

FERC Committee Report - Steve Heinz September 17, 2026

Outreach:

Community Event. The next community event is planned for Tuesday, November 17, 2026 at 10 a.m. topic: Problems with implementing American eel passage. Maine Rivers' Landis Hudson will take the lead on the event. Planned workshop on community engagement has moved to next March.

Media. Press releases have resulted in coverage of the latest trip event and relicensing in Bangor print and TV media for the Ripogenus/Penobscot Mills Projects. URLs include:

<https://www.bangordailynews.com/2026/07/30/outdoors/outdoors-environment/thousands-of-fish-may-have-died-in-penobscot-river-dam-shutdown/>

<https://www.bangordailynews.com/2026/08/17/mainefocus/mainefocus-environment/ripogenus-dam-shutdown-impacts-joam40zk0w/>

<https://www.wabi.tv/2026/07/31/maine-dep-investigating-fish-kill-west-branch-penobscot-river/>

Greater Boston TU Chapter. Steve is scheduled to speak on the West Branch at the Greater Boston TU Chapter Meeting in Concord, Massachusetts, on September 28.

Aziscohos Project. The Memorandum of Understanding that needed to exist outside the license terms and conditions is expected to be finally signed this month. Signatories will be Androscoggin Reservoir Company (Brookfield), RLHT, TU, American Whitewater, Appalachian Mountain Club, American Rivers, and the Aziscohos/Aziscoos Lake Campers Association. The MOU is complex and includes lake level targets, minimum flows, and a stipulation that oxygen will be added to outflows using methods that do not increase water temperature. The MOU remains confidential until final signatures.

Ripogenus and Penobscot Mills Projects. MDEP is working to make the $\frac{3}{4}$ wetted width policy into a rule which will give it more force of law. This could greatly affect the Ripogenus/Penobscot Mills relicensing. Laura Paye circulated the paper, previously attached to the last report, for comment. NRCM's Luke Frankel collated NGO comments that were based on an initial draft provided by the FERC Committee that he submitted to MDEP on June 12 - see https://nrcm-my.sharepoint.com/:w:/g/personal/lfrankel_nrcm_org/IQDrA0YMQjVwRacvC0B1ZeqJAbAbjyb0cpEnzepFlfYZOFg?e=fM3bYw. On July 27, 2026, a broken transmission line cross-arm at McKay Station triggered a two-hour turbine shutdown, dropping West Branch flows from roughly 2,400 cfs to 450 cfs and killing an estimated 3,860 juvenile landlocked salmon, and possibly as many as 7,700, based on TU's preliminary estimate from dead fish found at Little A Rapids — the third such trip event since 2023 and, per MDEP, a violation of state water quality standards. The same failure sparked a wildfire, put out by the Maine Forest Service — the second time in thirteen months a McKay Station transmission failure has both dewatered the river and ignited nearby woods. The incident drew extensive Bangor-area press and TV coverage (see Media, above) and prompted FERC to give Great Lakes Hydro America 60 days to provide an itemized accounting of transmission-line maintenance since 2016, to respond to TU's request for a USGS-standard flow gage below the dam, and to develop a fix before the new license is issued. See https://tumaine.org/sites/default/files/Dam%20Relicensing/20260827-3044_p-2572-148_AIR.pdf On August 25, 2026, Maine TU Council led a coalition of conservation groups, camp owners' associations, and outdoor businesses in filing comprehensive comments on the Final License Application, calling for an end to excessive lake drawdowns and the dewatering of Ripogenus Gorge and the reach below Stone Dam. See <https://tumaine.org/sites/default/files/Dam%20Relicensing/Coalition%20FLA%20Comments.pdf>. On August 28, 2026, MDEP filed its own comments on the FLA, finding that the McKay Station outages violate state water quality standards and directly supporting two of TU's key asks — a USGS flow gage at Telos Bridge and a

permanent dam keeper at Ripogenus Dam — while also pressing FERC for interim measures before the license expires. Separately, GLHA filed applications for state Water Quality Certification for both projects on August 27, 2026; MDEP accepted both for processing on September 8, and FERC confirmed a one-year statutory deadline of August 27, 2027 for MDEP to act. TU is preparing comprehensive comments on both WQC applications that it expects to submit in early December.

Lower Kennebec Dams. Brookfield continues to work with the Kennebec Coalition on the transfer of the Lockwood, Hydro-Kennebec, Shawmut, and Weston dam licenses. It is shifting three of these assets out of larger corporate portfolios into distinct holding companies to streamline the upcoming transition. In tandem, Brookfield has asked the Federal Energy Regulatory Commission (FERC) to pause its ongoing relicensing applications. This request has drawn notable pushback from local industry stakeholders like Sappi North America. Meanwhile, The Nature Conservancy is using this pre-closing window to coordinate with riverside municipalities. It is securing the \$168 million in funding required to finalize the handoff to the newly established Kennebec River Restoration Trust. On July 20, 2026 — pushing the originally targeted Summer 2026 closing further out — FERC granted the abeyance motion but did not simply wave through the license transfers — the Commission ordered Brookfield to submit a full decommissioning plan and proof of technical and financial capacity to decommission within two years, with status reports due every six months. Sappi called the order a partial win, saying it is “gratified that FERC will not move forward on the license transfers until important questions about the proposed decommissioning of the dams are answered”; TNC said it is “confident we can demonstrate the technical and financial capability to operate these dams safely.”

