

Notes on Canton NRPA permit application

First, a few things common to the whole document.

1. Pg 1 ln2 – you refer to Anasagunticook Lake throughout the document but it should be “Lake Anasagunticook”
2. There are several dams discussed in the document and it probably would be best to be consistent with names. I would suggest the following:
 - a. Tannery Dam – to mean the existing dam once owned by Ray Fortier and subject to the MEMA order,
 - b. New Dam – obviously our proposed new dam
 - c. Temporary Dam – obviously the temporary dam
 - d. Millpond Dam – the very remains of a dam midway up Whitney Brook. Your biologist refers to it as the “old dam” but it obviously isn’t the Tannery Dam.
3. Directions – in referring to things sometimes you use north-side/south-side, sometimes east-side/west-side; sometimes left/right and sometimes northwest/southeast. It doesn’t matter which but we should probably stick to one description to avoid confusion.

Page-by-Page

Pg1/pp1/last sentence – The justification for the dam protecting the water district “year round” is not really correct. Later you talk about keeping the intake pipe from freezing but that has been a danger in the winter when the lake is drawn down so the dam makes no difference. Below is some of the “justification” part of our CBDG proposal that you might use.

Lower source water levels have increased Canton Water District costs of producing quality drinking water for its 371 (51% LMI) customers by an average of 15% during the past several years. In addition, the lower water level threatens the ability to draw in water from the intake pipes. Observations during the summers of 2007 and 2008 indicated that unrestricted flow through the sandbar at the outlet of the lake was eroding the sandbar so the lake level could continue to drop over the coming years. The intake was designed with 10 feet of head, after the dam safety order was issued and the existing dam gates opened, the head over the intake was only five feet. If the sandbar continues to erode the CWD may lose its only source of water with disastrous consequences for the CWD customers.

In addition to these direct impacts on the CWD and its customers, low water levels also impact other lake stakeholders. The 1996 DEP Water Level Management Plan has provided the area between the lake and the Androscoggin River, which often floods, with a reservoir capacity for temporary relief from runoff during heavy rain events. Water from this system also supplies fire protection for properties in the Town of Canton and almost half of the Town of Hartford. Littoral wildlife habitats, classified valuable Type-III wetlands by Maine Inland Fisheries and

Wildlife, are at risk and coldwater fisheries are increasingly marginalized by lower water levels. In addition, Lake Anasagunticook's recreational resources are one of the few economic draws to the Towns of Canton and Hartford.

Also from the CBDG proposal:

The proposed project will construct a new concrete gravity dam on the outlet of Lake Anasagunticook. Lake Anasagunticook is the sole drinking water source for the Canton Water District (CWD). Due to private mismanagement, the dam has failed and lake water levels have fallen below regulatory levels. Lower water levels have produced inferior raw water quality which has caused increased chlorination resulting in chlorine disinfection byproducts in the drinking water. The District has been cited by the Maine Drinking Water Program (DWP) for 15 disinfection by-product (DBP) violations and is currently under a Consent Order to achieve full compliance. Since the discovery of chlorinating byproducts in drinking water in 1974, numerous toxicological studies have shown these disinfection byproducts to be carcinogenic in laboratory animals. This proposed dam improvements project will restore lake water levels to the intake design which should restore raw water quality and thus decreasing disinfection byproducts to regulatory levels.

Until July 2008, the dam was privately owned and the owner failed to make State mandated repairs resulting in an Emergency Dam Safety Order issued by MEMA in May 2007. The Order declared the dam to be unsafe and required that the gates of the dam be left open until the repairs were made and the dam inspected by the State. Low water levels in the lake prompted citizens and the town to form a Core Committee in July 2007 to identify and pursue solutions to the dam issues. The committee prioritized the project because dam improvements will not only improve drinking water quality but also restore wetlands, wildlife habitats, fishing and water recreation, and complete the first step in economic revitalization of the town center where the dam is located. After more than a year without progress on the repair of the dam by the private owner, the Town of Canton voted to take the property by Eminent Domain on July 26, 2008.

