



August 29, 2019

VIA E-FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Hackett Mills Hydroelectric Project (FERC No. 6398)
Filing of Notice of Intent and Pre-Application Document

Dear Secretary Bose:

Hackett Mills Hydro Associates (Hackett Mills Hydro), a subsidiary of Eagle Creek Renewable Energy, is the licensee for the Hackett Mills Hydroelectric Project (Project) (FERC No. 6398), located on the Little Androscoggin River in the Towns of Poland and Minot in Androscoggin County, Maine. Hackett Mills Hydro hereby electronically files with the Federal Energy Regulatory Commission (FERC or Commission) the Notice of Intent to File a License Application (NOI) and accompanying Pre-Application Document (PAD) for the Project. These documents are being filed pursuant to 18 CFR §5.5 and §5.6 of the Commission's regulations and are being simultaneously distributed to agencies and stakeholders listed in the attached Distribution List.

We are also utilizing this cover letter and as identified in the NOI, to request designation as the non-federal representative under Section 7 of the Endangered Species Act and under Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, request the authority to initiate consultation pursuant to Section 106 of the National Historic Preservation Act, and request to use the Traditional Licensing Process (TLP) for the Project.

DOCUMENT DISTRIBUTION

In accordance with 18 CFR §5.5 and §16.8 of the Commission's regulations, we are transmitting this letter and the referenced attachments (excluding an appendix to the PAD containing Critical Energy Infrastructure Information (CEII) and filed under separate cover with the FERC) to relevant and known resource agencies, tribes, non-governmental organizations and stakeholders that we believe may have an interest in the Project (see attached Distribution List). All materials related to the current license as well as other materials related to this NOI and PAD are available on the project's relicensing website: <http://www.eaglecreekre.com/hackettmills-relicensing>. We have also published notice of this filing in the Lewiston Sun Journal, a newspaper in general circulation of the project.



Also, in accordance with 18 CFR §5.5, we are providing a courtesy copy (in hardcopy and CD) of the NOI, PAD, this cover letter and the proof of electronic filing of these documents to the FERC Office of Energy Projects (Room 61-02) and the FERC Office of General Counsel - Energy Projects (Room 101-56). We are also providing a courtesy copy of these documents in hardcopy and CD to the FERC New York Regional Office.

NON FEDERAL REPRESENTATIVE

In accordance with 18 CFR §5.5(e) and in order to identify potential issues earlier in the process so that they can be addressed prior to filing of the license application with the Commission, Hackett Mills Hydro hereby requests that the Commission designate Hackett Mills Hydro as a non-federal representative under Section 7 of the Endangered Species Act and the joint agency regulation there under 50 CFR §402 to undertake formal consultation with applicable federal and state agencies regarding federally threatened and endangered species that may be impacted by the Project.

CONSULTATION AUTHORITY

Hackett Mill Hydro requests that it be granted authority to initiate consultation with the Maine State Historic Preservation Officer (SHPO), appropriate federally-recognized Tribes and other consulting parties pursuant to 36 CFR §800.2(c)(4) of the regulations implementing Section 106 of the National Historic Preservation Act.

REQUEST TO UTILIZE THE TRADITIONAL LICENSING PROCESS

The following sections outline how use of the TLP will: a) comply with the criteria outlined in 18 CFR Section 5.3 (C)(1)(ii)(A-F); b) benefit the participants to the process, and c) provide FERC with the information it needs to complete its licensing obligations.

- *Likelihood of on-time license issuance (§5.3A)*

The Hackett Mills Hydro is a small run of river hydroelectric project located on the Little Androscoggin River in the west-central region of Maine. The project consists of a 60-acre impoundment with negligible storage capacity, an existing dam and powerhouse containing one 485 kW generating unit. The Licensee is not proposing to change the existing mode of operation or to change the existing project facilities which have provided a reliable source of energy for local customers. The resource agencies that will be involved in the relicensing process for the Project have substantial knowledge of the Androscoggin River basin (the basin of which the Little Androscoggin River is part) with the ongoing relicensing of other projects on the Little Androscoggin river. Therefore, the agencies and Licensee are well aware of the issues that are likely to be raised at the Project. In addition, the agencies' familiarity with the process and informational needs should allow for the timely issuance of the project license on or before the expiration date of the existing license.



