

FERC Committee Report - Steve Heinz

October 16, 2025

Outreach. A webinar on the closed-loop pumped storage project Cianbro has proposed for Dixfield, Maine has been scheduled for Tuesday, November 18 from 9:00 to 12:00. Council members were invited. Teleconference details will be promulgated shortly. See Dixfield Project below.

Lower Kennebec Dams. Hallelujah! Historic sale of dams clears the way for salmon to return to the Kennebec River- see <https://apnews.com/article/brookfield-corp-waterways-fish-animals-janet-mills-0ee08e4f17055b6f01ffefff2190cce2> Congrats to TU's Steve Brooke and Russ Pierce for the important roles they played and will continue to play. TNC may be providing the funding, but TU members need to understand that we and other partners played an important role in reaching the agreement as well.

Rumford Falls Project. [Click here](#) for the recording of the MBEP Meeting that rejected our Appeal of the Water Quality Certificate. Use passcode: Sh9!4Fq% The applicable portion starts at about the 1:15 mark.

Aziscohos Project. RLHT and the camp owners' representatives are teleconferencing with Brookfield lawyers on October 17 to review the Draft Memorandum of Agreement (MOA) that TU has reviewed and approved.

Ripogenus and Penobscot Mills Projects. Neal Hagstrom is wrapping up the survey and scale sampling study. As of this date, neither FERC or MDEP have ruled as to if the June 17, 2025 trip event constituted a license violation. The principal stakeholders teleconferenced twice during September to discuss legal strategies in terms of what Brookfield is offering for new license terms of conditions, what the NGOs want, and what they have to justify it. Action items are:

- Engage Millinocket recreation entities - Bob (American Whitewater) and Neal - ASAP

- Meet with MDIFW to discuss flow requests - Neal and Steve - schedule as soon as the report of angler surveys and scale sampling is written

- Lobby for flow gage near term - Steve and Neal - ongoing.

Dixfield Project. Cianbro has proposed a closed-loop pumped storage project in Dixfield and has filed its initial application with FERC. The project is a hydro-mechanical battery that is a net consumer of electricity. I recommend that Council decide if it wants to be on record opposing the project after the Webinar at the November 20 Council Meeting.

Legal Defense Fund. Please refer to the Treasurer's Report. Legal fees for the Rumford Falls MBEP Appeal were \$16,275, and a legal review of the Draft Aziscohos MOA will need to be accomplished this year. Expenses will exceed revenues in 2025. Fund raising efforts will resume in December.

Mousam Project. Nothing new to report. Sebago TU working with members of the Mousam – Kennebunk Alliance in support of dam removal incident to license surrender. FERC Environmental Analysis issued in September was disappointing as it supported KLPD's offer that included leaving the dams in place. TU urged FERC to condition approval on receipt of a water quality certification ("WQC") by Maine DEP. That request was approved and now the WQC application of KLPD is before the DEP. We are participating in that proceeding and urging adoption of conditions that will have to be included in any FERC action approving the surrender. These will include fish passage, and the lowest-cost way to achieve that is through dam removal.

Worumbo Project (lower Androscoggin). Consultations continue between Eagle Creek, USFWS, and NMFS to develop fishway prescriptions. FERC granted Eagle Creek's 05/31/2024 request to delay issuance of the Ready for Environmental Analysis notice until after 12/04/2025. "Over the last month, BB2H [Eagle Creek] has continued to meet with the agencies to discuss upstream and downstream fish passage modifications. Overall, the meetings have been productive and are scheduled to continue. The goal of the parties is to reach an Agreement-in-Principle prior to the end of the year."

Royal River Dams. Project proceeding toward 2026 dam removals. Town working with American Rivers to find matching funds. Contractors have been doing pre-removal macro-invertebrate sampling of the lower Royal River over the summer.

Lewiston Falls Project. Steve working with Cities and other NGOs involved. Council submitted coordinated Motion to Intervene with Protests on March 26. Deadline for new Water Quality Certification from MDEP is July 8, 2026. MDMR asking for eel passage with monitoring and adaptive management to ensure achievement of eel passage goals. City of Auburn mitigation request included:

- New pedestrian bridges
- Improved river access, including a boat launch and parking area at Switzerland Road and Gulf Island Avenue
- Establishing a practice of monitoring and maintaining temperature, DO and sediment levels during releases, to support the reclassification upgrade of the Androscoggin River.
- Fund the routine maintenance costs for the boat launch and parking located at 509 Lincoln Street which was part of the prior mitigation licensing.
- Fund the ongoing maintenance costs for any new mitigation projects.

