

WEST CHOPS POINT
HOMEOWNERS
ASSOCIATION

ORIGINAL

COMMENTS
PROJECT No. 12666-000

FILED OF THE
OFFICE OF THE
SECRETARY
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FEDERAL ENERGY
REGULATORY COMMISSION

25 June, 2006

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Madam Secretary:

On May 2, 2006, the United States Federal Energy Regulatory Commission issued a Notice of Application accepted for filing and soliciting motions to intervene, protest, and for comments pursuant to the preliminary permit application for the Maine Tidal Energy Company. This company seeks approval for development of a hydroelectric project to be located in the Kennebec River between Chops Point and West Chops Point in Sagadahoc County, Maine. This notice for the Maine Tidal Energy Company can be seen online at FERCOnlineSupport@ferc.gov

This letter expresses the concerns of homeowners in the 36-lot subdivision of West Chops Point which directly abuts the area in the Kennebec River where this proposed hydroelectric project will be located. This is the narrowest point in the lower Kennebec River system through which every diadromous fish using the river system must pass. This is the only river system in Maine that provides spawning and nursery habitat for all of the anadromous and catadromous fish species in the Gulf of Maine. Because we lack appropriate and sufficient information about this project and its environmental impact on fish and mammalian species, we neither support nor oppose the application at this time. The West Chops Point Homeowners Board of Directors has authorized the undersigned to comment on the application submitted by the Maine Tidal Energy Company.

Our concerns include:

- a. **The impact on recreational industries.** Striped bass are typically found at approximately 50 feet facing tidal and/or current flow to feed in this area. During the summer the same water flows back and forth through the Chops subjecting current born organisms like Striped Bass larvae to the cumulative effects of multiple exposures to whatever might be located in the Chops area. The striped bass sports fishery attracts significant out-of-state participation and is a lucrative source of income for local businesses. In addition, the waters of the Kennebec River, the area of Chops Creek and the Chops themselves are used during the summer for sailing by Chops Point School summer camp.
- b. **The method of construction and its impact on the surrounding communities.** Assuming a landside approach is needed for construction purposes, the project must utilize either the private roads of the West Chops Point subdivision or those of a private school, Chops Point School, in Woolwich and possibly both. Since all roads in West Chops Point are private and owned by the Association, use of these roads would require approval by WCP residents and damage to them caused by construction work would need to be repaired by the project's underwriters. Increased traffic on Association roads would also disrupt the tranquility of the community. The impacts of this proposed submerged hydroelectric project on the navigable channel, watercraft use and/or restrictions, suspended sediment patterns and/or distribution, and thermoclines and/or temperature gradients in the water column are unknown. The proposed location of the project is in the middle of a narrow channel connecting Merrymeeting Bay and its six contributing rivers with the lower Kennebec River and the Atlantic Ocean. The river is a navigable waterway and heavily utilized by recreational traffic, particularly during the summer months.
- c. **The unknown impacts of this proposed submerged hydroelectric project on valuable, protected and endangered fish and mammalian species.** Between spring and late fall anadromous fish migrate up the Kennebec River and into

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Merrymeeting Bay to feed and for spawning purposes. Both the Kennebec River and Merrymeeting Bay are included in the range of threatened Atlantic Sturgeon and large numbers of endangered Shortnosed Sturgeon. In fact, an island adjacent to the Chops just inside the bay is named Sturgeon Island and its adjacent waters were purportedly an area for catching sturgeon in the past. The other endangered species in the Kennebec that transits through the Chops is the Atlantic salmon as listed by the National Academy of Science National Research Council. In addition, there is a significant Harbor Seal population in the area. Seals are traveling via the Kennebec as far as Waterville now that the Edwards Dam (Augusta) is gone.

- d. **The impact of electromagnetic interference (EMI) on the homes that directly abut the CMP right-of-way where a power substation may be located.** A Central Maine Power right-of-way extends through the West Chops Point subdivision to the water's edge, crosses the Chops and resumes its course on Chops Point. Electrical power cables connecting submerged generators with a shore side power substation would of necessity be located near homes abutting the upriver and downriver sides of the CMP right-of-way.

Maine Tidal Energy Company's lack of openness and accessibility is in our opinion neither a positive attribute nor one which encourages the timely identification of essential and relevant facts. Attempts via phone to identify the owners of this company have not been successful. Apparently the officers and major investors of the Maine Tidal Energy Company have utilized a Washington, DC law firm and an energy services company in Lowell, Massachusetts as intermediaries to shield themselves and their plans from direct contact and inquiry.

The concerns outlined above are the product of our incompletely formed knowledge of this project. We solicit your response to our concerns with regard to these issues.


David Barber


Paul Fenton

cc: Maine Tidal Energy Company
Chris Yeackel, Environmental Biologist, FERC
Joseph A. Cannon Pillsbury Winthrop Shaw Pittman LLC
Charles B. Cooper TRC Environmental Corporation
Pioneer Corporate Services