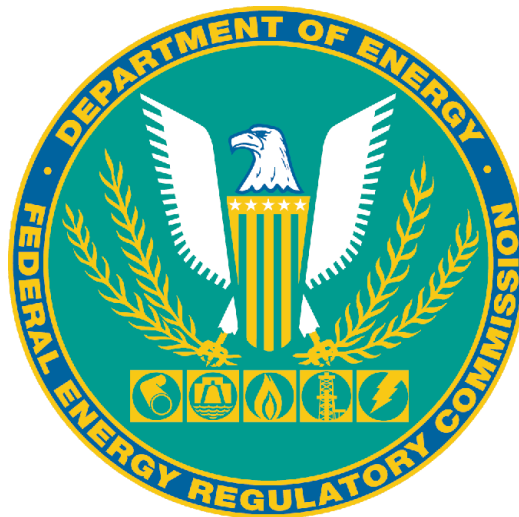


**ENVIRONMENTAL ASSESSMENT
FOR SURRENDER OF LICENSE**

Somersworth Hydroelectric Project—FERC Project No. 3820-012

Maine and New Hampshire



Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Administration and Compliance
888 First Street, NE
Washington, D.C. 20426

January 2021

I. INTRODUCTION

- A. **Application Type:** Surrender of License
- B. **Date Filed:** March 29, 2019
- C. **Applicant's Name:** Aclara Meters, LLC
- D. **Waterbody:** Salmon Falls River in Strafford County, New Hampshire, and York County, Maine
- E. **Nearest City or town, state:** Somersworth, New Hampshire, and Berwick, Maine
- F. **Federal Lands:** None

II. PURPOSE AND NEED OF ACTION

The Somersworth Hydroelectric Project was licensed on September 29, 1981.¹ The existing license expires on August 31, 2021. The applicant (Aclara Meters, LLC, or licensee) initiated relicensing of the project by filing with the Commission a pre-application document (PAD) and Notice of Intent (NOI) on August 31, 2016, as required by Commission regulations.

Upon review of comments and study requests associated with relicensing the project, the licensee has determined the anticipated cost to rehabilitate the project, combined with the cost of obtaining a new license and implementing any new license requirements, makes the project uneconomic. As a result, the licensee now proposes to surrender the project.

This environmental assessment (EA) is being prepared to satisfy the Commission's responsibilities under the National Environmental Policy Act (NEPA).²

¹ *General Electric Company*, 16 FERC ¶ 62,598 (1981) (1981 Order). See also, *General Electric Company*, 40 FERC ¶ 62,196 (1987) (1987 Order modifying license).

² On July 16, 2020, the Council on Environmental Quality issued a final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (Final Rule, 85 Fed. Reg. 43,304), which was effective as of September 14, 2020; however, the NEPA review of this project was in process at that time and was prepared pursuant to the 1978 regulations.

III. PROPOSED ACTION AND ALTERNATIVES

A. Project Description

Project works include: (1) a 400-foot-long, 16.5-foot-high stone gravity structure known as the Stone Dam; (2) a gatehouse with four intake gates and a fill gate leading to the power canal; (3) a 1,600-foot-long, 15-foot-deep, and 20-foot-wide granite block and stone power canal; (4) a 600-foot-long, 10-foot-diameter penstock; (5) a powerhouse containing a 1,500 kilowatt (kW) turbine and an additional 500-kW unit added adjacent to the powerhouse; and (6) appurtenant works.

In addition, project works includes a 107-foot-wide, 19-foot-high concrete rock-filled lower dam, called the Back Dam, located adjacent to the powerhouse at the termination of the approximately 2,200-foot-long bypassed reach. The licensee indicates the purpose of the Back Dam is unknown. Given its proximity to the powerhouse and project units, as well as our review of approved exhibit drawings, we consider Back Dam to also be a project feature.

The project does not occupy federal lands.

B. Project Operation

As required by Article 401 of the 1987 Order, the project is operated in an instantaneous run-of-river mode. Article 26 of the license requires the release of 10 cubic feet per second (cfs) from Stone Dam into the bypassed reach.³

The project has been not operated since June 2011 due to a penstock failure. Since that time, no water has been diverted through the powerhouse for generation. All flow has been released from Stone Dam into the bypassed reach, except for a small amount of water (approximately 0.05 cfs) used for Aclara Meters, LLC's manufacturing operations.

The project impoundment is the source of domestic water for both the City of Somersworth, New Hampshire, and the Town of Berwick, Maine.

