

MAINE FERC ACTIVE PROJECT STATUS - some other dams too

Information provided to encourage cooperation and coordination between NGOs and other entities. While the information was current when entered, change is constant. Asterisked items have changed since the last report, **bolded** items are seen as TU priorities.

→ Please provide any updates to Steve Heinz - heinz@maine.rr.com.

Past Expiration Date

P-2721 HOWLAND EXPIRED 09/30/00 CAPACITY 1875 PENOBSCOT RIVER RESTORATION TRUST PISCATAQUIS RIVER

P-2312 GREAT WORKS EXPIRED 03/31/02 CAPACITY 7655 PENOBSCOT RIVER RESTORATION TRUST PENOBSCOT RIVER

Success stories that are part of the Penobscot River Restoration Project. FERC keeping these projects on active project list until license surrender terms and conditions are met.

P- 2364 ABENAKI ISSUED 07/25/03 CAPACITY 18800 EAGLE CREEK KENNEBEC RIVER
(2 dams at Anson)

Project not meeting downstream American eel passage rates. Night time operations to be curtailed September 15 to November 15.

P-2615 BRASSUA EXPIRED 03/31/12 CAPACITY 4180 BRASSUA HYDROELECTRIC LTD PART (ME) MOOSE RIVER (Brookfield - First dam upstream from Moosehead lake)
Water Quality Certification had been effectively waived as determined by the Hoopa v. FERC case. License issued on April 15, 2021. FERC Letter of January 19, 2022) revised deadline to develop the group camp and canoe rest at the Brassua Project to June 15, 2023. In March, Brookfield applied for LIHI certification. In May, Maine TU Council submitted comments resulting denial of LIHI certification.

* P-2727 ELLSWORTH EXPIRED 12/31/17 CAPACITY 8900 BLACK BEAR HYDRO PARTNERS, LLC UNION RIVER

MDEP denied Clean Water Act Certification in March 2020 based on effects of water level changes on benthic aquatic communities in Graham Lake and Union River and low DO levels in Leonard Lake. The DEP denial was upheld and affirmed by MBEP. Brookfield has filed a section 80c appeal to Kennebec County Superior Court challenging the classification of Leonard Lake (and the WQC denial). Hearing scheduled for 3/4/2022 continued, no reschedule as of 3/17/2022. Still generating with annual license extensions. Union was listed as one of American River's Most Endangered Rivers of 2022, due in part to Brookfield's dam. *Brookfield has filed a section 80c appeal to Kennebec County Superior Court challenging the classification of Leonard Lake (and the WQC denial). Downeast Salmon Federation is an intervenor in this proceeding. A new judge has been assigned the case is moving toward a hearing date in Maine District Court. All briefs must be filed by April 26, 2023.*

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* P-2520 MATTACEUNK EXPIRED 08/31/18 CAPACITY 19200 GREAT LAKES HYDRO AMERICA. LLC. PENOBSCOT RIVER

Next dam downstream from Medway on Penobscot. New license issued 2/26/2021. Brookfield Brookfield submitted Draft Fishways Design Plan 2/28/2022. Incorporates helical eel ladder, one-inch mesh trash racks and changes to operations. *On 1/12/2023, Brookfield submitted for a year's extension of time to file downstream Atlantic Salmon Passage Plan. On the same day, FERC gave Brookfield 45 days to explain why all USFWS comments on their Downstream American Eel Passage Effectiveness Plan had not been incorporated.*

P-2808 BARKER'S MILL [Lower] EXPIRED 01/31/19 CAPACITY 1500 KEI (MAINE) POWER MGMT (III) LLC LITTLE ANDROSCOGGIN RIVER (First dam upstream from confluence with Androscoggin)

NOAA Consultation issued in August included fish passage provisions including: downstream - entrapment protection and 25CFS minimum flow, upstream - Pool and weir or lift for Design capacity of 1.7 million river herring, 37,000 shad, 370 salmon with performance monitoring. MDEP issued CWA Certificate supporting prescription. KEI requested a review by the US Court of Appeals of the District of Columbia to dispute NMFS fish passage prescriptions. Alternative Dispute Resolution (ADR) process to contest MDEP Fish Passage Prescriptions. Settlement was finally achieved in July 2022 with fish passage by 2031, and the filings to formalize this are in their final stages. The settlement also covers KEI projects upstream. If KEI withdraws, the project reverts to original prescriptions that will be effective immediately. It will be interesting to see if this ever comes to pass or KEI simply operates the project for the next 9 years and then surrenders the license.

P-2809 AMERICAN TISSUE EXPIRED 04/30/19 CAPACITY 1000 KEI (MAINE) POWER MGMT (III) LLC COBBOSSECONTEE STREAM (lower Kennebec feeder)

American Tissue effort by Upstream, a local NGO. MDMR, USFWS and NOAA prescriptions:

- 1) upstream alosine passage within two years of migratory fish at powerhouse.
- 2) improved plunge pool for out migrating fish
- 3) minimum flows in bypassed reach.