Brunswick Project. On August 6, 2026, MDMR pressed Brookfield for a progress update and the underlying elevation and bathymetric data behind its upstream fish-passage-alternatives analysis; Brookfield’s August 19 response committed to circulating preliminary drafts of both the Fish Passage Alternatives Study and the CFD Modeling Study Report in early September, but declined to release the underlying raw data itself. A public panel discussion on fish passage options was held at the Brunswick Public Library on September 15. Basic information on fish passage design and community interactions were the main focus of discussion.

Legal Defense Fund. Awaiting Treasurer’s Report to assess goals for this winter’s fundraising effort. This will be the last concerted campaign pending future litigation, a likely outcome of the West Branch relicensings.

Mousam Project. KLPD missed the July 7 WQC deadline and, six days later, requested another extension — to January 4, 2027 — citing ongoing talks with MDEP and DMR on a framework tying fish-passage improvements to license surrender, contingent on grant funding; FERC granted it. Underlying the delay is a real fight: KLPD’s surrender plan would leave the three dams in place after removing the electrical equipment, and FERC has called that the preferred alternative — but MDEP maintains only full removal restoring a free-flowing river meets state water-quality and fish-passage standards. Cost estimates (last updated in 2016) put removal at \$2.3 million versus up to \$11.7 million to fix the dams and add fish passage; KLPD says real costs today are higher, with ratepayers footing the bill either way.

Worumbo Project. Brown Bear (Eagle Creek) and NMFS finally seem close to agreement on fishway design. Reply comments are due October 12, 2026. Both prescriptions were filed on schedule: NMFS’s (Aug. 26) and DOI/USFWS’s (Aug. 27), alongside MDIFW’s and MDMR’s interventions and Brown Bear’s WQC application to MDEP (accepted Sept. 8). Most NMFS terms were proposed by Brown Bear itself, formalizing numeric targets (95% upstream salmon passage within 48 hours; 95% downstream for salmon/herring, 85% for adult shad) backed by a real obligation to diagnose and fix shortfalls — though not an unconditional one: if good-faith fixes still fall short, Brown Bear can get NMFS to concur a target isn’t achievable, which caps rather than escalates the requirement.

Upper Barkers Project. Maine TU Council filed in support of the City of Auburn’s request for river walk and other recreational features. Operator Krueger Energy Inc. filed fish passage plans. Maine TU Council applied

for late intervention. Separately, on the fishway-design side, in their May 15, 2026 filing, exercising Section 18 of the Federal Power Act, NMFS prescribes mandatory, time-certain upstream and downstream fishways to protect migratory species over the next 50 years, adhering to a 2022 multi-project Settlement Agreement. These facilities must meet targeted performance standards — including a 95% downstream survival rate and an 80% upstream efficiency rate — verified by at least two years of quantitative monitoring following a one-season shakedown. To ensure compliance, the licensee must strictly follow engineering design milestones between 2029 and 2030 for anadromous species, or up to 24 months before construction for downstream and eel passages. Ultimately, the project must run in an instantaneous run-of-river mode, and operate these fishways during strict species-specific seasonal windows spanning from April to December to support the safe, volitional passage of Atlantic salmon, American shad, river herring, and American eels. Adaptive management provisions are included. Returning to the intervention question: Maine TU Council’s late motion to intervene was denied by FERC on June 18 — the actual intervention deadline was November 17, 2025, and the March 2026 REA notice TU said it missed never set an intervention deadline in the first place. TU’s rehearing request was denied by operation of law on July 27, a procedural formality; FERC has not yet ruled on the merits and may still modify its decision. Separately, MDMR’s June 12 letter found KEI already out of compliance at the related Lower Barker project (fish passage was due June 1, 2024) and pressed KEI toward an off-license mitigation payment for missing the June 1, 2026 Upper Barker fish-passage deadline under the 2022 Settlement Agreement. The upstream Littlefield Dam — which KEI has cited as a reason further passage work is pointless — has been removed.

Royal River Dams. The Town of Yarmouth and American Rivers began removing the Bridge Street Dam, penstock, and concrete fishway on July 22, 2026, with removal of those structures expected to be complete by the end of September; total project cost is \$3.8 million, funded through state, federal, and private grants rather than local property taxes. Elm Street Dam removal remains targeted for summer 2027 pending additional funding, with final restoration and revegetation work to follow into spring 2028.