And additionally: A minimum of 40 aesthetic flow releases per year should be required, scheduled in consultation with Auburn and Lewiston. Releases should include evening hours and summer weekends, especially during community events. The proposed six daytime events are inadequate. Nothing new since last report.

Dundee Project / Eel Weir Project. Maine Council filings resulted in FERC issuing license violations for the Dundee Project impoundment dewatering and failure to obtain permission to remove trash racks at the Eel Weir Project resulting in downstream mortality to landlocked salmon. A Council letter to LIHI resulted in these projects having their LIHI certification suspended. Despite this, FERC approved Relevate's request to upgrade capacity of protects' generators. Sebago Chapter forming coalition to address future action. Friends of the Presumpscot River presented Matt and Steve their Chief Polin Award for their efforts at their Annual Three Sisters Harvest Celebration and Dinner on September 27.

Cataract Project. (First dam on the Saco) Sebago TU working with Saco River Restoration Alliance (SSRA): Robb Cotiaux and Erik Heumiller. Initial Study Plan submitted, Sebago TU worked with Saco Salmon Restoration Alliance to produce study plan comments. "Regarding the Cataract Project Stranding Study, we (Brookfield) are postponing the study again – the river flows are predicted to be too low to conduct the study on October 21... There will be no site visit on October 21. Please continue to hold November 5, if possible. We'll provide another update closer to that date."

Green Lake Project. WQC issued by MDEP on May 9, 2025, EA issued May 21, 202. WQC provides for upstream and downstream eel passage including fishways and trash racks. Provides for fish passage for Atlantic salmon, American shad, alewives and blueback herring if/when effective fish passage achieved downstream at Ellsworth and Graham Lake Dams. Looks like the agencies got it right.

Brush Mill Dam (Buckfield on the Nezinscot). MMBTU pursuing this excellent removal opportunity. Town approved going forward with removal. Embrace-A-Stream only funded a little over half the requested \$10 K. Chapter working to obtain additional financing. Gene McKenna, MMBTU POC, is working with Andy Fisk of American Rivers who are expected to provide significant financial support

Mayo Mill Dam (Dover Foxcroft). In June, the town voted to reject the plan to spend \$9M to fix the ailing dam. The town is moving toward license surrender and removal. “We expect the earliest that dam removal construction will take place is summer 2028,”

Hacket Mills Project (Little Androscoggin). Maine TU Council filed to intervene and protested the relicensing of this uneconomic project. MDMR recommended: “installing eel passage no later than 2029 and upstream anadromous fish passage in 2031. This timeframe would complement restoration efforts for sea-run fish at other projects in the watershed.” Nothing new to report.

Ellsworth Project (Union River). In June, Brookfield filed a new Water Quality Certification application in June that included “that Target water levels in Graham Lake will be maintained within an operational buffer between the elevations of 100.1 feet msl and 103.0 feet msl”. This is a major improvement over the current license. MDMR filed comments containing significant recommendations, including construction of new fish passage at the Ellsworth and Graham Lake Dams, performance standards got anadromous fish passage and adaptive management provisions. DSF comments supported. Downeast Chapter filed for TU. Awaiting MDEP decision.

Salmon Habitat Recovery Unit Meeting (SHRU). The Annual SHRU meeting scheduled for October 15 to review the draft plan postponed due to government shutdown.

Maine State Wildlife Action Plan. Ad hoc committee provided comments for Maine Council that may be viewed at <https://docs.google.com/document/d/1RGxBXquBZbg3vJnJ4JjDPghv5zJ89s9g/edit> - State committee has acknowledged receipt of TU’s comments.

Androscoggin Reclassification. A public hearing will be held as part of the Triennial Review to consider upgrading most of the Androscoggin above Lisbon and below New Hampshire from Class C to Class B. The hearing will be held at the Augusta Civic Center on October 16 starting at 9:00. All are invited to come and show their support. The Friends of Merrymeeting Bay have been collecting DO data for years and are the prime supporters of this. MDEP opposes the upgrade. Steve will be providing testimony (attached) for Maine TU Council.