Pg1/Pp 2/Ln1 – “south side.” I think this is a typo. The north side of the dam can be accessed from the SOUTH side of Main Street.

Pg 5/Pp1/Ln7 – The last word – “month.” Should be “months.”

Pg2/Pp 1/Ln 11 – Here you say the lake is down by 6 feet – that is a bit of an exaggeration. This number comes up throughout the document and sometimes it is 6 feet, sometimes 4 ft, sometimes 4.5 ft (see **Pg5/Pp2/Ln3**). I think the actual amount is four feet but we should be consistent.

Pg2/Pp2 – somewhere in the paragraph you should mention that the temporary dam is only in place seven months per year (May to November). We still draw the lake down in the winter.

Pg2/Pp3/Ln1 – Here you say the new dam will be about “130 feet” upstream of the existing Tannery Dam but on Pg7/Pp2/Ln2 you say “150 feet” – need to be consistent.

Pg3/Pp2/Ln1 and Pg8/Pp1/Ln1 – You mention THREE gates here and on Pg 8. Are we going to be able to get in three gates with our budget? We like three gates but were under the impression one or two would be all we could afford.

Pg 5/Pp1/Ln2 – The second sentence starts “The Lake has been under a Water Level Management ...”. Dana Murch has drilled into our heads that water level management plans are on DAMS not on bodies of water so we suggest “The existing Tannery Dam has been under a Water Level management ...”

Pg5/Pp2 – This paragraph is an over simplification of the project need and over emphasizes winter operations. DEP could argue that the lake level in winter will be the same as it always has been since we’ll continue a draw down. One of the passages from the CBDG grant would probably be better here.

Pg5/Pp3 – I think this paragraph is confusing. I “think” what you are meaning to say is that the lower water levels are harming and draining the Type III wetlands in the lake, raising the lake water temperature and disrupting the habitat on the lake. The way this reads now sounds more like an argument AGAINST a dam.

Pg5/Pp4 – The third sentence regarding pipes freezing should be revised to emphasize Water District treatment cost and water quality rather than pipe freezing. A more firm statement about the low water levels draining about 10 acres of Type III wetlands in the main lake could/should be made. Also, this first alternative would not satisfy MEMA’s Dam Safety Order, which should also be pointed out.

Pg7/Pp1/Ln1 – “currently under a dam protection order” should be corrected to “currently under a MEMA Emergency Dam Safety Order”.

Pg8/Pp1 – Third sentence. Can we change “The hinged flash boards ... with very little manual operation” to “The hinged flash boards ... with very little manual operation and the hinges would prevent the flash boards from washing downstream and obstructing the channel with debris.”

Pg8/Pp5/Ln1 – change “addition” to “additional.”

Pg9/Pp4/Ln2 – change “place” to “placed”

Pg23/Pp2/Ln1 – change “division on the construction” to “division of the construction.”

Pg23/Pp2/Ln3 – you say that the construction will begin with the north/west side with the construction of the new gates. I think the gates should be on the south/east side. Access to the site for construction and later operation is much easier on the south/east side so we think the gates belong on the south/east side. Also the temp dam is easier to manage flows from the

northwest side. So, we would suggest we start by managing flow with the northwest side of the temp dam while building the gates on the southeast side. Then we can use the gates on the southeast side to build the northwest side of the new dam.

Pg23 – Somewhere in the construction plan I think we need a little more about the Brownfields issue. The DEP Brownfields report says there is surface contamination in the top 6” so we should excavate off the surface 6” or so of our excavation area and make a special covered stockpile of contaminated soil. The contaminated soil can go back in to backfill afterwards. Also, we will have dewatering pumps in the excavation. I presume that we are going to pump up into a pit and let the water naturally percolate back into the ground water? Should we state that and identify where the pit is?