C. Proposed Action

In its surrender application, the licensee proposes to: (1) leave the cofferdam located just prior to the entrance to the trashrack and penstock in place; (2) remove the trashrack and gear leading to the penstock and install stoplogs; (3) disconnect the power

³ Article 26 of the 1981 Order also required a discharge of 110 cfs, or inflow to the impoundment, whichever is less, immediately downstream of the powerhouse. With the addition of Article 401 (requiring run-of-river operation) in the 1987 Order, this provision of Article 26 is no longer applicable.

supply to the forebay at the power source located on Aclara Meters, LLC's premises; (4) fill the forebay with sand backfill material; (5) fill the penstock with sand; (6) remove all hydraulic fluids from the powerhouse; (7) disconnect the generator and switch gear; (8) remove all electrical equipment (i.e., cabinets) from the powerhouse; and (9) close all gates at the gatehouse, except for the 2 foot by 2 foot fill gate which is used to water the power canal, and would provide Aclara Meters, LLC's processing water (approximately 25,000-30,000 gallons per day or 0.05 cfs).

The licensee proposes no major modifications to the existing dams, buildings, or structures that are part of the project. No ground disturbing activities are proposed with the surrender. Lastly, the licensee indicates that it would engage with the City of Somersworth and the Town of Berwick to pursue the sale of Stone Dam.

D. Proposed Environmental Measures

The licensee proposes the following environmental measures:

- Keep the current bypass gate at Stone Dam open at its current setting to maintain the required 10 cfs minimum flow in the bypassed reach, as required by Article 26 of the license. The invert of this gate is below the crest of Stone Dam.⁴
- Pass all inflow over Stone Dam's spillway crest or through the bypass gate (as above), except for approximately 0.05 cfs processing water released into the canal for Aclara Meter, LLC's operations.
- Maintain brush/vegetation control along the canal.

E. No-Action Alternative

The no-action alternative is the baseline from which to compare the proposed action and any action alternatives. Under no-action, the surrender of the project would not be approved. The project would remain under the Commission's jurisdiction and the licensee would be required to continue to operate and maintain the project, complying with the license requirements, until the license expires in 2021.

The licensee would also be required to prepare an application for project relicensing. However, the Commission cannot force a licensee to continue to operate a

⁴ Except for the licensee's 0.05 cfs processing water released into the canal, most inflow would pass over the Stone Dam's spillway upon surrender so flows released into the bypassed reach would be much higher than the 10 cfs specified here and would approximate inflow.

project when it has chosen not to do so.⁵ The licensee took initial steps in relicensing the project. Due to project economics, the licensee instead has decided to surrender the project. Therefore, the no-action is not a viable alternative.

Under no-action, environmental resources in the project area would remain the same as they are described in section V of this EA.

F. Alternatives to the Proposed Action

Several resource agencies and other consulted parties recommend dam removal be considered as an alternative to the proposed action. If removal is not possible, these parties recommend that fish passage be considered as an alternative. The agencies cite to the consideration of fish passage facilities in the ongoing relicensing proceedings of two downstream projects,⁶ as well as a desire to provide improved habitat and fish passage for fish, including eels, in the Salmon Falls River.

While some proceedings may necessitate review of dam removal or the installation of fish passage facilities, several factors in this surrender proceeding warrant consideration. First, the project impoundment created by Stone Dam serves as a source of water supply not only for Somersworth, New Hampshire, and Berwick, Maine, but for the licensee's manufacturing needs as well. The project reservoir is also identified as a source of water for local firefighting efforts. Second, the City of Somersworth, New Hampshire, expresses concern that infrastructure within the reservoir (water treatment plants and bridges) may be impacted by changes to water surface elevations. Third, we consider the dams to be important historic features because of their age, as discussed in this EA. Fourth, without removal of Stone Dam for the reasons identified here, we consider the benefits of removing Back Dam to be limited given Stone Dam's proximity to Back Dam and the fact that both dams are in an industrial area.

Fifth, and consistent with our decommissioning policy, the Commission cannot require the installation of fish passage facilities as a condition of license surrender.⁷ This,

⁵ *Niagara Mohawk Power Corporation*, 83 FERC ¶ 61,226 (1998); *Fourth Branch Associates (Mechanicville) v. Niagara Mohawk Power Corp.*, 89 FERC ¶ 61,194 (1999); *Niagara Mohawk Power Corp. and Fourth Branch Associates (Mechanicville)*, 98 FERC ¶ 61,227 at 61,903, *reh'g denied*, 100 FERC ¶ 61,185 (2002); and *Arizona Public Service Company*, 109 FERC ¶ 61,036 (2004).