Relicensing document issued April 30, 2019. Work on the fish passage provisions was completed last summer. The effectiveness of the measures is yet to be determined and will be monitored and reported over the next two years per FERC order dated 2/15/2022.

Nevertheless, the project certified by LIHI as low impact on 8/16/22.

P-2804 GOOSE RIVER EXPIRED 02/29/20 CAPACITY 375 GOOSE RIVER HYDRO INC (ME) GOOSE RIVER (Small coastal stream)

Small project. Needs upstream eel passage. IFW raised concerns about lake levels and spawning lake trout in recent comments. 5 dams in the project. FERC rejected the License Application based on its "repeated failure to provide the Commission with the information it needs." FERC ordered license surrender - surrender in process. Dam owners declared insolvency. Swanville bought first dam, a private investor bought the second. Downeast Salmon Federation has gotten appraisals for next two and old CMP dam at head of tide. Town submitted comments supporting license surrender. Owners claim to not need to file for surrender as they "never owned" the dams. Alleging a real estate company with no FERC license was the actual owner (the humans in charge run both). Surrender filing deadlines passed with no FERC action. The most downstream dam in the project has breached (at least

* *Change since last status 9/15/2022*

temporarily) from lack of maintenance – may have been repaired. Nothing substantive filed to the FERC Docket since August 2021.

* **P-2322 SHAWMUT** EXPIRED 01/31/21 CAPACITY 8740 BROOKFIELD WHITE PINE HYDRO, LLC. KENNEBEC RIVER

Fishway construction halted at Shawmut Dam. *Because of the Endangered Species status of the Kennebec's Atlantic salmon, last year Brookfield was required to file a draft Species Protection Plan (SPP) and Biological Opinion (BO). The National Marine Fisheries Service (of NOAA) is in the process of reviewing these proposals and must and either:*

- *adopt the draft,*
- *propose reasonable alternative actions that Brookfield must take to protect Atlantic salmon, or*
- *declare the Draft or portions of the Draft SPP or BPO would put Atlantic salmon's survival in Jeopardy.*

After closed door consultations between Brookfield and NOAA, NOAA has said that they will release their decision on Brookfield's Draft SPP and BO on or before February 15th.

If NOAA Fisheries moves forward as Brookfield has proposed, against the recommendations of the Maine Department of Marine Resources (DMR) to issue much stronger requirements to protect Atlantic salmon at the Kennebec dams, the Kennebec River above Waterville will become another failed East Coast restoration story, just like the Connecticut, the Susquehanna, and the Merrimack rivers.

*In January the National Resources Council of Maine issued an **ACTION ALERT** asking its members to write to NOAA Fisheries technical staff and ask them, as they develop their Biological Opinion, to please make sure they go forward together with Maine DMR and issue strong requirements to protect the Kennebec's run of Atlantic salmon. Trout Limited's National office is in the process of taking this message to the national level with a nationwide **ACTION ALERT** to be released later this month. The Kennebec Coalition urges Maine Trout Unlimited members to sign on to these requests.*

FERC has yet to issue their Environmental Impact Statement that was scheduled to be released last August and which will cover all four lower Kennebec Dams because of the cumulative impact of these four dams on Atlantic salmon. FERC has not announced a date for this. Brookfield must decide whether to appeal FERC's decision upholding of the State of Maine's Denial (without prejudice) of 401 Water Quality Certification for the Shawmut Dam to the D.C. Federal District Court. Maine Department of Environmental Protection said they needed additional information (likely including yet to be released information from NOAA's SPP and BO) to be able to assess this permit proposal.

The Endangered Species case brought by the Kennebec Coalition against Brookfield alleging violations of Brookfield's Take Permit of Atlantic salmon has been delayed, likely pending outcome of some of the issues above.

***P-3820 SOMERSWORTH** EXPIRED 08/31/21 ACLARA METERS, LLC SALMON FALLS (boundary water with New Hampshire) Aclara surrendering license - surrender process is proceeding. Agencies asking for dam removal. FERC rejects dam removal as option. On April 30, 2020, Green Mountain Power Corporation and the City of Somersworth, New Hampshire filed an application for a subsequent license. Project continuing to operate, relicensing in progress. *Aclara requested expeditious action on surrender application 3/24/22. Also of interest in watershed:*

P-3777 ROLLINSFORD EXPIRES 08/31/21 and P-4451 LOWER GREAT FALLS 4/30/22. NH Fish and Game working with USFWS to reestablish fish passage. On 10/23/2021, USFWS filed to extend deadline for fish passage prescriptions for Rollinsford Project to file its modified fishway prescription for the Project to January 31, 2022. New license issued 6/15/22. Rollinsford requested a rehearing 8/8/22 that FERC denied. *On November 14, 2022, NH Senator Shaheen asked FERC to finalize the Aclara's surrender application that is still pending. FERC responded that "Hopefully, the Commission will be responding soon."*