Pg25 – somewhere in Attachment 9 I think we need to be clear that these two small wetlands were CREATED BY THE MEMA DAM SAFETY ORDER! They were not there two years ago when the water level between the temp dam and the Tannery Dam was “normal.” I don’t want there to be any confusion that these are wetlands that need saving! Also, we can loose wetlands A and B (which are only recent) and retain and protect the main lake Type III wetlands (about 10 acres).

Pg36/Pp1/Ln3 – Not sure if the spelling of “wadding” is correct. Is it “wading” or “wadding?” Also on Pg39/Pp1/Ln 8.

Pg36/Pp2/Ln2 – “At the old upstream dam ...” might confuse them. Could we change to “At the old Millpond Dam well upstream of the present temporary dam ...”?

Pg41/Pp1/Ln1 – you say the notice will appear in the Kennebec Journal but it should probably the Lewiston Sun Journal. We generally put public notices for Canton in the Sun Journal.

Pg42/Pp5 – You say the app will be filed for public inspection in Bangor. I think for Canton this would/should be Augusta? Also, the application won’t be available in Ellsworth but SHOULD be available in BOTH the Canton and Hartford Town Offices.

Pg43 – You are missing some abutters. Robert Turnbull is the abutter on the northwest side of the property. The Canton Water District abuts the property on the south (the Canton Water District is a separate entity than the Town) and I believe the Rebekka Lodge abuts on the southeast (i.e., the old railroad station). While it is across Main St from the property the Canton Variety also technically abuts the property.

Pg44/Pp2 – Obviously we’ll get you the letter when Historic Prez folks send it. Can we change “employed” to “consulted” in Ln1 and change “a Phase I survey is not ...” to “Phase I prehistoric and historic surveys are not...”

Pg46/Pp1 – Just in case they don’t let us use removal of the temporary dam as “compensation” (which I think they said they would not), can we discuss that providing a new dam will

restore/preserve 10 or so acres of Type III wetlands on the main lake (one on the west shore and the other at the south end). If there is no dam there will be much less than the 10 acres of wetlands. We are taking out 900 sq ft of stream bottom and preserving 10 acres of wetland. The ONLY reason those 10 acres have not been high-and-dry for the last three years is the temporary dam.

Appendix B – the title sheet for appendix B is correct but the heading on the next page (unnumbered) says Appendix A.

Activity Type – you mention replacement dam and removal of temporary dam but shouldn't you also include removal of the Tannery dam?

Question 1C (trail) -- The new Whitney Brookside Trail is ¼-1 mile from the site. I'm not sure if it is consider a "state" trail. Some of the URLs on the next page don't work so I couldn't check. Also, snowmobile route ITS89 pass through the property – does that count as a "state trail?" I don't really WANT to include these but I also don't want them to snag you for leaving them out so you might check. I'm not sure about the snowmobile trails – they are designated by the State but the properties are privately owned.

Question 1D (listed buildings) – again, I don't want to include it if we don't have to but I don't want THEM to gig us for not including it. The building at 12 Main Street (Malcolm Ray's office building) IS listed on the "Maine Historic Resources Inventory" but is not on the National Register of Historic Places because I (MHR) haven't finished the application. So, I guess we can say it is not on the NRHP.

Question 1F – You checked "municipal park or public open space" but the site is not YET a municipal park or public open space – it is just town owned land. Did you check this because we plan to use it as such? There is also a new little park just up Rt 108 across from the Victorian Villa which is a municipal park (probably ½-1 mi). Also, some committee members thought the "roadshore" might count. The "roadshore" is the ad hoc Canton Town Beach but it is really just part of the right of way of ME DOT for Rt 140 and not any kind of official "public space" so I don't think it counts but I thought I'd pass it along.

Question 5 – your response there is confusing. The activity is visible "year round" and you checked several boxes in question 1 but NO for this question. I don't really WANT it to be YES but if it should be it should be.