

FERC Committee Report - Steve Heinz

January 22, 2026

Outreach. A webinar on the proposed Cianbro closed-loop pumped storage project in Dixfield was held November 18. Attendance exceeded 110 participants with about 60 being in the teleconference at any one time. A recording of the webinar and supporting information is available at https://drive.google.com/drive/folders/1msHmmsmteB_Cf6TI09GLkmiW3KdD4K8I?usp=drive_link. A March webinar on NGO use of AI is planned. Presenters on use of AI for grant proposal writing and PR/media are needed. Please contact Steve if you know anyone using AI for these purposes.

Lower Kennebec Dams. Since November's last report, the "turnover" of Brookfield's four lower Kennebec dams (Lockwood, Hydro-Kennebec, Shawmut, Weston) to The Nature Conservancy (TNC) has moved from the headline deal phase into regulatory execution and pushback: Brookfield continued framing the sale as driven by "overburdensome" regulation (and had already withdrawn Maine DEP water-quality certification applications in Oct. 2025), while in early January 2026 it began the first formal transfer steps at FERC to facilitate the agreed sales transaction—steps that drew objections from Sappi and other business/political voices who argue the transfer structure could reduce oversight or accelerate decommissioning plans. The dispute is now centered on whether FERC should approve the transfer as a precursor to TNC's eventual decommissioning/removal pathway, with reporting emphasizing that Brookfield would keep operating the dams during the lengthy decommissioning process contemplated by the deal. See <https://www.pressherald.com/2026/01/21/a-healthy-kennebec-river-a-healthy-maine-opinion/>

Aziscohos Project. MDIFW proposed higher flows, revised refill timing, and higher lake levels. Meetings were held that included Brookfield, MDIFW, Rangeley Lakes Heritage Trust, and the Camp Owners Assn representative at MDIFW Headquarters in Augusta on December 4 and January 8 to discuss additional features beyond those in the Agreement in Principle. All parties agreed to modification of the AIG. Modified proposal under review by MDIFW and Brookfield. Approval of the modified proposal is anticipated.

Ripogenus and Penobscot Mills Projects. The Draft Angler Survey and Economic Assessment Report has been completed by Neal Hagstrom. It showed that the size quality of landlocked salmon on the West Branch has declined and calculated the economic value of the fishery. Steve will file the report to the FERC Docket by early next week. Steve and Neal met with Liz Latti, MDIFW Fisheries Division Head, at her Augusta Office on January 14. The meeting was friendly and seemed productive. She had been sent a copy of the report and we asked that she and Tim Obrey review it by January 21 so we would not be at cross-purposes or step on toes when we post it to the FERC docket. Liz did not respond by the 21st nor answer calls or an email sent to her this morning. Besides the Study Report, we discussed the attached filing to FERC requesting installation of a flow/temperature gage in the Telos Bridge vicinity or the release of a 400 cfs buffering flow and reinstallation of a dam keeper at Ripogenus Dam. We also asked for a meeting with her, John Perry, and the new regional biologists from both regions after the report had been filed to discuss the report and the NGO asks for the new license.

Brunswick Project. Initial Study Report Meeting held virtually on January 15. Free the Andro/MMBTU engagement. Most significant were preliminary studies presented that establish methodology for key follow-up studies: Computational Fluid Dynamics Modeling and Upstream and Downstream Fish Passage Alternatives Study. "Free the Andro" kick-off meeting scheduled for Tuesday, January 27, 2026, from 5:00 to 6:30 pm EST in the Morrell Meeting Room at the Curtis Memorial Library, located at 23 Pleasant Street, Brunswick.

Dixfield Pumped Storage Project. Council voted not to oppose the project at this time. No further developments since our last meeting.

Legal Defense Fund. Fundraising resumed with \$11,767.60 collected for this drive to date. Board members and chapters are encouraged to donate. Steve is in contact with Peter Schilling, former Massachusetts TU Council Chair, who supports the effort and will be soliciting funds for us in Massachusetts. Steve may be speaking at Massachusetts TU Chapters, with the Cape Cod Chapter in March a possibility.

Mousam Project. FERC EA supported KLPD proposal; MDMR and MDIFW continue advocating fish passage improvements. This month, Mousam-Kennebunk Alliance (inc. Sebago TU) filed a letter with FERC asking it reject KLPD's request for a 180-day extension of time to file application for a Water Quality Certification.

Worumbo Project. Federal shutdown delayed consultations. Project license extended for an additional year pending issuance of a new license on December 16, 2025 REA (Ready for environmental Analysis) issued January 14, 2026. Motions to Intervene due March 16, 2026. TU will file to intervene.

Upper Barkers Project. Maine TU Council filed in support of City of Auburn request for river walk and other recreational features.

Royal River Dams. On January 7, 2025, MNRCP approved a \$1 million grant enabling Bridge Street Dam and fishway removal in summer 2026. Engineering and permitting are complete, funded by American Rivers. No property taxes will be used for approved restoration work. DEP permit (60% design) accepted January 2, 2026; NOAA funding decision pending. DEP is not requiring a new public meeting, though one may be requested within 20 days of January 2, 2026. A Town Committee is working to obtain funds for the Elm Street Dam removal.