On July 9, 2019, Eagle Creek Renewable Energy filed with the Commission, a Non-Capacity Amendment of License Terms to request that the license terms for the Hackett Mills Hydroelectric Project and the Worumbo Hydroelectric Project (FERC No. 3428) be extended to align with Brookfield Renewable's Brunswick Project (FERC No. 2284), which is February 28, 2029. At the time of this filing, the Commission has not yet acted on the amendment request.

- *Complexity of the Resource Issues (§5.3B)*

The Hackett Mills Project operates in run-of-river mode and provides minimum flows. This limits its effects on the watershed and applicable resources. Common issues addressed at other hydroelectric projects that have undergone relicensing in the Little Androscoggin Basin are as follows.

- Water quality sampling above and below the Project
- Search for RTE species
- Fish passage during the term of the license
- Recreation access
- Cultural resources at the Project

Hackett Mills Hydro addresses these issues with proposed data gathering and studies summarized in section 6.0 of the PAD.

- *Level of Anticipated Controversy (§5.3C)*

The level of anticipated controversy is low, since the issues surrounding this project are relatively simple and well known. Eagle Creek Renewables historically has had a positive, cooperative relationship with agencies. Given the low complexity of issues already identified at the Project, it is not currently anticipated that the project will result in any significant controversy that cannot be overcome through a cooperative TLP process.

- *Relative cost of the Traditional Licensing Process compared to the Integrated Licensing Process (§5.3D)*

Resource agencies are currently involved in multiple relicensing efforts throughout Maine and on the Little Androscoggin river. Due to resource agencies familiarity with the surrounding areas, Hackett Mills Hydro believes that under TLP it will be able to complete Project relicensing at less cost and in less time than that required by the Integrates Licensing Process (ILP). The flexible nature of TLP would additionally allow Hackett Mills Hydro to work cooperatively with resource agencies and interested parties to develop necessary information, and to resolve any issues that may arise.

- *The amount of available information and potential for significant disputes over studies (§5.3E)*

As indicated in the attached PAD, baseline information exists for environmental resources in the Androscoggin River basin. Within the project area, Hackett Mills Hydro



has identified existing information and data sources, as well as those resources for which data is lacking or non-existent. Hackett Mills Hydro will work with the resource agencies and stakeholders on sufficient data collection efforts to address resources concerns associated with the Project. Should a significant dispute arise during the process, Hackett Mills Hydro would initiate FERC's dispute resolution process outlined in 18CFR §16.8 (b)(6)(i).

- *Other Factors*

Hackett Mills Hydro has published notice of our Intent to Use the TLP in the August 28, 2019 edition of Lewiston Sun Journal, the newspaper having local distribution. That notice requests that any comments in response to this request be filed with the Commission **within 30 days, by September 29, 2019.**

By copy of the is letter, Hackett Mills Hydro also requests that agencies and interested parties to which the request has been distributed (see attached distribution list) provided comments on the request to the Commission **within 30 days, by September 29, 2019.** Please note that comments on the PAD and study request will then be required after Hackett Mills Hydro's Scoping Meeting later this year, pending FERC approval of the TLP.

Hackett Mills Hydro hereby respectfully requests that the Commission notice the filing of Hackett Mills Hydro's NOI, approve the filing of its PAD, grant non-federal representative status and consultation authority to Hackett Mills Hydro and grant the request to use the TLP.

Please note that Appendix F contains project design drawings which are typically reviewed and approved by the Commission in the format of Exhibit F. Drawings available in Hackett Mills Hydro's records are not in the standard format. Hackett Mills Hydro will be developing new Exhibit F drawings for inclusion with the License Application later in the process.

Some of the information presented in the PAD is considered Critical Energy/Electric Infrastructure Information (CEII), as defined by 18 CFR § 388.113(c). Such information has been removed from the public version of the PAD. In accordance with the Commission's filing guidelines, all CEII material is included in a separate volume (Volume 2) that has been clearly marked as "CONTAINS CRITICAL ENERGY/ELECTRIC INFRASTRUCTURE INFORMATION – DO NOT RELEASE.". The Licensees respectfully requests that this information be accorded treatment as CEII, as it consists of detailed Project facility diagrams and other information relating to the "production, generation, transportation, transmission, or distribution of energy" (18 CFR § 388.113(c)). In addition, some of the information presented in the PAD contains confidential financial information, as defined by 18 CFR §388.112, which has been removed from the public version of the PAD. The Licensees also respectfully requests such information be treated as privileged. This information has been



filed in accordance with the Commission's filing guidelines as Volume 3, which has been clearly marked as "CONTAINS PRIVILEGED INFORMATION – DO NOT RELEASE."

