

From: Stephen Heinz heinz@maine.rr.com
Subject: West Branch Update and Legal Defense Fund Support
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Dear Maine TU Legal Defense Fund Donor,

I wanted to share an important update on several recent West Branch developments and once again thank you for your past support of the Maine TU Council Legal Defense Fund. Your contributions have made this work possible.

Spring 2026 Incubation Flow Excursion

Beginning in March 2026, flows below Ripogenus Dam dropped below the minimum incubation flows required under Brookfield's FERC license — the flows that protect Atlantic salmon redds and rainbow smelt during the critical winter and spring incubation period. The root cause is that during the fall and winter, Brookfield repeatedly ran multiple generators to capture premium electricity prices, draining Ripogenus Lake storage well below levels needed to sustain required flows this spring. Maine TU's analysis of Brookfield's own filed data shows these were discretionary commercial decisions, not responses to any power grid emergency.

Maine TU Response FERC Filing

On March 31, 2026, Maine TU filed detailed comments with FERC requesting a quantitative analysis of Brookfield's management decisions, both near-term corrective action under the existing license, and a fully enforceable drought management framework as a condition of the new license. A copy of the filing is attached to this email. If you can take the time to read it, I think you will find that it was time well spent.

Upcoming Meeting with State Fisheries Officials

On May 7, Neal Hagstrom and I will meet in Bangor with MDIFW Fisheries Division Director Liz Latti and regional fisheries biologists to discuss the results of the West Branch Angler Survey and Economic Assessment and explain how those findings relate to our asks in the relicensing proceedings for the Ripogenus and Penobscot Mills projects.

Upcoming Principal Stakeholder Teleconference

The principal West Branch stakeholders will meet by Zoom on Monday, May 11 from 1:00 to 3:00 p.m. It has been a while since the group has gotten together, and this is a good window — before fishing and paddling activity ramps up in earnest — to take stock of where things stand and align on how we will support our asks for the new license. The agenda will include:

- Review of priorities for lake levels, flows, and recreational facilities
- Discussion of how we support and justify those asks
- Implications of Brookfield's responses to the outstanding Additional Information Requests, with the latest response due in early May
- Status of the current flow excursion and how it factors into our broader strategy

Looking Ahead

The relicensing of both projects continues to be delayed, and Brookfield has shown no inclination to address these issues voluntarily. The spring 2026 excursion makes clear that Brookfield is undeterred and our work is far from over. The Legal Defense Fund remains essential to ensuring Maine TU is prepared for whatever legal action may be necessary to secure the protections the West Branch needs.

Thank you again for your continuing commitment to Maine's rivers and fisheries.

Sincerely,

Steve Heinz
Maine TU Council FERC Coordinator
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