Lewiston Falls Project. No major developments; stakeholder coordination ongoing.

Dundee / Eel Weir Projects. January 8, FERC Compliance sent a detailed letter to Relevate emphasizing reports due on Environmental Inspections for the Gambo, Mallison Falls, Little Falls, and Eel Weir Projects.

Cataract Project. Stranding Study postponed to Spring 2026, Downstream Adult American Eel Passage Study postponed until Fall 2026.

Brush Mill Dam. \$350,000 MNRCP grant approved pending federal ratification.

Mayo Mill Dam. Progress on the multi-year effort to remove the Mayo Mill Dam on the Piscataquis River in Dover-Foxcroft: engineering and field survey work has been completed, a contract with Interfluve has been signed for detailed design and sediment planning, and final design work is underway with the goal of submitting the Federal Energy Regulatory Commission surrender application this spring, which will begin the formal federal review process that is expected to take 18–24 months; in the meantime, the community was invited to a January 25, 2026 downtown riverfront design open house to provide input on how the riverfront should be shaped once the dam is removed.

Hackett Mills Project. Intervention filed; no new developments.

Ellsworth Project. New WQC proposes improved lake management; awaiting MDEP decision.

SHRU Meeting. Postponed; not rescheduled.

AI Initiative. Steve has subscribed to ChatGPT-5 (~\$200/year) and is using its functions effectively.

Androscoggin Reclassification. Public hearing held Oct 16; BEP rejected Friends of Merrymeeting Bay request to admit additional information into the record. Maine TU Council supported the request. Friends of Merrymeeting Bay working to submit legislation next cycle to upgrade Androscoggin from C to B upstream of Worumbo Dam.

Hydropower Licensing 101 Training. February 18TH, 3 PM EST Virtual Meeting. Register at https://docs.google.com/forms/d/e/1FAIpQLSdJX482RJeH-cNgYgwtWF_1DH6cZ6aBEo5NAmEISE_CeCyzIA/viewform

Maine FERC Active Project Status Report. Next report will be distributed by the end of January. A copy will be filed to the Cloud folder for this meeting.

Attachments

Email and filing on West Branch flow gage.

From: Stephen Heinz <heinz@maine.rr.com>

Subject: Fwd: FERC Acceptance for Filing in P-2572-142

Date: January 16, 2026 at 9:22:06 AM EST

To: Elizabeth Latti <Elizabeth.Latti@maine.gov>, John Perry <John.Perry@maine.gov>, Laura Paye <laura.paye@maine.gov>, "Briggs, Claire" <Claire.Briggs@maine.gov>

Cc: Neal Hagstrom <troutnh@hotmail.com>, Matt Streeter <mstreeter212@gmail.com>

Dear Liz, John, Laura, and Claire,

I wanted to let you know that Maine TU Council filed the attached letter with FERC today regarding ongoing compliance problems with the Ripogenus Project on the West Branch Penobscot River.

As described in the filing, the chronic history of repeated generator trip events without consequences and lack of downstream compliance monitoring continues to result in fish stranding and mortality, particularly affecting young-of-the-year landlocked Atlantic salmon. Despite prior discussions, there has been no meaningful change to prevent these impacts.

I recognize that the State generally defers to FERC on hydropower compliance matters. In this case, however, even limited engagement by MDIFW or DEP could make a real difference. A brief filing, email, or direct communication to FERC's hydropower compliance staff—specifically Michael Calloway (michael.calloway@ferc.gov; 202-502-8041)—could help prompt interim corrective action while relicensing remains unresolved.

Brookfield has shown little inclination to resolve these issues voluntarily, and the Ripogenus relicensing is already behind schedule. Like the Ellsworth Project, the relicensing process could take years. In the meantime, preventable impacts to the fishery continue.

We are simply asking for reasonable interim action that will ultimately work to reduce avoidable fish kills and protect a declining fishery that is ecologically and economically important to Maine. Mr. Calloway is scheduled to return from vacation today, making this an especially timely opportunity for outreach.

Thank you for considering this request.

Sincerely,

Steve
207 781-4762 (voice/fax only)

January 16, 2026

Ms. Debbie-Anne A. Reese, Esq.
Secretary Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426



Via online submission to: <http://www.ferc.gov>

Subject: Further Comments on June 17, 2025 Generator Trip Event at McKay Station, Ripogenus Project (FERC No. P-2572)

Dear Secretary Reese:

On behalf of its six chapters and more than 1,700 members, Maine Council of Trout Unlimited (TU) seeks the assistance of the Commission with respect to the monitoring plan for flows downstream of McKay Station. The current plan does not meet the intent of Article 403 of the current license and the Great Northern Paper, Inc. Water Management Plan for FERC Project No. 2572 – Ripogenus (Accession No. 19970429-0307).

