongoing relicensing of the project that were confirmed and documented by TU volunteers,² consequences to the aquatic resources downstream are a serious concern to TU, its membership and Maine's public.

In comments regarding the Flow Excursion Report submitted by Brookfield for the event occurring July 8, 2023,³ TU had asked that FERC require Brookfield to submit: "similar generation data graphics for both July 7, 2023 and July 8, 2023 in their entirety, accompanied by a chronological narrative of the events that occurred during that timeframe."⁴

The Commission responded to the TU letter and other comments on the event by issuing a letter on August 4, 2023 that included:

"In order for Commission staff to complete our determination of your compliance with Article 402, please respond to the comments within 15 days of the date of this letter. In your response, please include hourly flow data from July 5 through July 7, 2023. If you are unable to provide hourly data, please provide the highest resolution data available and a summary of your flow monitoring methods. Also, in your July 21, 2023 report, you indicated that you did not observe any adverse environmental effects during your response to the July 8 deviation. Please describe the methods used to check for environmental effects, including the areas surveyed."⁵

¹ Initial Study Report, Ripogenus Hydroelectric Project (FERC No. 2572), Penobscot Mills Hydroelectric Project (FERC No. 2458), Great Lakes Hydro America, LLC, Millinocket, Maine dated April 24, 2023, Appendix E.

² Maine Council of Trout Unlimited letter dated October 19, 2023, Subject: Report of Observations on Ripogenus Project Fish Stranding Study.

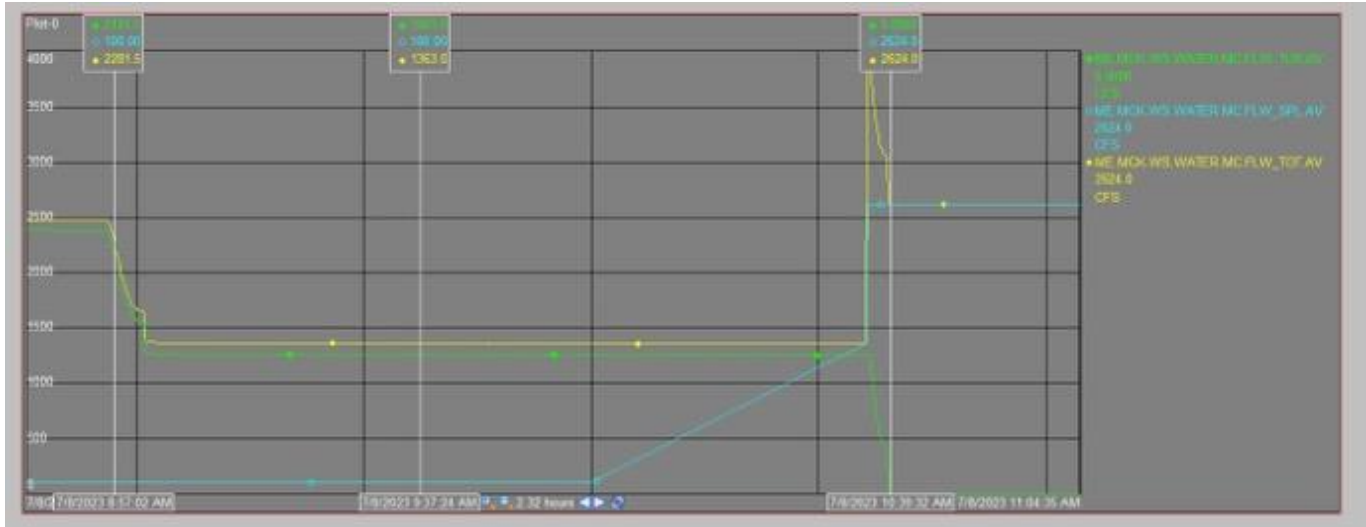
³ Brookfield Flow Excursion Report dated July 21, 2023.

⁴ Maine TU Council letter dated July 25, 2023, Subject: Comments of Maine Council of Trout Unlimited on the Flow Excursion Report Submitted on July 21, 2023 for the Ripogenus Project, Project Number P-2572.

⁵ FERC Issuance dated August 4, 2023, Subject: Request for Response to Allegations of Flow Deviations.

Like the original flow excursion report submitted by Brookfield, this filing asks more questions than it answers.

FERC asked that the flow data be provided in the highest possible resolution. Brookfield did not provide graphical data as it had in its report of the July 8 event:



Instead, Brookfield provided tabular data.