P-2368 SQUA PAN EXPIRED 12/03/21 CAPACITY 1500 ALGONQUIN NORTHERN MAINE GEN.CO. SQUA PAN STREAM (Aroostook River feeder north of Masardis) Operator pulsing releases devastating 4.5 miles of habitat below dam. MDIFW Frank Frost working to place structure downstream to create deep holding areas improving LLS habitat. NO NGO involvement. New license issued 4/18/22. Extensions requested to deadline for installing dissolved oxygen (DO) monitoring equipment, the latest on 6/28/22. Administrative actions still ongoing to complete relicensing process.

P-12711 COBSCOOK BAY TIDAL ENERGY EXPIRED 01/31/22 CAPACITY 300 ORPC MAINE, LLC. COBSCOOK RIVER
Tide turbine - no dam involved

P-5362 LOWER MOUSAM EXPIRED 03/31/22 CAPACITY 600 KENNEBUNK LIGHT & POWER DIST MOUSAM RIVER (Coastal river southwestern Maine) License surrender in progress. Mid-March teleconference between KLPD, agencies and NGO pretty much a standoff. Comments coming in supporting removal. KLPD submitted application to surrender in place without dam removal 3/31/2021. Comments filed supporting removal filed by numerous individuals. MKRA, Maine Rivers and Sebago TU have filed to intervene. FERC filed dam inspection report 10/4/2021 noting three additional concerns asking KLPD to provide a plan and schedule to address these and three continuing concerns within 30 days. KLPD provided on 12/3/2022. Maine Rivers considering bringing suit on water quality concerns.

* P-4784 PEJEPSCOT EXPIRED 08/31/22 CAPACITY 13880 TOPSHAM HYDRO PARTNERS LTD PT (MN) ANDROSCOGGIN RIVER
FLA filed August 2020. *Settlement agreement issued for fish passage inc. eels, river herring and Atlantic salmon issued February 18, 2022. Changes project operations, provides for monitoring and adaptive management. FERC issued Final Environmental Analysis on 11/2/2022. MDEP issued Water Quality Certification requiring only Class C standards noting that the reclassification to Class B had not taken place yet. Friends of Merrymeeting Bay (FOMB) appealed the decision, Maine TU Council supported FOMB's appeal. The Maine Board of Environmental Protection will hear the Appeal on February 16. Fishway prescriptions for American eels were promulgated by USFWS on January 12.*

* **P-2530 HIRAM** EXPIRED 11/30/22 CAPACITY 10500 BROOKFIELD WHITE PINE HYDRO, LLC. SACO RIVER
TU National requires chapters and councils to seek their approval before proceeding to litigation in front of a judge. That policy applied to our planned appeal of the Maine Board of Environmental Protection's upholding the Water Quality Certification, and eventually of FERC's

licensing decision. We submitted a detailed memo to national describing our argument and our plans for proceeding, and Matt and Scott (our attorney) had a Teams conference with three national staff members (Jeff Yates, Amy Wolfe and Keith Curley) plus national's lead attorney. Ultimately, the question went to Chris Wood, and the decision was made that litigation on this matter is not approved. The reason came down to the fact that not enough trout habitat was at stake in this specific matter, essentially being only 500 feet of river. They did not seem to put much weight to our position that this dewatering issue is at the heart of many relicensings coming up in the next few years, and that if we don't fight this one it will set a bad precedent. On the question of precedent, they made the point that if we proceed to appeal and lose, we set an even worse precedent than if we just don't proceed. In any case, there is no avenue for us to proceed with the Hiram Dam relicensing at this time without national's approval. Barring the unforeseen, this will close out TU involvement.

In Progress

P-3562 BARKER MILL UPPER EXPIRES 07/31/23 CAPACITY 950 KEI (MAINE) POWER MGMT (III) LLC LITTLE ANDROSCOGGIN RIVER (Second dam, just upstream from Lower Barkers) ASF, TU, NOAA and MDMR engagement. PAD filed. Comments w/Study Request filed 1/2/2019 by TU and other NGOs. KEI issued Proposed Study Plan, delaying Agency requested studies. TU comments emphasized importance of studies. Apparently ISR issued to agencies. USFWS submitted comments on ISR noting inadequacy of studies conducted. NMFS filed for dispute resolution. FERC's decision: "NMFS's requested telemetry and project survival studies are unnecessary and KEI Power is not required to conduct these studies. However, KEI Power must address NMFS' concerns with the desktop study in its draft license Application." DLA issued - Final License Application filed July 30. FERC issued letter "not ready for environmental analysis" on 10/08/2021. Additional study requests sought. NMFS resubmitted requests for (1) an upstream American eel passage siting study; (2) a downstream fish passage-telemetry study; and (3) a downstream fish passage effectiveness and survival study. FERC again denied the requests. Will drive relicensing into 2022. KEI letter of 12/21/2021 provided additional information. Project falls under Barkers Mill [Lower] settlement, see entry below.

