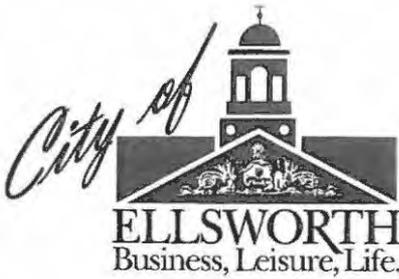


MEETING NOTICE

A special meeting of the Ellsworth City Council will be held on Monday April 02, 2018 at 7:00 PM in the Ellsworth City Hall Council Chambers

AGENDA

1. Call to Order.
2. Council Order #041800, Discussion and action regarding city participation in the relicensing process for the Ellsworth Hydroelectric Project.
3. Adjournment.



City Manager

1 City Hall Plaza ♦ Ellsworth, ME 04605-1942
Phone (207) 669-6616 ♦ Fax (207) 667-4908
www.ellsworthmaine.gov

Re: MOTION TO INTERVENE
Project No.: P-2727-092
Name of project: Ellsworth Hydroelectric Project
Water source: Union River, Maine

Formal Notice issued April 3, 2018

The City of Ellsworth, Maine, hereby moves to intervene in this proceeding pursuant to 18 CFR §385.210 and §385.214. Service of process and other communications should be made to:

Michele Gagnon
City Planner

City of Ellsworth, Maine
One City Hall Plaza
Ellsworth, ME 04605

mgagnon@ellsworthmaine.gov

I. Introduction

The City of Ellsworth is a municipal corporation located in Hancock County within the State of Maine. The Ellsworth Hydroelectric Project, consisting of the Graham Lake and the Leonard Lake dams, is entirely located within the City's boundaries. Water, released from Graham Lake, is used to generate electricity at the downstream Ellsworth powerhouse. Surface waters located within the City's jurisdiction impacted by the hydroelectric project include:

- a) Southern portion of Graham Lake (~ 13miles of shoreline);
- b) The Union River from Graham Lake Dam to Leonard Lake (~ 3 miles);
- c) Leonard Lake (~ 4 miles of shoreline and 118 acres of surface area); and
- d) The intertidal Union River.

A letter from Ellsworth City Manager David Cole, dated October 5, 2015 and emailed to Nicholas Palso, Environmental Protection Specialist/Outdoor Recreation Planner with FERC, and electronically filed (e-filed) with FERC, states that "the two dams have provided many benefits to the community including recreational opportunities on both Graham Lake and on the Union River. As part of the relicensing of the Ellsworth Hydroelectric Project, the City is asking that the impacts of the low water levels in Graham Lake, especially during the summer months of July and August, on recreation be considered ... Keeping higher water levels through the summer would result in gains in recreational benefits."

On March 28, 2018, the City Council gave the people of Ellsworth and surrounding communities an opportunity to hear from resource experts and voice comments and concerns on the relicensing of the Hydroelectric Project. Nearly 200 people were in attendance. Resource experts present at the public meeting were Steve Shepard, U.S. Fish and Wildlife Service; Kathy Howatt, Maine Department of Environmental Protection; Dan Tierney, National Marine Fisheries Service; Ernie Atkinson, Maine Department of Marine Resources; and Samantha Edwards, Brookfield Renewable.

To date the concerns heard and received by the City of Ellsworth from Ellsworth residents and property owners within the Ellsworth portion of the hydroelectric watershed area include, but are not limited to, lost economic and recreational opportunities (both passive and active) associated with low and fluctuating water levels, and related turbidity, particularly on Graham Lake. These conditions also affect their enjoyment of the lake and quality of life there, and if these conditions persist they may have a negative influence on property values as well.

Accordingly, per the concerns of the residents and property owners of Ellsworth, the City wishes to remain engaged in the FERC relicensing process to retain the ability, as needed, to intervene regarding these impacts to Ellsworth residents and property owners as well as any lost economic and recreational opportunities along the entire project corridor from Graham Lake to the Union River.

II. Grounds for Intervention

Intervention by the City of Ellsworth is in the public interest as required by 18 CFR §385.214(b)(2)(iii). The citizens of the City of Ellsworth may be directly affected by the outcome of the license proceeding as per 18 CFR §385.214(b)(2)(ii). As noted above, the City of Ellsworth has a direct and substantial interest in the outcome of this process. The City of Ellsworth seeks intervener status in this license application process in order to advocate for economic and recreational opportunities, as needed and appropriate.

III. Conclusion

Granting intervener status to the City of Ellsworth, Maine will not delay this proceeding. It is important that the City of Ellsworth stays engaged and represented its citizen's interest, should it become necessary. For these reasons, FERC should accept this motion to intervene in this proceeding.

Respectfully submitted this ___ day of April 2018.

David Cole, Ellsworth City Manager
One City Hall Plaza
City of Ellsworth, ME 04605