If there are any questions or comments related to the NOI, PAD or any of the other information presented above, please contact me at 973.998.8400 or Michael.Scarzello@eaglecreekre.com.

Sincerely,
Hackett Mills Hydro Associates

Michael J. Scarzello
Regulatory Director

Attachment A Certificate of Service and Distribution List for the Hackett Mills Hydroelectric Project (FERC No. 6398)

Attachment B Notice of Intent to Relicense the Hackett Mills Hydroelectric Project (FERC No. 6398)

Attachment C Pre-Application Document for the Hackett Mills Hydroelectric Project (FERC No. 6398)

cc: Distribution List



Attachment A

Certificate of Service and Distribution List for the Hackett Mills Hydroelectric Project (FERC No. 6398)



CERTIFICATE OF SERVICE
Hackett Mills Hydroelectric
Project (FERC No. 6398)

Pre-Application Document and Notice of Intent to File License Application

I, Michael J, Scarzello Regulatory Director, Hackett Mills Hydro Associates, hereby certify that copies of the foregoing document have been transmitted to the following parties on August 29, 2019.

One copy, eFile to:

Ms. Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street N.E.,
Dockets Room
Washington, DC 20426

Via email, a link to a downloadable electronic copy to:

Hackett Mills Distribution List
August 2019

Federal Agencies

Mr. Dustin Wilson
Federal Energy Regulatory Commission
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Mr. John Spain
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Federal Energy Regulatory Commission
Office of Energy Projects
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John T. Eddins
Office of Project Review
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National Marine Fisheries Service
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Merrymeeting Bay Recovery Coordinator
National Marine Fisheries Service
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Mr. Sean McDermott
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National Marine Fisheries Service
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Mr. Ralph Abele
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abele.ralph@epa.gov

Mr. Nick Stasulis
Data Section Chief
United States Geological Survey
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nstasuli@usgs.gov

Mr. Antonio Bentivoglio
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antonio_bentivoglio@fws.gov

Mr. Andrew Raddant
Regional Environmental Officer
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Environmental Policy & Compliance
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Mr. Steve Shepard
Maine Field Office
U.S. Fish and Wildlife Service
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Hackett Mills Distribution List
August 2019

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NPS Hydro Program Manager
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300 Westgate Center Dr.
Hadley, MA 02109-3572

U.S. Army Corps of Engineers
Divisional Office, Regulatory
696 Virginia Road
Concord, MA 01742-2718

U.S. Army Corps of Engineers
Commander
North Atlantic Division
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New York, NY 10278-0090

State Agencies

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Senior Planner
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Hackett Mills Distribution List
August 2019

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NGOS

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Division of Geology, Natural Areas, and Coastal
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Mr. Todd Burrowes
Coastal Program
Bureau of Geology, Natural Areas, and Coastal
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nbennett@nrcm.org

Mr. Brian Graber
Director, Northeast Region
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Mr. John R. J. Burrows
Director of New England Programs
Atlantic Salmon Federation
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Tribal

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Mr. Kirk Francis
Chief
Penobscot Indian Nation
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Indian Island, ME 04468
kirk.francis@penobscotnation.org

Mr. Chris Sockalexis
THPO, Cultural and Historic Preservation Program
Penobscot Indians Nations Natural Resources
Department
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Susan Young
Houlton Band of Maliseet Indians
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Hackett Mills Distribution List
August 2019

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Chief
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Upper Barker Contacts

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Environmental Planner
Androscoggin Valley Council of Governments
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Mr. Beth C. Bell
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mauger@androscogginlandtrust.org

Mr. Neil Ward
Program Director
Androscoggin River Alliance
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Mr. Jim Johnson
NRCS District Conservationist
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Mr. Sid Hazelton
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Hackett Mills Distribution List
August 2019

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Mr. Bob Nasdor
American Whitewater
65 Blueberry Hill Lane
Sudbury, MA 01776
bob@americanwhitewater.org

Town of Poland
1231 Main street
Poland, ME 04274

Town of Minot
329 Woodman Hill Rd
Mino, ME 045258

Attachment B

**Notice of Intent to Relicense the Hackett Mills Hydroelectric Project
(FERC No. 6398)**

NOTIFICATION OF INTENT
HACKETT MILLS HYDRO ASSOCIATES, LLC. ON BEHALF OF
EAGLE CREEK RENEWABLE ENERGY
TO FILE AN APPLICATION FOR SUBSEQUENT LICENSE FOR THE
HACKETT MILLS PROJECT (FERC No. 6398)

