



November 30, 2020

**Bar Mills Project
FERC No. 2194-ME**

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

Re: Bar Mills Project (FERC No. 2194-ME) Notification of Plan and Schedule to Surrender License and Decommission Project

Dear Secretary Bose:

Brookfield White Pine Hydro LLC (BWPH), licensee for the Bar Mills Project, FERC Project No. 2194 (the "Project") on the Saco River in Maine, is hereby notifying the Commission of its intent to surrender the FERC License for the Project. The Project is subject to the 2007 *Saco River Fisheries Assessment Agreement* ("2007 Settlement") and the 2019 *Saco River Fish Passage Assessment Agreement Amendment* ("Settlement Amendment"). The Commission issued a new major license for the Project on August 26, 2008.

On November 1, 2017, under the 2007 Settlement, BWPH requested an extension of time to complete upstream fish passage facility installation at the Project to "continue discussions regarding how best to manage the Saco River fisheries resource as a whole and how to best utilize the resources available." To that end, the Settlement Amendment to the 2007 Settlement was filed with the Commission on May 9, 2019 addressing projects on the Saco River, including Bar Mills. Section 5 of the Settlement Amendment delayed the requirement for an upstream fish passage facility at the Bar Mills Project until May 1, 2025 and states: "*Licensee will, by no later than May 1, 2021, commit to the final Bar Mills fish passage plan by issuing a written letter stating its plan to all of the Parties. Such letter shall be concurrently filed with FERC on the Bar Mills docket.*"

In addition, FERC conducted a September 19, 2018 site inspection at the Bar Mills Project, for which an October 1, 2018 inspection letter was issued. On October 17, 2018, BWPH responded to the inspection letter with a plan and schedule to address the inspection findings. The following FERC comment and response was included in the October 17, 2018 letter:

FERC Comment 6. We understand that the generating units have been offline since November 2017 and that plans to restore the units to operation are dependent on your plans for the future of the project. Please provide a long-term plan and schedule to return the units to service.

BWPH Response: Bar Mills generation and future fish passage is being evaluated, in consultation with the fisheries agencies and signatories to the 2007 Saco River Fish Passage Settlement Agreement. At this time, a final determination on how to proceed with respect to repowering and the implementation of upstream fish passage measures has not been decided. BWPH will be requesting an extension of time to implement upstream fish passage measures in the near future for the Bar Mills Project. BWPH will inform

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the FERC of the plans for future redevelopment and fish passage once the decision has been made and not later than November 2020.

After much consideration, BWPH will not redevelop the Project, restore the Project to operation, or implement fish passage. Instead, BWPH has decided to, by end of 2021, submit an application to surrender the FERC license pursuant to 18 C.F.R. Part 6.

The proposed decommissioning is subject to the requirements of the Maine Waterway Development and Conservation Act ("MWDCA") at Title 38 M.R.S.A. Sections 630-640, which was amended on September 13, 2003 to incorporate certain consultation requirements for dam removals. BWPH has developed the following proposed process plan and schedule intended to fulfil the requirements of both the Federal Power Act and the MWDCA:

- On or before January 31, 2021: BWPH will hold a pre-application meeting with DEP staff to determine the statutory and regulatory requirements that apply to Bar Mills Project;
- On or before March 22, 2021: BWPH will send notice of a Public Informational Meeting to abutters, federal and state agencies, and affected municipalities;
- On or before March 25, 2021: BWPH will publish public notice of the meeting;
- On or before April 1, 2021: BWPH will hold a Public Informational Meeting in accordance with the MWDCA requirements; and
- On or before May 1, 2021: BWPH will provide a draft surrender application to federal and state agencies for 90-day review and comment (note that letters supporting the removal of the Bar Mills Project have been filed on the docket by Saco Salmon Restoration Alliance and the Sebago Chapter of Trout Unlimited).

Following the completion of the procedural steps noted above, BWPH will file a surrender application with FERC, likely on or before December 31, 2021. Please let me know if you have any questions or concerns.

Sincerely,



Kelly Maloney
Manager, Compliance - Northeast

cc: S, Michaud, N. Stevens, M. Kessel, J. Clere, R. Dorman, J. Seyfried, M. Leblanc, J. Rancourt, K. Pocquette, M. Reny, C. Karam; BWPH

K. Owens, J. Spain, FERC NYRO

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