

Stephen G Heinz, Cumberland Foreside, ME.
Royal River Alliance
c/o First Parish Congregational Church
116 Main Street
Yarmouth ME 04096

March 3, 2017

Anna Harris
Project Leader
US Fish and Wildlife Service
Maine Field Office
306 Hatchery Way
East Orland, ME 04431

RE: (1) 1 FERC - 75 FERC, 31 FERC ¶62,239, Thomas L. Yale and P. Andre
LeMaistre, Project No. 8417-001, Federal Energy Regulatory Commission (May 24,
1985)
(2) U.S. Department of the Interior FR 85/445, FERC No. 8417 (May 3, 1985)
(3) U.S. Department of the Interior (Concord NH Office) letter dated
November 7, 1984
(4) Royal River Alliance letter dated February 22, 2017

Dear Ms. Harris:

Yarmouth residents who fish in and use the Royal River for recreation and who are committed to the restoration of the river, joined with interested environmental groups to form the Royal River Alliance in 2016, with the motto: "Healthy River, Healthy Community." By a copy of the fourth document referenced, you were informed of the status of Terms and Conditions of the FERC Exemption, and that negotiations are ongoing between the current owner of the Old Sparhawk Mill and a third party regarding future hydro operations.

Although the FERC Exemption and its terms have been in existence for over 30 years now, effective fish passage has yet to become a reality for the Royal River. Given that hydro operations at Old Sparhawk Mill could be passing soon to another party, the existing situation could become even more vague and complex.

The U.S. Fish and Wildlife Service is the only government agency with the primary mission of "working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." The U.S. Fish and Wildlife Service accepted a number of responsibilities regarding fish passage for the Royal River under the FERC Terms and Conditions for operation of the Old Sparhawk Mill as stated in the third document referenced including:

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“9. The Fish and Wildlife Service is reserved the right to add and alter terms and conditions as appropriate to carry out its respective responsibilities during the life of the project with respect to fish and wildlife resources.”

Since the FERC exemption was granted, we have gained 30 years of experience and new information provided by some relatively recent studies: three by STANTEC and one recently conducted by inter•fluve due to be released in the near future. There is no entity better qualified than USFWS to evaluate the continuing problem of fish passage for the Royal River, determine appropriate actions to correct the unsatisfactory situation, and work with FERC and the other entities involved to ensure their implementation.

Accordingly, the Royal River Alliance asks that the U.S. Fish and Wildlife Service:

- Examine and evaluate existing data, and conduct any additional studies needed to determine appropriate actions to restore the effective fish passage on the Royal River that was promised over thirty years ago;
- Once those actions have been determined, work with the appropriate entities to implement the restoration effort.

The Royal River Alliance point of contact for this request is:

Steve Heinz
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207 781-4762

For the Royal River Alliance:

/s/William Gregory

/s/Arthur Bell

Copy to:

Nathaniel J. Tupper, Yarmouth Town Manager
Andrew Kittredge, Yarmouth Town Council Chairman
Allen Jagger, Old Sparhawk Mill hydro operator and facility owner
Chris Swartley, Progression Energy principal and prospective hydro operator
Patrick Keliher, Commissioner Maine Department of Marine Resources
Chandler Woodcock, Commissioner of Maine Department of Inland Fisheries & Wildlife
Kathy Howatt, Maine Department of Environmental Protection Dams/Hydropower Facilities

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

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