⁶ These projects are the Lower Great Falls Hydroelectric Project No. 4451 and the Rollinsford Hydroelectric Project No. 3777. This is discussed further in section V of this EA.

⁷ See 122 FERC ¶ 61,053 at P 25 (2008). See also Project Decommissioning at

however, does not preclude the state(s) or other entities from cooperatively pursuing fish passage at the project dams separate from this proceeding.

Thus, we find there are no feasible alternatives to the proposed action.

IV. CONSULTATION AND COMPLIANCE

A. Pre-filing Consultation

On November 12, 2018, the licensee initiated consultation with federal, state, local agencies, non-governmental agencies, and Native American tribes on the proposed surrender. The licensee received the following responses:

<u>Entity</u>	<u>Date</u>
Maine State Historic Preservation Commission	November 26, 2018
New Hampshire Fish and Game Department	December 11, 2018
Maine Department of Marine Resources	December 17, 2018
American Whitewater	December 7, 2018
U.S. Fish and Wildlife Service	December 12, 2018
City of Somersworth, New Hampshire	December 6, 2018
Coastal Conservation Association of New Hampshire	December 12, 2018

The New Hampshire Fish and Game Department (New Hampshire FGD), reiterates its concerns identified in response to the licensee's PAD, filed with the Commission on August 31, 2016.⁸ New Hampshire FGD recommends that Commission staff's analysis of surrender include impacts associated with retaining Stone and Back Dams and maintaining a canal for a very small amount of water for Aclara Meter LLC's processing needs.

New Hampshire FGD states that one of its goals is to restore diadromous fish species to the Salmon Falls River, including the establishment of upstream and downstream fish passage at this project and two other Commission licensed projects downstream (i.e., the Lower Great Falls Hydroelectric Project No. 4451, the Rollinsford Hydroelectric Project No. 3777). Accordingly, New Hampshire FGD recommends the removal of Stone and Back Dams be considered at surrender, or alternatively, the installation of upstream and downstream fish passage facilities at the project dams.

New Hampshire FGD also asks specific questions regarding operation of specific project features post-surrender and states that if the surrender is approved, jurisdiction of

Relicensing, Policy Statement, 69 FERC ¶ 61,336 (1994).

⁸ These comments were filed on January 13, 2017.

the project would fall to the New Hampshire Department of Environmental Services-Dam Bureau and additional engineering evaluations may be required to ensure all state dam safety measures are met.

The Maine Department of Marine Resources (Maine DMR), the U.S. Fish and Wildlife Service (FWS), and the Coastal Conservation Association of New Hampshire (CCA of New Hampshire) echoed support of the comments made by New Hampshire FGD.

American Whitewater also expresses concern about leaving the project dams in place following surrender, allowing for adverse impacts associated with river connectivity, sediment transport, and water quality to continue. American Whitewater suggests that the potential sale of Stone Dam, as suggested by the licensee, would allow the licensee to profit from the sale of an obsolete structure and shift liability to local taxpayers. American Whitewater recommends the licensee address fish passage if the project is surrendered.

American Whitewater emphasizes that Back Dam, in addition to disrupting river connectivity, is a low-head dam that is inherently dangerous to recreationists. American Whitewater suggests that boaters, tubers, and swimmers can potentially drown below low-head structures such as Back Dam. American Whitewater recommends the removal of Back Dam to create an opportunity for whitewater recreation in the bypassed reach, as well as additional access. American Whitewater recommends that any surrender approved by the Commission require measures to restore recreation opportunity within the project boundary.

The City of Somersworth, New Hampshire, states that its water treatment plant would be negatively impacted by any changes to impoundment water levels. In addition, the City expresses concern that any changes to the dam may have negative impacts to the two bridges that cross the impoundment at Route 9 and on Salmon Falls Road, as well as potential impacts to other upstream infrastructure. Lastly, the City states that the project reservoir is used for fire suppression efforts.

The licensee included a response to these comments in Appendix D of its surrender application.

B. Public Notice

The Commission issued public notice of the surrender application on September 11, 2019, with protests, comments, and motions to intervene due to be filed by October 11, 2019. The following entities filed comments in response to the Commission's notice. On October 15, 2019, the licensee filed a response to these comments.

<u>Commenting Agencies and Other Entities</u>	<u>Date Filed</u>
New Hampshire Department of Environmental Services	October 10, 2019
U.S. Fish and Wildlife Service	October 10, 2019
New Hampshire Fish and Game Department	October 9, 2019
Aclara Meters, LLC	October 15, 2019

Motions to intervene were filed by:

<u>Entity</u>	<u>Date Filed</u>	<u>Opposition</u>
City of Somersworth, New Hampshire	October 9, 2019	No
American Whitewater	September 27, 2019	No

New Hampshire FGD, New Hampshire DES, and FWS express support of the proposed surrender of the project. No entity opposes surrender. Comments concerning environmental impacts are addressed in the Environmental Analysis section of this EA. Several comments are not specific to environmental impacts but relate to proposed decommissioning activities (e.g., the use of sand to fill the penstock) and the safety and operation of project features post-surrender. Since these comments are not specific to environmental effects, they will be addressed in the Commission's action on surrender.

C. Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (ESA), 16 U.S.C. § 1536, requires federal agencies to ensure that their actions are not likely to jeopardize the continued existence of federally listed threatened and endangered species, or to result in the destruction or adverse modification of their designated critical habitat.

No listed species have been identified by the resource agencies that may be affected by surrender of the project. According to the licensee's PAD, filed on August 31, 2016, the following listed species may potentially be in the project area: red knot (*Calidris canutus rufa*), roseate tern (*Sterna dougallii dougallii*), piping plover (*Charadrius melodus*), small whorled pogonia (*Isotria medeoloides*), northern long-eared bat (*Myotis septentrionalis*), Hawksbill sea turtle (*Eretmochelys imbricata*), and leatherback sea turtle (*Dermochelys coriacea*).

Based on our analysis in this EA, Commission staff conclude that the proposed surrender would have no effect on these listed species.

D. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, requires that a federal agency “take into account” how its undertakings could affect historic properties. Historic properties are districts, sites, buildings, structures, traditional cultural properties, and objects significant in American history, architecture, engineering, and culture that are eligible for inclusion in the National Register of Historic Places (National Register).

The licensee’s November 12, 2018 letter notified the resource agencies, tribes, and other interested parties, of the proposed surrender. In a response dated November 26, 2018, the Maine SHPO indicated that no effect to historic properties would result from surrender of the project.

The eligibility for listing the project features⁹ on the National Register has not been determined. Construction of Stone Dam was complete in 1929, and generation was added to the site in the 1980s. Commission staff do not have records for when Back Dam was constructed. However, we expect it is well over 50 years old and likely near the age of Stone Dam. Based on the age of these project features, Commission staff determined they may be eligible for listing. Therefore, staff concluded that the proposed surrender would adversely affect the potentially eligible for listing historic project features because of a loss of federal jurisdiction.

By letter dated February 27, 2020, Commission staff provided our determination of adverse effect to the New Hampshire Division of Historical Resources (New Hampshire SHPO). Since no modifications to project features or ground disturbance would occur with the proposed surrender, Commission staff recommended no mitigation for this adverse effect.

In correspondence dated March 13, 2020, the New Hampshire SHPO concluded that additional information was needed for review. The New Hampshire SHPO stated a potential adverse effect may be caused by ‘demolition by neglect’ if the project features are no longer maintained. The New Hampshire SHPO requested the preparation of a New Hampshire Inventory form for the property, prepared by a qualified architectural historian, to determine National Register eligibility.

⁹ In this case, the entire project within the project boundary is considered the Area of Potential Effect (APE).

Commission staff disagreed with the New Hampshire SHPO's findings that a determination on eligibility was necessary and by letter dated April 24, 2020,¹⁰ requested comments from the Advisory Council on Historic Preservation (Advisory Council) on our findings. In a letter filed on July 31, 2020, the Advisory Council agreed with Commission staff's assessment that demolition by neglect does not appear to be reasonably foreseeable in this case and suggests that a license surrender would not be, in and of itself, an adverse effect to historic properties.¹¹ With this guidance from the Advisory Council, in which they do not recommend mitigation, Commission staff consider consultation under section 106 of the NHPA complete.