* P-4202 LOWELL TANNERY EXPIRES 09/30/23 CAPACITY 1000 KEI (MAINE) POWER MGMT (II) LLC PASSADUMKEAG R (First dam upstream from Penobscot.) Fishway performance an issue. ASF will likely be involved and advocate for improved fish passage at the site. TNC interest as well. KEI disputed radio-tracking study, FERC found for USFWS and ordered study in February 2021. DLA submitted by KEI 6/21. NMFS has requested comment period extension of 90 days to begin upon receipt of the 2021 upstream passage study report. Other agency comments coming in. FLA filed 10/12/2021. NMFS requested additional study data on downstream passage of eels and alosines and additional time to comment after data received. KEI response of 12/20/2021: "KEI (Maine) respectfully requests that the Commission, again, reject the field-based study of downstream fish passage at the project." FERC rejected the study in 1/13/22 letter. FERC issued Scoping Document 1 (SD!) in January, 2022. USFWF comment: "Lowell Tannery fishway has an efficiency of 15.9 percent for alewife and 39.5 percent for Atlantic salmon." FERC letter of March 9, 2022 informed KEI

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license application still deficient: does not demonstrate that “existing and proposed structures are safe and adequate to fulfill their stated functions.” FERC approved KEI’s 7/18/22 request to delay issuance of Ready for Environmental Analysis (REA) until “at least” 10/1/22. *KEI submitting monthly Settlement Progress Reports.*

* P-7189 GREEN LAKE EXPIRES 03/31/24 CAPACITY 500 GREEN LAKE WATER POWER CO (ME) REEDS BROOK (Greater Union Watershed)
Small project at outflow of Green Lake southeast of Bangor upstream of Graham Lake. Some outflow to hydro, other to federal hatchery. Extremely complex situation. One of the original habitats of Maine’s landlocked salmon. Had to have Atlantic salmon run at one time. Char present as well. Part of flow alternate water source for USFWS fish hatchery. Dan Tierney USFWS POC. *No consensus or recommendation could be developed by TU. Final License Application (FLA) submitted 3/31/2022. NMFS requested two additional studies on the same day. FERC found application deficient. Green Lake Hydro asked for extension to 11/15/22 to correct. On December 13, 2022 still needed information regarding Cultural Resources (historical) and Supporting Design Report, (ice buildup, etc.) that Green Lake Power must supply in 60 days.*

* P-2600 WEST ENFIELD EXPIRES 05/31/24 CAPACITY 13000 BANGOR-PACIFIC HYDRO ASSOCIATE (ME) PENOBSCOT RIVER
Penobscot Indian Nation interest. *ISR report and meeting March 2021. Only 2/3 of radio-tagged alewives transited the fish ladder. Acoustic study involving shad deeply flawed, yet FERC accepted study. Awaiting the year 2 study reports and a draft application. Brookfield submitted Downstream Fish Passage Conceptual Alternatives Evaluation on 10/29/2021. Meeting held to discuss downstream passage alternatives described in December 16, 2021 report. USFWS proposes modified eel passage measures. Brookfield filed hydraulic analysis model results on March 11, 2022 that needed to be part of the study. On 3/31/2022. FERC Denied a NOAA Fisheries request for a 30-day delay on DLA Comments. Final License Application (FLA) submitted 5/27/22. FERC Issuance of 6/24/22 gave Brookfield 90 days to correct admin deficiencies in FLA. Brookfield submitted Downstream Fish Passage Conceptual Alternatives Evaluation Draft Phase 2B Report and responded to FERC’s requests for additional information in September. This is part of the process to: “a proposed alternative for downstream fish passage and protection enhancements and anticipates circulating a formal proposal for stakeholder review and comment in early October.” That proposal has not been forthcoming. Brookfield provided additional water quality studies for the Mile Brook/Runaround Dam “side channel” that demonstrates the dam turns critical Atlantic salmon habitat into a backwater. TU noted this fact to the agencies and other NGOs involved.*

P-6398 HACKETT MILLS EXPIRES 08/31/24 CAPACITY 485 HACKETT MILLS HYDRO ASSOCIATES (MD) LITTLE ANDROSCOGGIN RIVER
Small project upstream of Barker Mill. Need fish passage to access anadromous fish spawning habitat above Welchville Dam (non-FERC). Maine TU Council involvement. Operator Eagle Creek Hydro conducting minimal studies, delaying a number of those requested. Study report and teleconference conducted 5/21. Final License Application (FLA) filed 8/31/22 requesting fish passage in 2041 contingent on Marcal Project (upstream). Expect Ready for Environmental Analysis (REA) April 2023. Expect fish passage prescriptions to be along the lines of those for Barkers Mill [Lower] settlement (downstream), see entry below.

