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December 19, 2019

Bill Hinkel
Regional Supervisor
Land Use Planning Commission
Department of Agriculture, Conservation and Forestry

RE: Maine Waterways Development and Conservation Act, Land Use Planning Commission, Brookfield White Pine Hydro (BWPH), Middle Dam, Township C, Maine: Official Permit Withdrawal Request for:

- **LUPC HP-30 LUPC permit signed on May 5, 2019 and**
- **NAE-2018-00413 signed June 28, 2019**

Dear Mr. Hinkel:

Brookfield White Pine Hydro LLC (BWPH), owner and operator of the Middle Dam (FERC No. 11834) Brookfield White Pine Hydro, LLC (BWPH) submits this letter to follow up on the November 20, 2019 meeting held with BWPH, the Maine Land Use Planning Commission (LUPC) and U.S. Army Corps of Engineers (USACE) staff. This letter is also in response to your December 10, 2019 email requesting BWPH submit a letter formally surrendering the current LUPC permit for the Middle Dam Project.

Background:

In order to achieve compliance with the Federal Energy Regulatory Commission (FERC) Dam Safety criteria for the Middle Dam Project, BWPH evaluated the condition of the dam and determined that a renewal, i.e. complete rebuild of the dam, was necessary based on the assumed condition of the foundation, the age of the dam, and the recent rebuild effort scope for the Upper Dam which was completed in 2017. FERC reviewed and approved the proposed renewal plans, permits were issued by the LUPC and USACE, and all engineering efforts for the Middle Dam Project pursued the approved rebuild option with continued consultation with the FERC.

Change in Scope:

Since the issuance of LUPC Permit HP-30 and USACE Permit NAE-2018-00413, BWPH has been in consultation with the FERC New York Regional Office (NYRO) to discuss potential alternatives to the Middle Dam repair effort as a result of many factors including concerns voiced by stakeholders during the permitting process for the Middle Dam Project. To that end, BWPH Dam Safety Engineers, Consulting Engineers and FERC discussed potential alternatives that would still meet FERC dam safety criteria while minimizing the impacts to the environmental and recreational resources of the area.

During the early spring 2019, the lake level was lowered an additional two feet to account for the high snowpack measurements. The low reservoir elevation allowed BWPH Dam Safety Engineers, Consulting Engineers and FERC to perform a detailed hands-on inspection of gatehouse foundation which had previously been assumed to need repair. At this low lake level,

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engineers were able to view areas normally well below the water surface and determined that the foundation was actually in good condition. After consultation with FERC and to address stakeholder concerns, BWPH re-evaluated and re-designed an “in-kind” repair concept that would achieve compliance with dam safety standards using the existing foundation and footprint.

By taking this in-kind repair approach, most, if not all, of the concerns/issues raised by agencies and stakeholders during the permitting process for the complete rebuild option currently permitted under HP-30 are otherwise addressed or are no longer applicable. The repair in-kind will keep all work within the existing footprint, require no cofferdams and result in no tailrace impacts and minimizes natural resources and recreational user impacts significantly overall. Repairs will not require dimensional and aesthetic changes to the tailrace, piers or gatehouse.

Based on this new approach, a meeting with was held with BWPH, LUPC and USACE staff on November 20, 2019 at the LUPC Wilton office to discuss the significant changes that have developed with the project. Due to the significant change to the overall scope of work to an in-kind repair and the significant reduction to the area of impact, the LUPC Permit HP-30 or the ACOE Permit NAE-2018-00413 that were issued, no longer accurately describe the proposed repair project and the permit requirements and conditions are generally no longer applicable.

BWPH has not substantially initiated any of the activities as approved under LUPC Permit HP-30 or the ACOE Permit NAE-2018-00413.

Exempt Maintenance and Repairs

Maintenance and repair work that qualifies as being exempt for MWDCa permitting pursuant to LUPC Chapter 11 Section 4(c), is scheduled for 2020. The planned maintenance work scheduled to be undertaken from January to April includes rebuilding the gatehouse floor, replacing wood gates with new steel gates, patching holes in the piers, and repairing dislodged or uneven concrete logs. These activities are entirely replacement in kind and/or minor maintenance activities consistent with the exempt activities outlined in Chapter 11 Section 4(c) which states, in part: “The following types of normal maintenance and repair activities at existing and operating hydropower projects are exempt from the requirement for a permit, provided that the activity does not diminish water quality below applicable standards: (1) the resurfacing or repair of dams, canals, powerhouses, retaining walls, or other structures where no earthen cofferdam, dredging, filling, or permanent water level alteration is involved; (2) the repair, removal or replacement of flashboards, stop logs, gates, or intake racks where no earthen cofferdam, dredging, filling, or permanent water level alteration is involved”.

However, in order to complete the required dam safety repairs some activities such as laydown areas, crane pad construction and equipment access will require some level of permitting. Details of these activities and areas will be provided in the permit applications that are currently being developed for LUPC and USACE review.

Therefore, due to the significant changes in the overall repairs, footprint and the significant reduction to resource impacts that has been discussed in this letter as well as with LUPC and USACE staff on November 20, 2019 meeting, BWPH, owner and operator of the Middle Dam (FERC No. 11834), formally surrenders the LUPC permit signed on May 5, 2019: Hydropower

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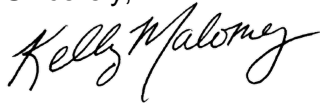
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Permit HP 30; Maine Waterways Development Conservation Act & Water Quality Certification. Separate correspondence has been remitted to the USACE with a similar request.

BWPH will work diligently to prepare a new application for the Middle Dam Project to be submitted to the LUPC and USACE in 2020 to reflect the revised repair plan.

Please contact Kyle Murphy at 207-458-5861 or Kyle.Murphy@brookfieldrenewable.com should you have any additional questions regarding this submittal.

Sincerely,



Kelly Maloney
Manager, Compliance – Northeast

Attachment: LUPC Service List (Individuals listed provided copy via email)

Cc: S. Michaud, N. Stevens, E. Rossignol, P. McDonough, K. Pocquette, C. Karam, M. Kessel (BWPH);
J. Brown (LUPC)
L. Neal (USACE)