V. ENVIRONMENTAL ANALYSIS

Unless otherwise specified, the information presented in this section was obtained from the licensee's PAD, filed on August 31, 2016. Only environmental resources potentially affected by surrender of the project are described here. Since no ground disturbance is proposed, environmental effects of this project surrender are limited. Geology and soils, water quantity, water quality, and terrestrial resources (including wildlife and botanical resources) would not be affected by the Commission's action on the proposed surrender and are not addressed in this EA.

A. General Setting

The project is located near river mile 4 on the Salmon Falls River, in the states of New Hampshire and Maine. Most of the project features, including the intake, penstock, canal, and powerhouse, are in the City of Somersworth, New Hampshire. The left abutment of Stone Dam is located in the town of Berwick, Maine. The project is primarily located within the licensee's industrial complex within the City of Somersworth.

The Back and Stone Dams are the fourth and fifth dams on the Salmon Falls River, respectively. Downstream of the Somersworth Project are three other Commission-licensed projects (looking downstream): the Lower Great Falls Hydroelectric Project No. 4451, the Rollinsford Hydroelectric Project No. 3777, and the South Berwick Hydroelectric Project No. 11163 (Figure 1). Both the Rollinsford Project and the Lower Great Falls Project are currently in relicensing, while the South Berwick

¹⁰ Additional background information was provided to the Advisory Council by email on May 8, 2020. The Advisory Council's request, and the information provided, was described in Commission staff's memo, filed on May 14, 2020.

¹¹ The Advisory Council suggests that a license surrender may not constitute a transfer of property out of federal control as identified in 36 CFR § 800.5(a)(2)(vii).

Project license expires in 2037. Approximately 9 miles upstream is the Boston Felt Project No. 4542, an exemption under the Commission's jurisdiction.

The impoundment created by Stone Dam has a surface area of approximately 50 acres and a normal storage capacity of approximately 300 acre-feet at a spillway crest elevation of approximately 98.7 feet mean sea level. The impoundment serves as a source of drinking water for Berwick, Maine, and Somersworth, New Hampshire and as a water source for fire suppression efforts in the region. No impoundment is associated with Back Dam.

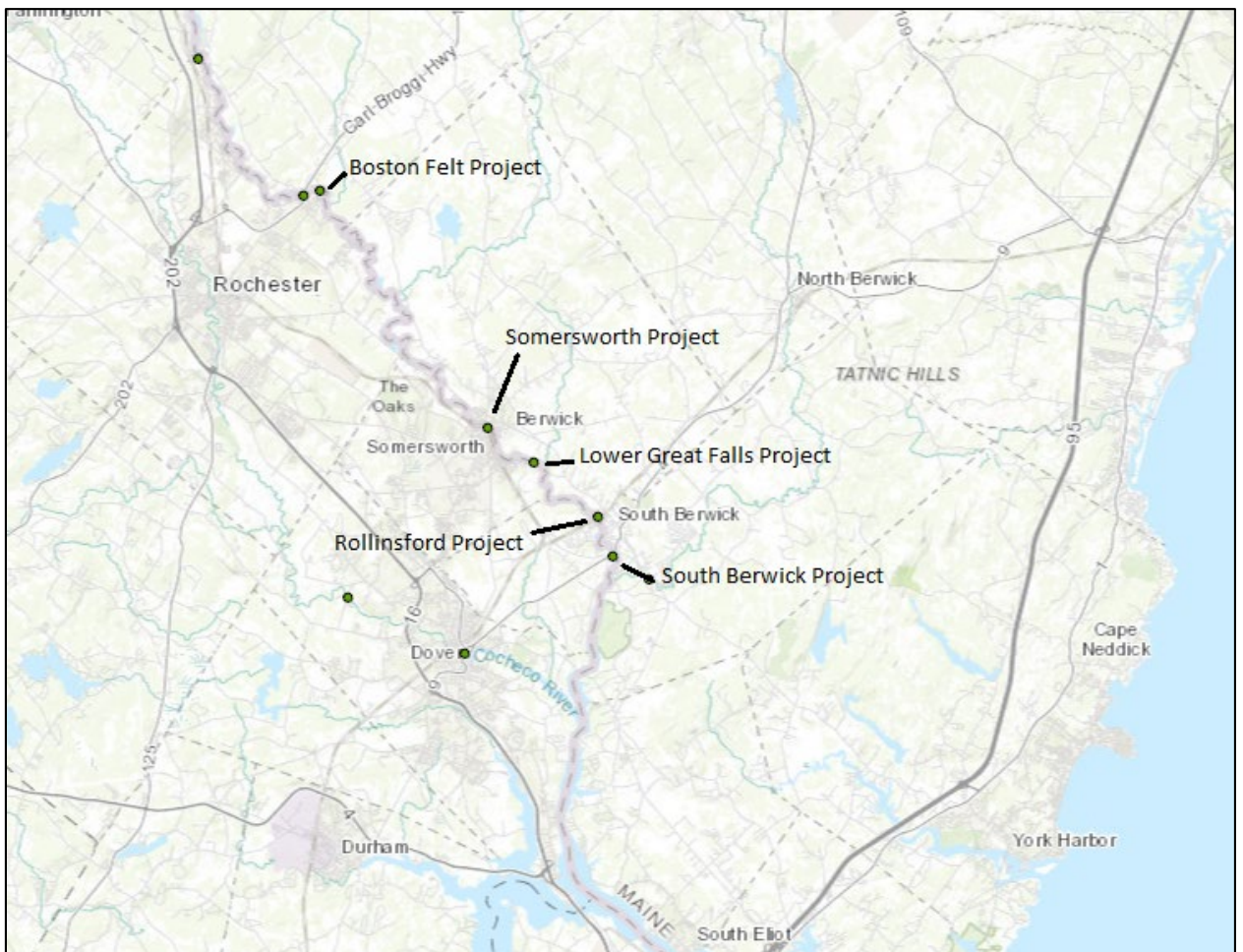


Figure 1. Location of the Somersworth Project and other nearby Commission-licensed projects on the Salmon Falls River (Source: Staff).

B. Fisheries

Affected Environment

Resident fish species that may be found in the project area include eastern pickerel, white sucker, northern brown bullhead, golden shiner, white perch, black

crappie, bluegill, and several species of bass. Maine Department of Inland Fisheries and Wildlife (Maine DIFW) also indicates that landlocked alewives and eastern silvery minnow may be present in the Salmon Falls River (Maine DIFW 2017). The New Hampshire FGD indicate that the Bridle Shiner may be found in the project area (New Hampshire FGD 2017).

Atlantic salmon historically migrated up the Salmon Falls river, but currently, there are no plans to restore Atlantic salmon to the watershed. Other diadromous species found downstream of the project include American shad, blueback herring and alewife. These species are known to use the South Berwick Project's upstream and downstream fish passage facilities and can be found in the tailwater of the Rollinsford Project. Recently, National Marine Fisheries Service (NMFS) completed a status review for river herring, which includes blueback herring and alewife. This review found listing of these species unwarranted at this time (NMFS 2019). American eel has also been identified in the project area and documented as far north as the South Milton Project No. 3984 (New Hampshire FGD 2017), near the town of Milton, New Hampshire, approximately 14 miles upstream of the Somersworth Project.

Recreational fishing in the Salmon Falls River is quite common. Commonly caught fish include white perch and black crappie. Species currently being stocked in the Salmon Falls River by Maine Inland Fisheries and Wildlife and New Hampshire FGD include brown trout, brook trout, and rainbow trout.

Upstream and downstream fish passage facilities were installed in 2002 at the South Berwick Project, the first dam on the Salmon Falls River. The dams at the Rollinsford and Lower Great Falls Projects do not have fish passage facilities, but facilities are being considered as part of relicensing the projects. The Somersworth Project has no fish passage facilities.

Environmental Effects

If the surrender is approved, the project which is currently not operating, would not resume generation. As it has since 2011, the licensee would release most inflow over the project spillway and through the bypass gate at the dam. Water levels in the project reservoir would remain the same. Any adverse impacts on fish and other aquatic species related to entrainment through the project turbines would not occur.

A small amount of water would continue to be released into the project canal for the licensee's manufacturing purposes. The 2 x 2 fill gate leading to the canal is unscreened. In comments on the proposed surrender, the New Hampshire FGD, New Hampshire DES, and the FWS recommend screening be installed to prevent aquatic species from accessing the canal and getting trapped. No screening is proposed by the licensee. The licensee indicates the velocity at the gate would be extremely low, at

approximately 0.0125 feet/second, which would allow fish to freely move in and out of the canal.

Upon surrender, movement of fish and other aquatic species in and out of the canal would not be different than when the project was operating. Expected velocity at the gate would not prohibit aquatic species from entering and exiting the canal. Also, no evidence has been filed with the Commission during the current license term that suggests negative impacts are occurring at the project due to the unscreened canal. Commission staff find that screening the fill gate leading to the canal is unwarranted.

In comments made by New Hampshire FGD, and echoed by New Hampshire DES, Maine DMR, FWS, and CCA of New Hampshire, the resource agencies express concern that the dams' presence blocks diadromous passage of fish up the Salmon Falls River, particularly if and when passage is provided at the downstream Rollinsford and Lower Great Falls Projects. Currently, these dams downstream of the Somersworth Project block and limit most upstream passage, except for American eel.¹²

As discussed in section III.F of this EA, we have eliminated the alternatives of dam removal and the installation of fish passage facilities from the analysis here for the reasons discussed.

C. Threatened and Endangered Species

Affected Environment

According to the PAD, the following species listed for protection under the ESA may potentially be in the project area: red knot (*Calidris canutus rufa*), roseate tern (*Sterna dougallii dougallii*), piping plover (*Charadrius melodus*), small whorled pogonia (*Isotria medeoloides*), northern long-eared bat (*Myotis septentrionalis*), Hawksbill sea turtle (*Eretmochelys imbricata*), and leatherback sea turtle (*Dermochelys coriacea*).

No other federally listed species have been identified by the resource agencies.

Environmental Effects

Federally-listed species identified in the PAD include 3 bird species, one plant, and one mammal: red knot (*Calidris canutus rufa*), roseate tern (*Sterna dougallii dougallii*), piping plover (*Charadrius melodus*), small whorled pogonia (*Isotria*

¹² As indicated by the resource agencies in this proceeding, eels have been observed at the South Milton Project No. 3984, 14 miles upstream of the Somersworth Project. These individuals have passed this project, as well as other projects on the Salmon Falls River, without the aid of facilities designed for eel passage.

medeoloides), northern long-eared bat (*Myotis septentrionalis*). Two other species were identified, but Commission staff eliminated them from discussions here since they would not be found in the project area.¹³

No ground disturbance would occur with surrender. Most project features would remain in place (except for the trashrack at the forebay), and project operation would cease. No changes in the project reservoir's water surface elevations would occur with surrender of the project.

Habitat for these listed species is limited due the industrial setting of the project, but some individuals may use the project's shoreline during certain portions of the year. Given no changes in water levels are proposed, and no ground disturbance and no tree removal is planned, we conclude that approving the surrender would have no effect on these listed species.

D. Cultural and Historic Resources

Affected Environment

Section 106 of the NHPA requires that the Commission take into account the effects of its actions on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.¹⁴ Historic properties are those that are listed or eligible for listing on the National Register. In this document, we also use the term "cultural resources" for properties that have not been evaluated for eligibility for listing on the National Register. Cultural Resources represent things, structures, places, or archaeological sites that can be either prehistoric or historic in origin. In most cases, cultural resources less than 50 years old are not considered historic. Section 106 also requires that the Commission seek concurrence with the state historic preservation office (SHPO) on any finding involving effects or no effects on historic properties, and consult with interested Indian tribes or Native Hawaiian organizations that attach religious or cultural significance to historic properties that may be affected by an undertaking.

¹³ These species are the Hawksbill sea turtle (*Eretmochelys imbricata*) and leatherback sea turtle (*Dermochelys coriacea*).

¹⁴ An undertaking means "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval." 36 C.F.R. § 800.16(y).

The region now known as Somersworth, New Hampshire, was settled sometime after 1700 and was formally incorporated to the town of Somersworth in 1754, with the establishment of the City of Somersworth in 1893. In Maine, the original town of Berwick was started by Fernando Gorges with his establishment of a lumbering industry and the creation of a sawmill. Originally part of Kittery, Maine, Berwick was named its own town in 1716.

Somersworth is historically known as a mill town. Sawmills, gristmills, and shipyards were among the first industries after colonization of the region. The mill industry slowly faded as waterpower was replaced by other sources of energy and manufacturing opportunities, particularly cotton product production, moved further south.

No Native American Indian reservations are within the project area. There are no federally recognized tribes in New Hampshire. In Maine, there are four federally recognized tribes including the Aroostook Band of Micmac Indians, Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and the Penobscot Indian Nation. The New Hampshire Division of Historical Resources lists two state of New Hampshire Native American organizations with geographical and cultural interests in New Hampshire. These two tribes are the Abenaki Nation of New Hampshire and the Cowasuck and-Pennacook/Abenaki People.