**BEFORE THE
UNITED STATE OF AMERICAN
FEDERAL ENERGY REGULATORY COMMISSION**

Hackett Mills Hydro Associates

Project No. 6398

**NOTIFICATION OF INTENT
HACKETT MILLS HYDRO ASSOCIATES, LLC. ON BEHALF OF
EAGLE CREEK RENEWABLE ENERGY
TO FILE AN APPLICATION FOR SUBSEQUENT LICENSE FOR THE
HACKETT MILLS PROJECT (FERC No. 6398)**

August 29, 2019

Pursuant to 18 C.F.R. Section 5.5 of the Federal Energy Regulatory Commission's (Commission or FERC) regulations, Hackett Mills Hydro Associates, licensee for the Hackett Mills Project (FERC No. 6398), hereby gives notice and declares its intent to apply for a new license for the Hackett Mills Project (FERC No. 6398).

In accordance with 18 C.F.R. Section 5.5 and Section 16.6(b), the following information is provided.

1. The existing licensee's name and address:

Michael Scarzello
Eagle Creek Renewable Energy
65 Madison Avenue, Suite 500
Morristown, New Jersey 07960

2. Project Number:

Hackett Mills Project, FERC No. 6398

3. License expiration date:

The Commission issued to Hackett Mills Hydro Associates a license to operate the Hackett Mills Project by Order dated September 12, 1984. The license is for a period effective September 12, 1984 and terminating August 31, 2024. Hackett Mills Hydro Associates will file its Application for New License on or before August 31, 2022.

4. Applicant’s statement of intention to file an application for a subsequent license:

Hackett Mills Hydro Associates hereby unequivocally declares its intent to apply for a subsequent license for the Hackett Mills Project, FERC Project Number 6398. Hackett Mills Hydro Associates requests that the Commission conduct the relicensing using the Traditional Licensing Process (TLP).

5. Principal Project works include:

The Project consist of a 101-foot-long rock filled timber crib dam, a gate section containing a single sluice gate, an 85-foot-long concrete gravity dam, a canal intake gate structure, a power canal, a powerhouse containing one turbine generator, a 0.480/12.5-kV transformer, transmission lines, a downstream fish passage facility, and appurtenant facilities.

The project reservoir is approximately 60 acres with a maximum dam storage of 450 acre-feet. Normal pond elevation for the Project is 235 feet. Because the Project is run-of-river, there is minimal available storage behind the dam.

The dam consists of two main sections, a 101-foot-long, 8-foot-high rock filled timber crib sections, and an 85-foot-long 8-foot-high concrete gravity section with an elevation of 235 msl. This dam was built on top of existing facilities in 1986. There are three uncontrolled bays at the north dam abutment, and a power canal towards the south abutment. The powerhouse is integral to the power canal and houses one right angle drive bulb turbine with a total rated capacity of 500kW and a 485kW Kato Engineering generator. The total authorized capacity of the project is 485 MW.

The downstream fish passage facility consists of angled trash racks, a fishway entrance, and a sluiceway which discharges into a plunge pool in the bypass reach.

The Project has a 200-foot-long, 12.5-kv transmission line.

6. Project Location:

The Hackett Mills Project is located on the Little Androscoggin River in central western Maine in Androscoggin County. The Project is located 9.7 river miles upstream from the confluence of the Little Androscoggin River and the Androscoggin River.

7. Installed plant capacity:

The Hackett Mills project has one generating unit with a total rated capacity of 485 kW.

8. The names and mailing address of:

a. Every county in which any part of the project is located, and in which any Federal facility that is used or to be used by the project is located:

The Hackett Mills Project is located entirely in Androscoggin County, Maine:

Androscoggin County
2 Turner Street
Auburn, Maine 04212

There are no Federal facilities used by the Project.

- b. Every city, town, or similar political subdivision in which any part of the project is or is to be located and any Federal facility that is or is to be used by the project is located:**

The Hackett Mills Project is located within the Towns of Poland and Minot.

Town of Poland
1231 Main Street
Poland, ME 04274

Town of Minot
329 Woodman Hill Rd
Minot, Me 04258

There are no Federal facilities used by the Project.

