

November 9, 2017

Pat Thompson
Yarmouth Town Council Chair
200 Main Street
Yarmouth ME 04096



RE:

- a) 1 FERC - 75 FERC, 31 FERC , J62,239, Thomas L. Yale and P. Andre LeMaistre, Project No. 8417-001, Federal Energy Regulatory Commission, May 24, 1985
- b) FERC letter P-8417-ME, Bridge Street, July 24, 2015

Ms. Thompson:

Since at least 2010, the status of the dams on the lower Royal River has been a matter of concern to the Town of Yarmouth. Sebago Chapter of Trout Unlimited has participated in a number of the meetings involved with the issue in a restrained manner at the urging of our local membership and other conservation groups who assured us that the issues would be resolved, and that fish passage for the Royal River promised by reference a) would become realized. Our best hopes were dashed in 2016 when the Yarmouth Town Council voted to take further discussion of dam removal off the table.

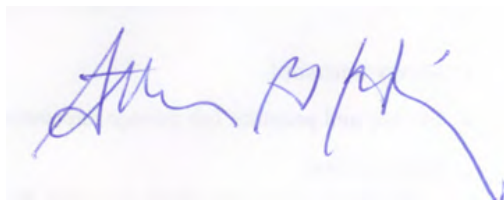
Since then, we have learned that Mr. Chris Swartley of Progression Energy has been negotiating to resume power generation at Old Sparhawk Mill and that the Town of Yarmouth is considering making repairs to the East Elm Street Dam, one of the things that is preventing fish passage. We find these 'business as usual' actions to be unacceptable: Power generation by a new operator without the terms and conditions of the FERC Exemption being met would be illegal; repair of the dam without regard for fish passage would show a complete lack of respect for the ecology of the entire Royal River Watershed by the Town of Yarmouth.

Accordingly, Sebago Chapter of Trout Unlimited has filed with FERC to intervene in the matter of the FERC Exemption for Old Sparhawk Mill - see attached. If further action is taken to transfer the power generation capability to Mr. Swartley of Progression Energy or the town acts to effect repairs to the East Elm Street Dam without an executable plan in place providing fish passage to the Royal River and compliance with the other terms of the FERC exemption, Sebago Chapter of Trout Unlimited will file a formal complaint with FERC asking that the exemption be revoked. Sebago Chapter has no doubt that we will be successful in this filing. A quick walk by the fishways at the Bridge Street and East Elm Street dams will show that they are in a

state of disrepair, and there are a number of other areas of non-compliance with FERC Terms and Conditions as well. Additionally, the problems with your Bridge Street Dam reported by reference b) do not appear to have been corrected. The FERC relicensing process is lengthy and expensive. It would most likely result in the Old Sparhawk Mill remaining idle until its equipment ceases to be functional or restorable.

Revocation of the FERC Exemption for Old Sparhawk Mill would neither restore fish passage to the Royal River, provide power to the energy grid, nor have any other beneficial effect, but it would prevent any of the entities involved from benefitting from power generation on the Royal River without complying with the terms and conditions that attach. The Old Sparhawk Mill hydro facility would never again be an example of how to flaunt the laws in place to protect public resources without consequences.

Sincerely,



Stephen G. Heinz
Sebago TU Conservation Chair

Copy to:

Nat Tupper, Town Manager, Town of Yarmouth, Maine
Chris Swartley, Progression Energy
Patrick Keliher, Commissioner Maine Department of Marine Resources
Anna Harris, USFWS

Electronically filed to:

<https://ferconline.ferc.gov> as an eComment, Docket P-8417-000

Reply to:

Stephen G. Heinz
3 Spruce Lane
Cumberland Foreside ME 04110

Attachment:

FERC Filing of Sebago Chapter for Intervener Status

From: FERC eSubscription eSubscription@ferc.gov
Subject: Motion/Notice of Intervention submitted in FERC P-8417-000 by Sebago Trout Unlimited, et al.
Date: November 8, 2017 at 3:35 PM
To:
Bcc:



On 11/8/2017, the following Filing was submitted to the Federal Energy Regulatory Commission (FERC), Washington D.C.:

Filer: Sebago Trout Unlimited
No Organization Found (as Agent)

Docket(s): P-8417-000
Lead Applicant: YALE THOMAS AND LEMAISTREL
Filing Type: Motion/Notice of Intervention
Description: Motion to Intervene of Sebago Trout Unlimited under P-8417-000. The Terms and Conditions specified by the FERC Exemption are not currently being met.

To view the document for this Filing, click here
http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20171108-5152

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