Maine FERC Active Project Status Report. Next report due January 2026.

Attachments

Heinz Testimony for Triennial Review 2025

Attachment

Heinz Testimony 2025 Triennial Review

I am Stephen Heinz and I coordinate FERC-related actions for Maine Council of Trout Unlimited. Maine TU is a non-governmental organization whose stated mission is: “to conserve, protect, and restore Maine’s cold-water fisheries and their watersheds.”

Maine TU encompasses six chapters with over 1700 members. Maine TU members use the Androscoggin River for recreational and aesthetic pursuits. Its members fish, boat and otherwise enjoy the watershed. Maine TU has been heavily involved with efforts to restore stream connectivity and improve water quality within the Androscoggin River Watershed since early in 2019 when it became involved with the Lower Barkers Mill (P-2808) relicensing. It is currently involved with ongoing FERC hydroelectric relicensings throughout the greater watershed from the Azischohos Project (P-4026) at the headwaters to the Worumbo Project (P-3428) on the lower river. Further, Maine TU members have broad and deep organizational interests in Maine’s statutory provisions that protect Maine’s water quality. Maine TU and its members have a direct, substantial interest in the outcome of the reclassification of the waters under consideration.

Additionally, I have standing as an individual:

I am a citizen, domiciliary, voter and property owner of the State of Maine. Since 2005 and in addition to my TU duties, I have personally fished, hiked, recreated, and enjoyed the scenic benefits from multiple visits to the public lands and waters of the Androscoggin Watershed from near its headwaters in the Rangeley area to tidewater in Brunswick. My most frequent activities have been to flyfish for smallmouth bass in the reach above Worumbo Dam in Lisbon, which I do multiple times a year as well as the upper part of the reach above Gulf Island Pond and the section where the Wild River joins the Androscoggin at Gilead. Additionally, I have participated as a volunteer in a stream clean up and habitat surveys in the watershed.

I have always been amazed that so much of the river, even in the southern part of the state, looks like it is in a wilderness because of lack of development. This is a result of its former condition before passage of the Clean Water Act when its primary use was as an industrial sewer. I witnessed that personally when I lived in Topsham in the early 1970s where I observed noxious odors and pink foam below the Brunswick Dam, the worst under late summer low-flow conditions. The change has been miraculous. I have seen bald eagles in Lisbon every year since I started fishing the river there, as well as

numerous other waterfowl. Initially there was a slight papermill smell in the air when the wind was from the north. Since an explosion shut down the Androscoggin Mill in Jay in 2020, the air has been the same clean air for which Maine is ranked first in the nation. Reclassification will ensure that the water condition will not be allowed to degrade in coming years.

The waters below Lewiston Falls are classified as critical habitat for endangered Atlantic salmon. As a TU member, I want to see the species restored, and reclassification will protect the waters in the critical habitat. This is especially important now as relicensings of the three hydro projects (Worumbo, Pejepscot and Brunswick) below Lewiston are underway or complete with improved fish passage measures that promise to put Atlantic salmon below Lewiston Falls every year. Other relicensings in the Little Androscoggin Watershed promise to give Atlantic salmon access to their historic spawning habitat sometime in the 2030s.

It has been well established through years of study and sampling by Friends of Merrymeeting Bay on the lower Androscoggin and most recently of the waters under consideration in the upgrade proposal by Grow L+A, that the river meets Class B standards at nearly all times of year - as well as standards are met anywhere. The only possible reason that I can imagine for denying the upgrade is some vague, unfounded cargo cult notion that keeping the classification as Maine's lowest would encourage industrial development. This would be at the expense of what has been achieved and contrary to the Clean Water Act that Maine's own Edmund Muskie was responsible for passing. That the former site of the Androscoggin is being redeveloped shows that those fears are unfounded. As the Board found previously fit to upgrade the section of river between Worumbo Dam and Merrymeeting Bay, so too the section from Worumbo to Gulf Island Pond deserves to have its existing water quality locked in and codified by classification.

Please approve the reclassification from Class C to Class B to protect and enhance the fisheries restorations plans for the greater watershed, and prevent future harm to the fishing that I so greatly enjoy in the watershed.