* *Change since last status 9/15/2022*

P-2333 RUMFORD FALLS EXPIRES 09/30/24 CAPACITY 44500 RUMFORD FALLS HYDRO (BROOKFIELD), LLC. ANDROSCOGGIN RIVER

Above Lewiston Falls. No historical Atlantic salmon fish passage. Smallmouth bass on both sides of dam. MDEP and MDIFW coordinating requests for flow studies. PSP teleconference held April 7. MDIFW reiterated request for trout radio-tracking study and flow study. MDMR submitting eel study request. TU noted Archaeology Study submitted is 20 years old and inaccurate. Mahoosuc Pathways interest - Brookfield closed near by walking path due to their perceived safety interests. Town, AW, Maine TU Council and others involved. Teleconference to discuss recreational studies discussed in March 2021 teleconference. Integrating fishing, viewing and aesthetic interest will be challenging. ISR teleconference held 8/18/2021. Some studies delayed due to low water conditions. Vacuous Draft License Application (DLA) issued in July, Updated Study Report (USR) issued subsequently, Final License Application (FLA) due September 30. TU filed joint comments along with other NGOs on DLA and USR on 8/31/22. Legal action will be dependent on FLA contents and WQC application results. With positive results from Hiram relicensing appeals, anticipated WQC could be appealed. Legal action to address dewatering might be more properly undertaken by Conservation Law Foundation or Maine Rivers than TU. Steve working to effect.

*** P-4026 AZISCOHOS EXPIRES 03/31/25 CAPACITY 5311 ANDROSCOGGIN RESERVOIR CO (ME - BROOKFIELD) MAGALLOWAY RIVER (upper Androscoggin Watershed)**

Smallmouth below but not above dam. Issues: Flow regiment, drowned ledge and pool habitat. *TU's Mac McGinley is communicating with Ken Kimball (Azischohos Lake Camp Owners Association), Shelby Rousseau (Rangeley Lakes Historical Trust), and Liz Thorndike (MDIFW) to see who was planning on submitting comments and to make sure we were supporting each other's comments in our own. Shelby and Liz are still studying the DLA and determining whether to submit comments at this time. Ken and I plan on submitting comments on the DLA in a joint ALCOA/TU letter. Since many of the Year-2 studies are not due or finished yet and the DLA is very shallow w/ lots of caveats, our plan is not to play too many of our potential cards at this juncture. Instead, we will focus more on chiding FERC and the Applicant for allowing many of the needed studies to not happen until study year 2 which will not be available until after this filing date that makes this important step a facade.*

*** P-3428 WORUMBO EXPIRES 11/30/25 CAPACITY 19100 BROWN BEAR II HYDRO, INC. ANDROSCOGGIN RIVER**

PAD filed January 28. *Effectiveness of installed fish passage a concern. Revised Study Plan (RSP) issued 9/3. Initial Study Report Meeting held last month. The report was like a like an empty sack since most study reports were not complete and are not due to be filed until the fall. Charlie Spies of MMBTU filed comments including that this timing impedes the ability of interested parties and agencies of jurisdiction to comment timely and suggest any further work after the 2023 field season has passed. FERC acknowledged receipt of the comments. The dam owner, Eagle Creek Renewable Energy has stated that it will "make best efforts" to release preliminary findings ahead of schedule during Q2 or Q3 of 2023 that this disadvantages the stakeholders.*

* P-2302 LEWISTON FALLS EXPIRES 08/31/26 CAPACITY 8440 BROOKFIELD WHITE PINE HYDRO, LLC. ANDROSCOGGIN RIVER

Limit of historical upstream river herring fish passage. Grow LA River Working Group engaged. FERC approved reduction of project area extent to Longley Bridge instead of down to the Durham boat launch. Grow L+A working for: Timed water release levels controlled for kayaking and crew rowing competitions. Precedence set similar to the Forks. Aesthetics: Time releases for water over the Great Falls (Water Flows were reduced over the Great Falls from 42% of the time down to 12% in 1986. Also aids in aeration for DO. Formal ESA consultation initiated 5/2021, for this project and Brunswick. NOI/PAD posted 8/4/2021. Lewiston and Auburn and other stakeholders requested use of IPL but FERC went with TLP. Steve worked with Cities of Lewiston and Auburn, Grow L+A, American Whitewater and Appalachian Mountain Club to generate, aesthetic, recreational and special DO study requests. Brookfield rejected Special DO study, Steve worked with above Cities and NGOs to draft response based on MDEP policies. Brookfield rejected NGO recommendations. *Brookfield has started first phase of recreational studies: structured interviews with user groups. Steve participating in discussions with stakeholders. Awaiting first year study reports.*

P-11006 UPPER ANDROSCOGGIN EXPIRES 08/31/26 CAPACITY 1695 LEWISTON CITY OF (ME) ANDROSCOGGIN RIVER

Dam in town Lewiston serving old industrial canals. Grow LA River Working Group interest. Flow through canal for possible recreational use a possible issue. Processed with Lewiston Falls Project.

* **P-2572 RIPOGENUS** EXPIRES 9/30/26 CAPACITY 37530 GREAT LAKES HYDRO AMERICA. LLC. (BROOKFIELD) W BR PENOBSCOT R (upper Penobscot Watershed)

Classic LLS waters. TU and Penobscot Indian Nation interest. Brookfield sent questionnaire for both Rip and Penobscot Mills (immediately below). Maine TU Council response included: Minimum flows/need to use sluiceway, shutdowns/dewatering during thunderstorms, access/ownership of abutting lands downstream dewatered back channel Quakish Lake Dam, fish passage at all component impoundments, PIN cultural impacts. In March, six-hour shutdown may have dewatered salmonid eggs. Scoping Document issued in August, Scoping Meetings (virtual) and virtual tour held September 9. Excellent agency and NGO involvement. Stakeholders teleconference w/o Brookfield or FERC held Sept 28. Another stakeholders meeting held December 7. Brookfield Proposed Study Plan distributed November 23, 2021. Productive stakeholders teleconference held January 19 to coordinate PSP comments. Maine TU Council filed comments reiterating need for fish assemblage study and for a stranding study to replace a low flow event study Brookfield had rejected. MDEP and other agencies and NGOs supported inclusion of the studies. FERC Study Plan Determination issued May 13. While Both of TU's study plan requests (fish assemblage study and stranding study) were approved, key studies were diluted or omitted that included flow studies, North Twin Impoundment Tributary Access Study, eel studies and Recreation Study. Committee working with other stakeholders and agencies. Studies are in progress. FERC has not ruled on 6-month flow excursion at Ripogenus Dam that Maine TU Council filed a letter with FERC explaining why it was a license violation and Brookfield should be held accountable. *A report on TU observation of the Brookfield stranding study conducted is October 2-22 is available at <http://tumaine.org/sites/default/files/docs/Report%20of%20Observations%20Final.pdf> Next significant event will be Brookfield's Initial Study Report expected April 2023. Steve working to*

* Change since last status 9/15/2022

obtain additional USFWS support in the absence of support from MDIFW. Steve establishing fisheries stakeholders' group.

P-2458 PENOBSCOT MILLS EXPIRES 09/30/26 CAPACITY 70810 GREAT LAKES HYDRO AMERICA. LLC. (BROOKFIELD) W BR PENOBSCOT R
Being processed with Ripogenus Project. Penobscot Indian Nation involvement. Above status applies.

P-11132 EUSTIS EXPIRES 11/30/26 CAPACITY 250 KEI (MAINE) POWER MGMT (I) LLC
N.BR.DEAD RIVER (Upper Kennebec Watershed)

Maine's smallest licensed project (250 kw) located between Flagstaff Lake and Chain of Ponds. Operator Krueger Energy Inc (KEI) proposed no studies. MDIFW 5/2/22 filing requested Use Evaluation of all Project, formal, and informal angler, hunter, and recreational access sites in the Project area; and North Branch of the Dead River Temperature Study to better understand how the Eustis Dam impoundment and operations impact temperature regimes and the dependent natural resources in the North Branch of the Dead River.

P-2194 BAR MILLS EXPIRES 7/31/48 CAPACITY 4000 BROOKFIELD WHITE PINE HYDRO, LLC.
SACO RIVER

Project no longer operational. With fish passage required by 2025, Brookfield chose to surrender the license. Surrender scoping document filed by Brookfield in August offering partial dam removal. This will achieve the fish passage required by the 2007 Settlement and Water Quality Certification. The Town of Buxton and TU asked that the dam be fully removed and the site restored to its original condition. *On December 5, 2022, Brookfield asked all agencies for study requests, ignoring both Buxton and TU. Steve worked with town resident and Saco Salmon River Alliance member Mark Woodruff. Steve drafted a point paper and a letter to Brookfield including study requests that Mark took to the Buxton Selectmen. The town was accepting of the input and will deal with Brookfield. Given that TU interests were tied to fish passage, this is now a matter for the abutting towns and further TU involvement should not be required.*



Upcoming

* **P-2284 BRUNSWICK** EXPIRES 02/28/2029 CAPACITY 19,000 BROOKFIELD WHITE PINE
HYDRO, LLC. ANDROSCOGGIN RIVER

Apparently, three studies on fish passage were conducted this summer: Brookfield MDMR and Friends of Merrymeeting Bay. *Outreach by MMBTU is underway to raise public awareness about current river quality (Class B), dam impacts on the river ecosystem, fish health and the importance of improving fish passage using the relicensing process. Next public event is April 25th presentation to the Cathance River Education Alliance which has active members in both Brunswick and Topsham. A call to action to form a coalition for public participation in the relicensing process will be part of this presentation.*

