

105 FERC ¶ 61,010
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

S.D. Warren Company

Project No. 2931-002

ORDER ISSUING NEW LICENSE

(Issued October 2, 2003)

1. This order issues a new license to S.D. Warren Company (S.D. Warren) for the 1,900-kilowatt (kW) Gambo Project No. 2931, located on the Presumpscot River in Cumberland County, Maine. In separate orders issued concurrently with this one, we are issuing subsequent licenses to S.D. Warren for the Saccarappa, Mallison Falls, and Little Falls Projects Nos. 2897, 2932, and 2941, respectively, and a new license for the Dundee Project No. 2942, all of which projects are also on the Presumpscot River. In the order issuing a subsequent license for the Saccarappa Project, we discuss the multi-project proceeding in which the five projects were evaluated, as well as issues common to some or all of the five projects. The present order summarizes the procedural background and addresses remaining issues that pertain to the Gambo Project alone.

Background

2. The Gambo Project has been in operation since 1911, and the original license for the Gambo Project was issued in 1980,¹ with an expiration date of September 1, 2000. However, in 1996, at S.D. Warren's request, all of the licenses for the Presumpscot River projects were modified to expire on January 26, 2001 to enable a coordinated review at relicensing.² The project continues to operate under an annual license issued by the Commission on February 28, 2001.

3. S.D. Warren filed applications for new licenses for the five Presumpscot River projects on January 22, 1999. S.D. Warren proposes the continued operation of all five of the projects, but does not propose to install any new capacity at any of the projects. S.D. Warren proposes the following key environmental measures for Gambo and the

¹S.D. Warren Company, 12 FERC ¶ 62,285 (1980).

²S.D. Warren Company, 74 FERC ¶ 62,036 (1996).

other four projects: (1) continuation of run-of-river operations and daily headpond monitoring; (2) avoidance of impoundment drawdowns during May and June; (3) implementation of impoundment refill procedures after drawdown; (4) institution of operational measures to provide downstream eel passage; (5) implementation of a Recreation Facility Enhancement Plan; and (6) provisions for the protection and mitigation of adverse effects on identified archeological sites. At the Gambo Project, S.D. Warren also proposes to provide seasonally adjusted minimum flows to the bypassed reach and to monitor compliance with the minimum flows, as well as several other measures to enhance and/or protect recreation, aesthetics, and historic resources.

4. The Commission issued a public notice of the applications on April 23, 1999, requesting comments, protests, and motions to intervene. Timely motions to intervene in the multi-project proceeding were filed by the U.S. Department of the Interior (Interior); Friends of the Presumpscot River (Presumpscot Friends); Friends of Sebago Lake; Maine Council of the Atlantic Salmon Federation (Maine Council); the State of Maine, State Planning Office (State Planning Office); and Trout Unlimited.

5. Late motions to intervene were filed by the U.S. Environmental Protection Agency (EPA), Allan Desjardin, and American Rivers. The Commission granted these late-filed motions to intervene on April 14, 2003. In addition, a late motion to intervene was filed by Representative Janice E. Labrecque of the Maine House of Representatives and was granted on April 26, 2002.

6. On December 4, 2000, the Commission issued public notice that the applications were ready for environmental analysis and solicited comments, recommendations, and terms and conditions. In response, comments were filed by Interior, State Planning Office, American Rivers and Presumpscot Friends (jointly), the City of Westbrook, Trout Unlimited, and Friends of Sebago Lake.³ S.D. Warren filed reply comments on April 18, 2001. The issues raised by these comments are discussed more fully in the companion Saccarappa Project order.

7. The Commission staff's multi-project Draft Environmental Impact Statement (DEIS) for the relicensing of the five projects was issued on October 5, 2001. Comments on the DEIS were filed by 12 entities and three individuals, and were