The data itself is misleading. This is the key information from the data table:

07-Jul-23 18:00:00	100	3,094
07-Jul-23 19:00:00	100	610
07-Jul-23 20:00:00	100	610
07-Jul-23 21:00:00	100	610
07-Jul-23 22:00:00	100	610
07-Jul-23 23:00:00	100	610
08-Jul-23 00:00:00	100	1,077

There is no dam keeper assigned to Ripogenus Dam, and it takes over an hour for Brookfield personnel to travel to the normally unmanned site to take corrective actions to restore required flows. Flows during at least the first hours were actually unknown until a technician arrived on site, and the arrival time of a technician is not stated in the report. What Brookfield does say is: “LHA was able to verify that all three units at McKay Station had properly gone into minimum flow mode during the outage based on both unit speed readings and observations by the first responding technician that the wicket gates and dow valves were open and passing flow.”⁶

The entries of 610 cfs during the outage period were not determined by conventional power measurements but were inferred flows based on the flows measured during the Stranding Study done last October. Looking at all the flow data that Brookfield provided for late July 7 and early July 8, flow data derived by measurement shows variations, the 610 is only a repeated estimate, and one that is not well explained. The second footnote in Brookfield’s response stated: “GLHA also notes that outflows from the Project

⁶ Brookfield letter dated August 11, 2024, page 2, footnote 1.

during the July 7th outage approximated the outflows studied during a simulated trip of McKay Station in October 2022, the results of which were reported to the Commission on April 24, 2023 as part of an Initial Study Report that was prepared in support of relicensing the Project.”⁷ This statement is unsupported: Brookfield does not explain how it determined that July 7 flows approximated those during the Stranding Study.

This is not the first time that a major malfunction has occurred at McKay Station under Brookfield ownership. A somewhat similar event occurred on June 13, 2015 that was the object of FERC scrutiny that also necessitated use of the deep gates of Ripogenus Dam to maintain flows. Brookfield reported that the problem had been corrected.⁸ At the ISR Meeting held last May, Brookfield stated that the project now provided 500 cfs trip flows that exceed the 400 cfs license requirements. Given that the July 7 event was quickly followed by the event that Brookfield reported that occurred on July 8, there is every reason to suspect that the shutdown did occur normally. That two turbines remain offline at McKay Station awaiting repairs gives greater cause for concern.

Brookfield’s data indicates that the trip event persisted for at least a five-hour period. Given the mortality reported by the Stranding Study, opening the deep gates to reestablish flows above trip event flows represented an opportunity to reduce mortality that Brookfield did not utilize.

As previously reported: “On July 7, 2023 at 7 PM the Brookfield Website listed a McKay Station (McKay) flow of 100 cfs (see photo below). At 9:47 this website continued to list the McKay flow as being 100 cfs and campers reported the flow remained low at 11 PM.”⁹ I and Mr. Spear agree that the below photo of the Big Eddy taken at 7:00 p.m. the evening of July 7 by Sarah Sindo shows water levels lower than we had previously observed, and appeared to me to be lower than what I observed during the Stranding



⁷ Id., page 2, footnote 2.

⁸ Brookfield letter dated January 7, 2016, RE: Ripogenus Project 2572, Article 402 Compliance; Follow-up to June 13, 2015 Flow excursion due to McKay Station outage. FERC Document Accession #: 20160107-5108.

⁹ Ed Spear Letter dated July 19, 2023, Subject: RE: Complaints and Comments in Response to the Environmentally Diastorous McKay Station Outage and the failure of Emergency Outage Measures of July 7, 2023 (FERC No. 2572-133).

Study conducted last October. During the Stranding Study, TU teams observed that water levels continued to fall during the duration of the outage, so levels were likely even lower after dark.

That evening, Julie Puleio also observed low flows and photographed one dead fish. As she stated “On the evening of Friday July 7th around 10:15 pm my husband and I were driving across the Telos bridge, we could tell the water was extremely low, it sounds different, we stopped and got out. Looking out we could see expansive rock ledges below the bridge, which are otherwise always covered. Pools and pockets of water separate from the main flow in the middle of the river. We stopped next at the river left public access of the Big Eddy Campground a point spot known to most anglers as the “culvert pool” where we found stranded crayfish and trout.”¹⁰ Julie’s photographs are included as attachment A. That she was able to locate even one stranded fish in dark is testimony to the extent of the fish kill.

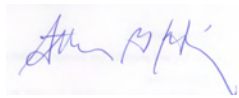
The severity of the event was reinforced by Maine Guide Todd Mercer who observed the next day: “At about 9:30 a.m. on July 8, I put my raft in the water above McKay Station. At the time McKay was releasing 1400 cfs. I paddled across the river to the area across from McKay where I know fish get trapped at low flows. From the boat I could only see part of the area, but I could see about 10 dead salmon all about 10” fish, lying on the bottom of the river, and I wondered how many salmon had perished due to the previous evening’s dewatering.”¹¹

Brookfield responded to the request in Commission’s letter quoted above: “Please describe the methods used to check for environmental effects, including the areas surveyed.” by reporting that: “The responding technicians did not conduct any river surveys for environmental effects, as they were focused on the emergency conditions found at the station and then on getting a gate open at Ripogenus Dam to resume whitewater flows.”¹²

TU renews its request that Brookfield provide graphics flow data for McKay Station for July 7 and July 8. We assume that this data is available from the Brookfield Operations Center in Queensbury, New York. This is clearly the most detailed information concerning the flow events.

TU has on multiple occasions asked for a schematic of the design of the McKay Station generation facility and continues to request that information.

Respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator

Email copy to: Alicia Burtner, FERC Compliance

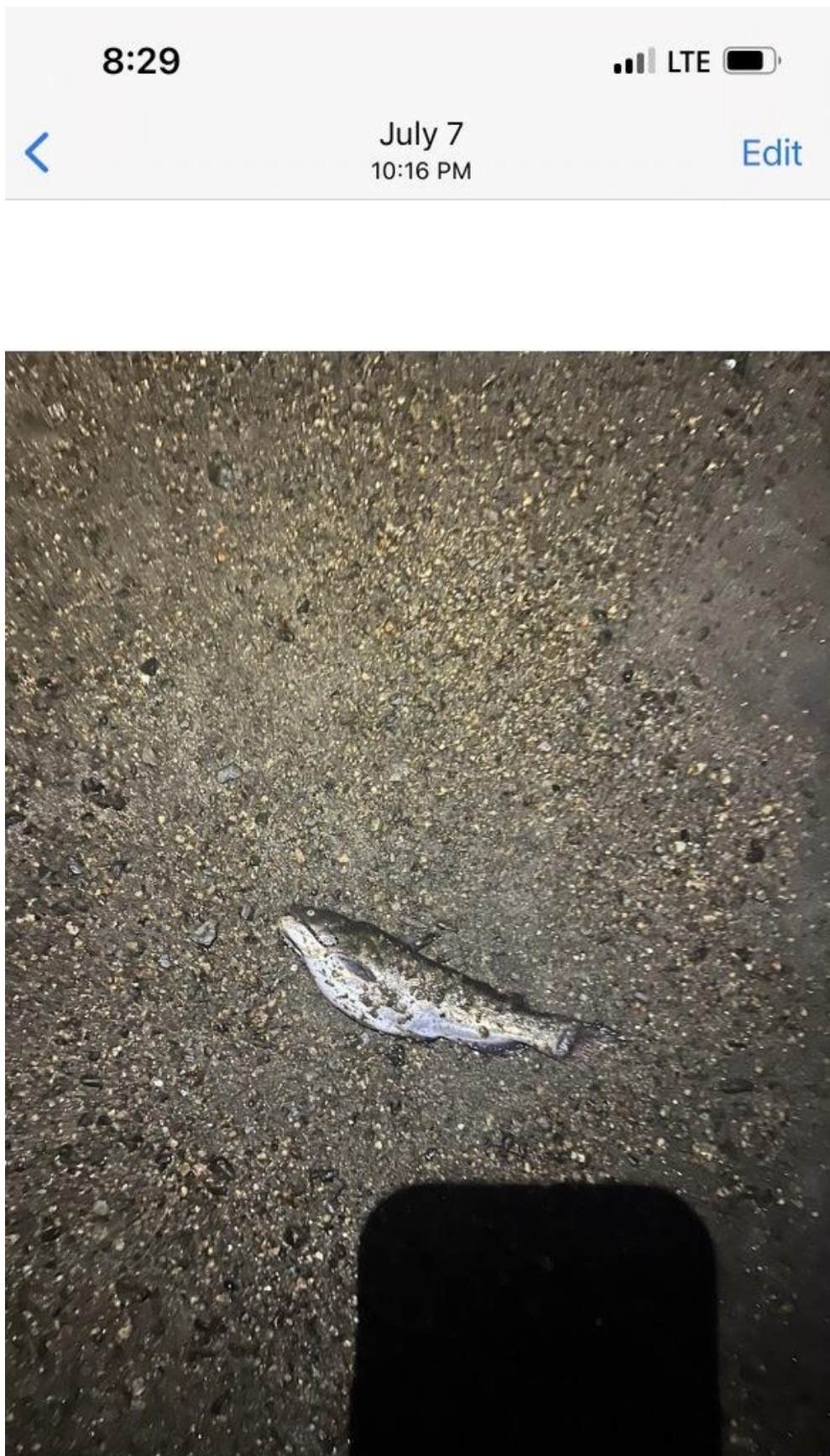
Attachment A - Julie Puleio photos

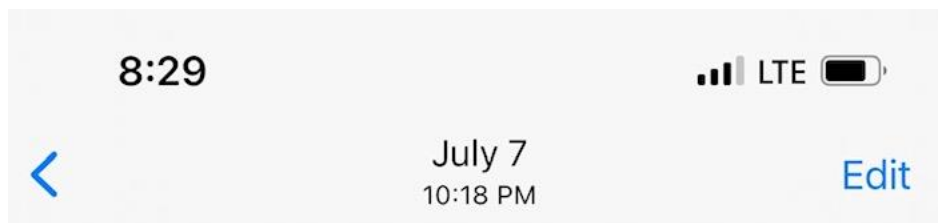
¹⁰ Julie Puleio email July 14, 2023 to Steve Heinz Re: Trip Event.

¹¹ Todd Mercer email July 24, 2023 to Steve Heinz Re: Brookfield Filing.

¹² Brookfield letter dated August 11, 2024, page 3.

Attachment A





Document Content(s)

Maine TU Council Comments on Brookfield Flow Excursion Response Final.pdf.1