P-2666 MEDWAY EXPIRES 03/31/2029 CAPACITY 3,440 BLACK BEAR HYDRO PARTNERS LLC.
(BROOKFIELD) PENOBSCOT RIVER (WEST BRANCH)

P-2528 CATARACT EXPIRES 11/30/2029 CAPACITY 6,650 BROOKFIELD WHITE PINE HYDRO, LLC.
SACO RIVER

Exempt Dams

P-14421 FREEDOM FALLS PROJECT (Sandy Stream in Freedom) Exemptee: Freedom Falls LLC
The Freedom Falls Project applied for Low Impact Certification for this FERC Exempt project. Although located on a feeder of the Sebasticook, it is above the historical range of river herring and shad, and there is no historical record of Atlantic salmon. Eel passage is provided, it's about as clean as hydro gets. LIHI awarded the certification in March 2021.

P-8736 PIONEER (West Branch of the Sebasticook in Pittsfield)
Exemptee: Christopher M. Anthony (also operates Waverly Project). Fish passage issues since 1990, last correspondence from licensee in 2015, no activity in docket since 2015. Overdue items include assessing spillway structure and foundation and fixing fish passage issues. Town owns dam, Exemptee maintains. [Information furnished by Sarah Vogel]

P-4293 WAVERLY (West Branch of the Sebasticook in Pittsfield upstream of Pioneer)
Exemptee: Christopher M. Anthony (also operates Pioneer Project)
Dam safety inspection overdue items (issues with fish way since at least 2015, current notice sent 01/31/2019, multiple requests unanswered): plan and schedule for repairs and date for comprehensive test of Emergency Action Plan in accordance with Chap 14 of FERC Engineering Guidelines. Repairs include fixing forebay wall masonry, downstream fish passage flume, deteriorated concrete, trees and brush clearing, and test of EAP Town owns dam, Exemptee maintains. [Information furnished by Sarah Vogel]

* P-5912 MOOSEHEAD (known more commonly as Mayo Mill Dam] (Piscataquis River)
Exemptee: Moosehead MFG Co. / Town of Dover-Foxcroft (Arnold Developer Group)
Not operational since 2007, town filed to amend the terms of the Exemption to repower the dam and resume operations. Project in critical Atlantic salmon habitat. Major agency and NGO opposition ongoing. FERC will required an EA for the project. FERC filings ongoing. On 11/23/2021, Dover-Foxcroft requested that FERC pause its NEPA analysis for this project for a period of six months through the end of May 2022. Town asked for further delay 7/19/22. FERC response 8/31/22 gave town 90 days "to file with the Commission a plan and schedule to return the project to operation, including a modified amendment application, if necessary. If you do not intend to pursue the amendment to the exemption, you must withdraw your amendment application and file a plan and schedule to surrender the exemption." *Town subsequently decided not to pursue relicensing and is working with The Nature Conservancy. Town obtained 2-year grant to study redevelopment options.*

P-12629 CORRIVEAU (AKA Thurston Mill Dam, Swift River, upper Andro tributary). Exemptee: Green Power. Exemption has transferred twice since last apparent operation. Nothing had been filed to FERC docket since 2017. No current dam inspection report. Owner has inquired about

requirements to resume operation. Nothing since FERC response listing requirements: safety inspection, etc.

** P-8505 ABBOTTS MILLS (Androscoggin Feeder in Rumford) Exemptee: Gray's Transport LLC, PO Box 1166 in Greenville, ME. 75 kw project inoperative. Is a concern to Town of Rumford who sees this as of no economic benefit and environmentally harmful. Town initiated correspondence with state and federal agencies in 2021. Exemptee has filed project restoration plan but lacks the means to execute. Town planner George O'Keefe has requested TU assistance. MDIFW supports removal. Consulted with The Nature Conservancy about taking on the project – no interest indicated.*

Apparently compliant: [Information furnished by Sarah Vogel]

P-5647 MILO (Sebec River) Exemptee: (Ridgewood Maine Hydro Partners) KEI

P-7253 SEBEC (Sebec River) Exemptee: Swift River Company (Project managed by Ampersand Energy Partners LLC)

P-8791 STARKS (Lemon Stream)

Exemptee: Mark A. Vaughn (also owns Upper Spears Stream)

P-7979 FOSS MILL (Marsh Stream)

Exemptee: Peter C. Graham / Lesia Sochor (owner) / John Purinton (Maintenance)

P-5613 BROWN'S MILL (Piscataquis River)

Exemptee: Ridgewood Maine Hydropower Partners (KEI)

Applying for Species Protection Plan items to be added to the exemption. Section 7 consultation withdrawn by National Marine Fisheries Service subject to results of UMO salmon tagging study.