Lewiston Falls Project. FERC issued its Environmental Assessment on July 24, 2026, finding that relicensing would not significantly affect the environment. MDEP followed with a final Water Quality Certification on July 8, 2026, approving the project; the certification requires 10 aesthetic flow releases annually (up from Brookfield’s proposed 6, though short of the 40 TU and the City of Auburn sought), including a meaningful number of evening and weekend releases, and rejects Brookfield’s proposal to delay downstream American eel passage for 10 years — requiring interim nighttime shutdowns starting in year one and a permanent upstream eelway by year three instead. The original 40-year FERC license expired August 31, 2026; the project now operates under an annual license pending FERC’s final decision. Brookfield has petitioned the Kennebec County Superior Court for review of five conditions in MDEP’s July 8 Water Quality Certification — including the eel passage requirements, nighttime shutdowns, and tailrace access evaluation — while accepting the certification itself. Brookfield’s central argument is that MDEP lacked authority to impose these conditions outside a formal adjudicatory hearing process. One of the five challenged conditions targets a recreational-access reopener as an unlawful deferral of MDEP’s certification decision — worth watching, since recreation is a central ask in the Coalition’s upcoming Ripogenus/Penobscot Mills WQC comments, and this may signal similar resistance there.

Presumpscot Projects (Dundee, Eel Weir, Gambo, Mallison Falls, and Little Falls). Relevate Power Maine LLC changed its name to HydroVal Power Maine LLC in August 2026; compliance activity continues across all five projects.

Brush Mill Dam. Demolition anticipated in 2027. Funds from pending grant applications and additional donations are expected to reach the project goal of \$615,000.

Libby’s Camp Dam. Greg Ponte is in contact with the Libbys, who will accept TU help. No new developments.

Mayo Mill Dam. FERC received the dam's surrender application June 5, 2026; review is expected to take 18–24 months. The Atlantic Salmon Federation, which along with The Nature Conservancy is funding the project (following voters' 2025 rejection of a \$9 million municipal bond), filed a state Waterway Development and Conservation Act permit application with MDEP by August 5, 2026; permits are also pending from the Army Corps, the state historic preservation office, and under the Endangered Species Act. A public information hearing was held July 20, 2026. Removal remains targeted for summer 2028, pending FERC approval.

Bar Mills Project. Brookfield's June 2026 Draft Application for License Surrender and Decommissioning Plan proposes full removal of the Bar Mills Dam on the Saco River, along with the Rogers Fibre Mill foundation and a new hand-carry boat launch developed with the Town of Hollis. The 90-day comment period closed September 1; Maine TU Council filed in support of joint comments from the Towns of Buxton and Hollis, which ask Brookfield to resolve the future of the powerhouse and spillway, complete a Phase I environmental assessment and structural inspection, and finalize binding agreements on long-term maintenance and financial assurance before FERC's jurisdiction ends. MDIFW and MDMR also filed comments. Separately, FERC is reviewing Brookfield's request for a temporary headpond variance ahead of decommissioning; the U.S. Department of the Interior has intervened in that proceeding.

Hackett Mills Project. KEI filed its Water Quality Certification application with MDEP, which acknowledged receipt May 29, 2026. FERC issued a Notice of Reasonable Period of Time for the WQC application June 12, 2026, and a Notice of Intent to Prepare an Environmental Assessment June 15, 2026. The applicant responded to MDIFW's comments, recommendations, and preliminary terms and conditions on July 6, 2026.

Ellsworth Project. MDEP issued a final denial of Black Bear Hydro's (Brookfield's) resubmitted Water Quality Certification application on June 4, 2026 — the second denial of this application, following the original 2020 denial that was upheld on appeal through the Law Court in January 2025. The Department again found three independent deficiencies: failure to demonstrate attainment of aquatic life and habitat standards in the Union River between the Graham Lake and Ellsworth dams, failure to meet dissolved oxygen standards in Leonard Lake, and failure to provide safe, timely, and effective fish passage for Atlantic salmon, American shad, blueback herring, and alewife. The project continues to operate under an annual FERC license pending resolution. Brookfield has petitioned the Kennebec County Superior Court under Rule 80C for review of the denial, bypassing the Board of Environmental Protection — the same procedural path taken at Lewiston Falls. In its earlier Ellsworth litigation, Brookfield escalated from Superior Court to the Law Court; a similar path is possible here depending on the Superior Court's ruling.

Cobbosseecontee Stream. Upstream Cobbossee and the Conservation Law Foundation have petitioned the commissioners of MDMR and MDIWF for fish passage on Cobbosseecontee Stream. Steve Brooke has details.

Stream Connectivity Working Group. Dams that are not and were never assigned FERC project numbers will no longer be included in this report. For the status of non-FERC dam removals and other reconnection projects, please see the MDMR website at <https://www.maine.gov/dmr/fisheries/sea-run-fisheries/programs-environmental-review/stream-connectivity-work-group>. The report is produced by the Stream Connectivity Working Group that meets next on Thursday November 12, 2026. Lauren Pickford represents TU at these meetings.

Maine FERC Active Project Status Report. The next report is being prepared for September 30, 2026.