As we have said, the Somersworth Project consists of Stone and Back Dams, a gatehouse, a power canal, and two turbine-generator units at the powerhouse. Construction of Stone Dam was completed in 1929. The generating units were added to the site in the 1980s. The eligibility for listing the project features on the National Register has not been determined. Due to the age of the structures, we consider the project features including the dams and power canal, as potentially eligible for listing.

Environmental Effects

Since the proposed surrender results in this project leaving federal jurisdiction, we determined that approval of this surrender would result in an adverse effect on these potentially eligible historic features. Given no modifications to project features or ground disturbance would occur with the proposed surrender, Commission staff recommend no mitigation for this adverse effect.

As discussed in section IV.D of this EA, Commission staff consulted with the New Hampshire SHPO and the Advisory Council regarding our determination of adverse effect and recommendation for no mitigation. By letter dated July 31, 2020, the Advisory Council agreed with Commission staff that demolition by neglect does not appear to be reasonably foreseeable in this case. No additional concerns were identified during pre-filing consultation among the licensee, SHPOs, and tribes. Maine SHPO concluded that no effect to historic properties would result from surrender of the project. Consultation under Section 106 of the NHPA is considered complete.

E. Recreation Resources

Affected Environment

No formal recreation facilities exist at the project. Recreationists do use the reservoir for canoeing and kayaking. There is no safety boom immediately upstream of the Stone Dam. However, the Market Street/Route 9 bridge, just upstream of Stone Dam, prevents boaters from getting close to Stone Dam. There is no portage around Stone Dam.

The licensee indicates that low flows during the summer make the reach between Stone and Back Dams unsuitable for boaters, even with all flow released over Stone Dam. American Whitewater alternatively suggests that the river reach below Stone Dam has potential for whitewater paddling opportunities, but Back Dam creates conditions too hazardous for boaters and has no existing portage.

Other recreational uses in the area include fishing and bird watching upstream and downstream of the project. The Riverwalk Trail runs along the river approximately 0.5 miles downstream of Back Dam. The trail contains a picnic area and parking lot and is managed by the Somersworth Recreation Department (City of Somersworth 2020).

Environmental Effects

No formal recreation facilities are required by the project license and no non-project recreation facilities in the vicinity of the project would be affected by project surrender, including the Riverwalk Trail downstream of Back Dam. Upon surrender, Stone Dam would remain, and boating would continue in the project's reservoir as it has in the past. Both dams would continue to be barriers to boaters using the area because they lack portage. Given the industrial setting of the project, particularly between the two dams, we conclude this would be a negligible impact.

In its comments, American Whitewater states that the surrender application is not in the public interest because it fails to sufficiently restore the river to its natural condition, fails to remove project facilities and because of this would continue to have an adverse impact on recreation. Specifically, American Whitewater recommends removal of Back Dam because of the hazardous conditions it creates to boaters.

We have addressed consideration of dam removal in section III of this EA. While the Commission may require licensees to provide certain recreational opportunities in association with licensed activities, that obligation ends when the project is no longer licensed. If an opportunity were to be provided at surrender, it would have to be a result

of the former licensee's voluntary action or the requirements of the new regulatory regime that follows surrender of the project.¹⁵

VI. CONCLUSIONS AND RECOMMENDATIONS

Based upon our analysis of the various resources here, approving the surrender would have no effect on fisheries, recreation, nor on species listed for protection under the ESA. An adverse impact on potentially eligible historic resources, namely the project dams and canal, would result due to the project leaving federal jurisdiction. This adverse effect is unavoidable.

If fish passage facilities are installed at the two Commission-licensed projects immediately downstream of the Somersworth Project (Lower Great Falls Hydroelectric Project No. 4451 and the Rollinsford Hydroelectric Project No. 3777), the Somersworth project dams would block upstream and downstream passage of diadromous species. Currently, however, those dams block most passage.

In this EA, Commission staff identify the other uses of the project reservoir, i.e., as a source of drinking water, manufacturing, and water for fire suppression efforts. These other uses are important considerations. For these reasons and the others identified in this EA, we find it inappropriate for Commission staff to recommend dam removal or the installation of fish passage facilities at the time of surrender.

Based on staff's analysis, approving the licensee's request to surrender the project license would not constitute a major federal action significantly affecting the quality of the human environment.

VII. LITERATURE CITED

Aclara Meters, LLC. 2016. Notification of Intent to File License Application, Pre-Application Document, and Request to Use the Traditional Licensing Process, filed on August 31, 2016.

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