Status unknown: all outside Kennebec and Penobscot watersheds:

P-7473 GILMAN STREAM, P-4413 KENNEBAGO, P-6684 DAY'S MILL, P-9411 GARDNER BROOK [is actually BISCO FALLS], P-8788 LEDGEMERE DAM, P-8640 SEABRIGHT DAM, P-11365 SWAN'S FALLS, P-8450 STONEY BROOK, P-9079 UPPER SPEARS STREAM, P-7591 WIGHT BROOK

Other Dams

** THREE DAMS IN FREEPORT (small coastal brook)*

Three dams in Freeport on Frost Gully Brook. Sea run brook trout involved. Landowners are conducive to removal. Progress delayed by COVID. TU National has funding to implement removal. Expect MMBTU action this year.

WALTON'S MILL DAM in Farmington on Temple Stream (Sandy River feeder).

The Town owns the dam, but ASF has been managing the effort since 2016 and has been the recipient of numerous federal grants to support the project. Town voted in support of the dam removal and park project in November 2018. Removal completed 7/26/22

WELCHVILLE DAM. (Little Androscoggin Watershed)

Oxford Town Council is proceeding on the Hogan and Whitney Ponds outlet channel grade controls project, and has obtained grant monies and a Maine DEP NRPA permit submittal for the work.. Anticipate project execution in 2023.

* LITTLEFIELD DAM. (Little Androscoggin Watershed)

Defunct hydro dam in Auburn on Little Androscoggin. City of Auburn worked with the Auburn Conservation Commission and Androscoggin Land trust to generate a proposal under the NOAA fisheries grant program to remove the dam and effect fish passage on Taylor Stream, a Little Andro feeder. *NOAA Fisheries did not fund City of Auburn grant proposal for removal in 2022 cycle; City plans to resubmit in next cycle*

SABATTUS RIVER DAMS (lower Androscoggin Watershed)

DMR is working on passage in the Sabattus River. The site of the former Mill Street Dam (D1085) was surveyed by USFWS and DMR this fall and DMR is pursuing designs for fish passage at the site. Removal of the Upper/Town Dam in Lisbon will be completed in October of 2022. The Farwell Dam (D1083) removal and fishway will go forward in 2023. Mill remnant Dam (D1032) removal in Sabattus will move forward in 2023. Designs for the two remaining projects in Sabattus (Fortier Dam D1081; and Sleeper Dam D1080) continue to move forward.

QUANTABACOOK LAKE DAM (St. George River watershed)

The lake is 2.5 mi in length, just north of Searsmont Village, Waldo County. A dye release indicates a leak below the easterly end of the dam. Also, springtime adult fish passage up to the lake is extremely impaired. George River TU engaged. The dam owner has continually and stubbornly rejected the engineering plans drafted by the U.S. Fish & Wildlife Service. She refuses to allow access to the dam for the required heavy earthmoving equipment. This project is stalled and the 1972 concrete dam is failing.

MILL POND DAM (Orange River) in Whiting between Lubec and Machiasport purchased by DFS. Built in the early 1800s to provide power to a sawmill, it has been without fish passage for much of its existence. The Town is providing estimates on possible dam repair and DSF is looking to jump starting the river herring run by passing fish over the dam and continuing to coordinate with DMR/IFW on fishways for the other dams in the system. Removal is currently off the table, at least between DSF and the Town. The Town pledge nearly \$700K and signed an agreement with DSF to work to repair the dam and provide fish passage. To that end the town got an earmark from Collins for 2.9 million for dam repair and fishway construction.

* LOWER ROYAL RIVER (small coastal stream) Formerly P-8417 OLD SPARHAWK MILL

The Town of Yarmouth owns two dams that lack functional fish passage. Exemption surrendered for Bridge Street Dam. Town has approved funds for dam repair. Royal River Alliance, Sebago TU Maine Rivers involvement. The Army Corps of Engineers held a teleconference for the Yarmouth town government on November 10 to discuss use of approved ACE funding of further studies and possible dam removal. The Royal River Alliance is recommending that the town proceed with removal of Bridge Street Dam (the lower one) and do further studies before removing the Elm Street Dam. Abandoned penstock is problematic. The Yarmouth Town Council has entered into an agreement with the Army Corps to conduct

As of: 1/19/2023

the studies that could lead to dam removal. *Town of Yarmouth waiting for reports from Corps of Engineers (ACE) for studies that could lead to dam removal.*

MILLTOWN DAM (St. Croix River). Dam slated for removal in 2023.

GUILFORD DAM (Piscataquis River). TNC working “toward dam removal in 2024, as long as we can secure necessary funding and other logistical considerations on this timeline.”



License Surrenders

Some aspect of license (or exemption) surrender is currently ongoing for the following projects:

P-2721 HOWLAND

P-2312 GREAT WORKS

P-8417 OLD SPARHAWK MILL (formerly exempted)

P-5362 LOWER MOUSAM

P-2804 GOOSE RIVER

P-2194 BAR MILLS