- Every city, town, or similar political subdivision that has a population of 5,000 or more people and is located within 15 miles of the existing or proposed project dam:**

City of Auburn
60 Court Street
Auburn, Maine 04212

City of Lewiston
27 Pine Street
Lewiston, ME 04240

Town of New Gloucester
385 Intervale Road
New Gloucester, ME 04260

Town of Gray
6 Shaker Rd
Gray, ME 04039

Town of Lisbon
300 Lisbon St.
Lisbon, ME 04250

Town of Paris
33 Market Sq.
South Paris, ME 04281

Town of Turner
11 Turner Center Rd
Turner, ME 04282

c. Every irrigation district, drainage district, or similar special purpose political subdivision:

There are no irrigation or drainage districts or similar special purpose political subdivisions associated with or in the general area of the Project.

d. Every other political subdivision in the general area of the Project or proposed Project that there is reason to believe would be likely to be interested in, or affected by, the notification:

There are no other political districts or subdivisions that are likely to be interested in or affected by the notification. The following economic development and planning organizations are likely to be interested in the notification.

Androscoggin Valley Council of Governments
125 Manley Road
Auburn, ME 04210

e. Affected Indian Tribes:

Hackett Mills Hydro Associates is not aware that the Project affects any Native American tribe. The following federally recognized tribes in the state of Maine are:

Houlton Band of Maliseet Indians
88 Bell Road
Littleton, Maine 04730

Passamaquoddy Tribe of Indians
Pleasant Point Reservation
P.O. Box 343
Perry, Maine 04667

Aroostook Band of Micmacs
7 Northern Road
Presque Isle, Maine 04769

Passamaquoddy Tribe of Indians
Indian Township Reservation
P.O. Box 301
Princeton, Maine 04668

Penobscot Indian Nation
Indian Island Reservation
12 Wabanaki Way

9. Whether the application is for a power or non-power license:

The Hackett Mills Project license application is for a power license.

Furthermore, in accordance with 18 C.F.R. Section 5.5, Hackett Mills Hydro Associates must distribute this notification of intent to appropriate Federal, state, and interstate resource agencies, Indian tribes, local governments, and members of the public likely to be interested in the proceeding. A complete listing of appropriate agencies, tribes, local governments and non-governmental organizations (NGOs) is provided in Appendix A of the Pre-Application Document (PAD).

The information required to be made available to the public pursuant to 18 C.F.R Section 16.7 is located at the Eagle Creek Corporate office located at 65 Madison Avenue, Suite 500 Morristown, New Jersey 07960.

All correspondence and service of documents relating to this Notification of Intent and subsequent proceedings should be addressed to:

Michael Scarzello
Eagle Creek Renewable Energy, LLC
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Neshkoro, WI 54960-0167

Kayla Easler
Kleinschmidt
P.O. Box 650
Pittsfield, Maine 04967
Email: Kayla.Easler@KleinschmidtGroup.com

10. Non-federal representative:

Pursuant to 36 C.F.R. § 800.2(c)(4), Hackett Mills Hydro Associates requests that FERC authorize Hackett Mills Hydro Associates to initiate consultation, as described in Section 106 of the National Historic Preservation Act, with the Maine State Historic Preservation Officer (SHPO) and others regarding relicensing of the Project. Hackett Mills Hydro Associates also, pursuant to 50 C.F.R. §402.08, requests that FERC Hackett Mills Hydro Associates as its nonfederal representative for the Project for the purpose of informal consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

SUBSCRIPTION

This Notice of Intent to File a License Application for the Hackett Mills Hydroelectric Project, FERC No. 6398, is executed in the State of New Jersey, County of Morris, by Robert Gates, Vice President, Hackett Mills Hydro Associates, who, being duly sworn, deposes and says that the contents of this Notice of Intent are true to the best of his knowledge or belief and that he is authorized to execute this document on behalf of Eagle Creek Renewable Energy. The undersigned has signed this Notice of Intent this 29th day of August 2019.

HACKETT MILLS HYDRO ASSOCIATES
By *Robert Gates*
Title EVP Operations

VERIFICATION

Subscribed and sworn to before me, a Notary Public of the State of New Jersey this 29th day of August 2019.

Debbie C. Patierno
(Notary Public)

(My Commission Expires 9-14-2021 seal)

Debbie C Patierno
Notary Public
New Jersey
My Commission Expires **9-14-21**
No. 2412281

Attachment C

**Pre-Application Document for the Hackett Mills Hydroelectric Project
(FERC No. 6398)**

Filed Separately