

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

October 13, 2023

Via Electronic Filing

Dear Secretary Bose,

RE: Project No. 2572-136 FERC August 22, 2023 response regarding October 2021 to April 2022 Flow Deviations, and Allegations of June and October 2022 Flow Deviations and Stranding Effect

FERC's August 22, 2023 well-reasoned response to Article 402 multiple 2022 low flow events ignores the clear violation of Article 406 flow requirements. As required by Article 406, the Holbrook Bypass Channel is a critical enhancement measure designed to support the continued repopulation of the West Branch of the Penobscot River (West Branch) Landlocked salmon (salmon) population. Both outage and low minimum flows have eliminated fisheries benefits provided for by Article 406. While outage flows are beyond the Licensee's control, West Branch minimum flows are the sole responsibility of the Licensee.

The Holbrook Bypass Channel (Bypass Channel) was designed to provide flows based on Great Northern Paper production power needs; relatively stable base flows, typically 2500 cfs. Peaking flows were unforeseen. As a matter of physics, when the Licensee reduces McKay Station outflows, inflow to the Bypass Channel is reduced. At 1100 cfs all enhancement measures are lost. The Licensee controls McKay Station flow and bares total responsibility for reduced operating flows. FERC failed to fully acknowledge or prescribe remediation to this ongoing problem.

FERC's only comments regarding the Holbrook Bypass Channel were a quote from my May 31, 2022 filing, and one found in Fish Stranding Study section: "There was no change in water elevation in the Holbrook Side Channel". Without baseline information e.g., flow and elevation data, this comment is meaningless. In short, FERC failed to clearly identify and deal with low/lost Holbrook Bypass flows during outage and minimum flow events and the concurrent loss of juvenile salmon production.

FERC's filing demonstrates that they understand the impacts of low flows on the West Branch fish and aquatic communities in the main channel. However, understanding Article 406 is equally important. McKay Station flows below approximately 2200 cfs result in the failure to meet the 35 cfs Holbrook Bypass summer flow requirements that are provided

by one of two gates. Low McKay Station outflows compromise all Bypass Channel juvenile salmon production goals. During outages or the 1000 cfs minimum flow, any enhancement is totally lost as the Bypass Channel dries up.

FERC references Standard Article 15, that in part states “... *the licensee shall, for the conservation of development of fish and wildlife resources... comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion... after notice and opportunity for hearing.....*” While this statement was in the context of Ripogenus Dam gate modifications needed to meet emergency flow needs, it applies equally to Article 406, the Holbrook Bypass Channel. Both License Articles are equally important. A change in the existing McKay Station minimum operating flow from 1000 cfs to 2000-2200 cfs would provide critical additional protection. Development of a method or methods to open the second Bypass Channel gate could also provide emergency flow during low flow periods.

When the stakeholder identified the impacts of McKay Station outages, FERC quickly responded. The August 22, 2023 filing requested development of interim protection measures in the event of McKay Station outages. When implemented, these flows will reduce stranding. In addressing the lost enhancement measures intended by Article 406, I urge FERC to act in a similar manner. The West Branch salmon population can not withstand another two to three years of lost juvenile production.

Thank you for the opportunity to comment.

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