Background. At approximately 2:24 p.m. on June 17, 2025, a generator trip at McKay Station caused river flows to fall below the minimum outage flow of 400 cubic feet per second (cfs) required under Article 402 of the Ripogenus Project license. Brookfield reported that “a low hourly flow of 350 cfs was recorded during this excursion” as the result of a transmission line cross-arm failure while one generating unit was out of service for maintenance (Accession No. 20250626-5131; Brookfield Minimum Outage Flow Excursion Report, June 26, 2025, pp. 1–2). The duration of the event was reported as 1 hour, 41 minutes. FERC Compliance requested additional information that Brookfield provided, with a spreadsheet generally providing round number estimates for the flows that followed the event (Accession No. 20250909-5113, p. 6); Brookfield response to FERC Additional Information Request Regarding June 17, 2025, Deviation from Article 402 Required Discharges).

Observed Impacts. Brookfield’s report acknowledges that impacts to aquatic life likely occurred during this event (Brookfield, June 26, 2025; Accession No. 20250626-5131, p. 2). TU documented stranded and dead aquatic life through photographs and video submitted to the Commission later in June 2025 (TU, Additional Information Requests Comments, June 30, 2025; Accession No. 20250630-5044, pp. 3–6). This is consistent with what TU teams observed during the October 5, 2022 stranding study, which found that abrupt flow reductions below McKay Station result in significant fish stranding and mortality, particularly among young-of-year salmonids (Accession No. 20220923-5086; Maine TU Council Stranding Study Observations, Oct. 19, 2022;). Additionally, generator trip events interrupt both whitewater and fishing activities, and strand rafts and drift boats until flows are restored.

Context. This is not a new problem. Generator trip events at McKay Station have been occurring for years, on average about once per year by Brookfield’s own admission (Accession No. 20250909-5113). After the July 7, 2023 trip event and resulting fish kills, FERC requested Brookfield “consult with the FWS, Maine DIFW, Maine DEP, and Maine LURC to identify measures aimed at reducing the instances of fish and macroinvertebrate strandings downstream of McKay Station during down ramping events,

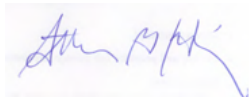
such as unit outages, until the current relicensing process is concluded.” (Accession No. 20230822-3052). Brookfield’s January 2024 proposal did little more than preserve the status quo, a point TU made in its January 25, 2024 comments (Accession No. 20240125-5091); TU Response to Ripogenus Project Interim Plan, Jan. 25, 2024. The June 17, 2025 event shows that the underlying problem remains unresolved.

Need for Action. Although Brookfield’s Draft Operations & Compliance Monitoring Plan introduces new procedural reporting requirements, the underlying monitoring framework remains unchanged and fully controlled by the licensee, relying on internal SCADA (**Supervisory Control and Data Acquisition**) systems and Brookfield-maintained public postings without any independent, continuous in-river verification (Accession No. 20250728-5100, Appendix B at pp. 14–17). The accompanying Draft Low Inflow Protocol explicitly acknowledges that it is “largely based” on historic operational consultations under the 1996 licenses and preserves Brookfield’s operational flexibility without establishing objective, enforceable flow thresholds or independent measurement standards (Accession No. 20250728-5100, Attachment 1 at pp. 1–2; pp. 6–7). For this reason, Maine Trout Unlimited respectfully submits that installation of an independent USGS flow/temperature gage in the Telos Bridge reach is essential to provide objective compliance verification, real-time transparency, and meaningful protection of recreation and aquatic resources until the new license is approved and implemented. This failure of independent verification directly undermines the enforceability of Articles 402 and 403 of the current license. More than six months have now passed since the June 17, 2025 event, yet nothing has changed on the ground. Each generator trip continues to place the West Branch fishery at risk, including landlocked Atlantic salmon — Maine’s state fish — and the aquatic community they depend on.

Requested Next Steps. At a minimum, TU asks that Brookfield be required to install, at its expense, a USGS-standard flow/temperature gage in the Telos Bridge area so that future events can be evaluated using accurate, independent data. Brookfield effectively acknowledges this need by proposing the installation of a downstream gage in its Final License Application (Accession No. 20240930-5071, P-2572 Final License Application, Vol. I, Schedule A, Water Resources Section), but will do nothing to shed light on conditions in the reach most affected by these events in the near term. In the absence of a USGS flow/temperature gage, FERC should direct the continuous release of 400 cfs through a deep gate to buffer and mitigate the effects of future trip events, and direct Brookfield to return a dam keeper to Ripogenus Dam to reduce outage duration as per our prior request (Accession No. 20250630-5044, p. 3; Additional Information Requests (AIRs) Regarding Relicensing of the Ripogenus Project (P-2572) and the Penobscot Mills Project (P-2458)).

Conclusion. With the relicensings behind schedule and the project continuing to operate under the existing license, improved oversight and better information are essential if the Commission is to meet its statutory responsibility to protect the river and its fishery while this process plays out.

Very respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator