

## 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](mailto:heinz@maine.rr.com).

### Past Expiration Date

\* P-2534 MILFORD ISSUED 04/20/1998 CAPACITY 8,230 BROOKFIELD PENOBSCOT RIVER, STILLWATER RIVER

According to data compiled by the Maine Department of Marine Resources between 2014 and 2019, 79 percent of Atlantic salmon studied did not pass the Milford Project within 48 hours. "Since 2014, the Milford project has never met performance standards for endangered Atlantic salmon, and the dam owners have made no effort to fix the problems," said Dan McCaw, fisheries program manager with the Penobscot Nation, in a press release. "To date, the Federal agencies responsible for licensing the dam's operations allow this to continue without consequence or even a timeline to remedy this critical bottleneck." *One Atlantic salmon found dead last June reported in 2023 Incidental Take Report.*

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 curtailed September 15 to November 15.

P-2615 BRASSUA ISSUED 4/15/2020 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. 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 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. Still operating under annual license extensions. Union was listed as one of American River's Most Endangered Rivers of 2022, due in part to Brookfield's dam. Downeast Salmon Federation is an intervenor in this proceeding. *MBEP rejection of Water Quality Certification Application upheld by Maine Superior Court. Brookfield appealing to Maine Supreme Court*

As of: 1/18/2024

\* P-2520 MATTACEUNK ISSUED 2/26/2021 CAPACITY 19200 GREAT LAKES HYDRO AMERICA. LLC. PENOBSCOT RIVER

Next dam downstream from Medway on Penobscot. New license issued 2/26/2021. Brookfield submitted Draft Fishways Design Plan 2/28/2022. Incorporates helical eel ladder, one-inch mesh trash racks and changes to operations. *On 12/14/2023, FERC approved the proposed changes with some modification and directed a three-year tagging study be conducted.*

P-2808 BARKER'S MILL [Lower] ISSUED 4/15/2020 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. Term of new license extended to expire 3/31/2070 and include fish passage provisions.

P-2809 AMERICAN TISSUE ISSUED 4/30/2019 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 in 2021. 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 temporarily) from lack of maintenance – may have been repaired. On 4/27/2023, FERC found

\* *Change since last status 9/19/2023*

that the licensee discontinued good faith operation of the project and failed to demonstrate its ability to hold its license, and that it was in the public interest to terminate the license for by implied surrender with the project facilities left in place. This was a final FERC action.

**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). Maine's environmental community was stunned by the contents of the Biological Opinion (BIOP) issued by NOAA Fisheries for the lower Kennebec hydro projects: Lockwood, Hydro Kennebec, Shawmut and Weston. It ignores the science and states that the four dams improved by the Byzantine system of fishways proposed by Brookfield in its Species Protection Plan (SPP) would not place restoration of endangered Atlantic salmon in jeopardy. The Kennebec Coalition will continue to exercise the avenues of recourse that it has available in the courts, the FERC process, and the press. Penobscot Indian Nation (PIN) comments submitted 8/7/2023 disputing the lack of a jeopardy finding and saying: "The PIN agrees with comments previously submitted to the docket by federal and state agencies and nongovernmental organizations that the licensee's Species Protection Plan are not based on current best available data and instead the current best available data demonstrate that the measures proposed will not work. The PIN agrees that no scientific data or experience support adherence to the 4-project engineered fish passage regime, which will continue to both "take" an unjustifiable segment of the listed species population every year and fail to meet critical restoration goals for the other diadromous species. Experience with what the Species Protection Plan proposes instead demonstrates failure, not success." Brookfield response to a FERC request for construction timeline on 8/23/2023 included more specific implementation dates, but it is still unclear whether construction would start in 2024 or 2025. Environmental Impact Statement (EIS) overdue. Resolution of Brookfield's appeal of FERC's acceptance of Maine's 401 currently pending in DC Federal Court with briefs are due in October. The Kennebec Coalition has Intervenor status in the process. Draft EIS due March 2024, Final EIS due September 2024.

\*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. 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 11/14/2022, 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." On 5/22/2023, FERC approved the Aclara license surrender. Aclara need not remove the dams and leaves concerns regarding fish passage by TU and the agencies to "successor agencies." FERC did not require a Final Environmental Analysis saying that environmental comments "have been fully considered in the review of this proceeding and are addressed in this order." *American Whitewater has*

*filed in Federal District Court against the ruling because of the horrible precedent it sets. Aclara has filed a motion to dismiss. TU supports AW but is not in a position to intervene.*

P-2368 SQUA PAN ISSUED 4/18/2022 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.

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 that KLPD provided on 12/3/2022. MDEP letter of 6/23/2023 stated that "the Project does not currently meet State water quality standards due, in part, to low levels of Dissolved Oxygen (DO) that were measured during studies conducted by America First Hydro in support of their abandoned relicensing effort. KLPD's proposal to remove the flashboards while leaving the dams in place could be insufficient to mitigate for the Project's effect on DO. KLPD's proposal also does not include any provisions for fish passage at the three Project dams. Unless KLPD proposes adequate fish passage measures, the proposed surrender would not meet State water quality standards. If the Project's current nonattainment of State water quality standards is not corrected, the Department may choose to initiate enforcement activities against KLPD." *Liaison with MDEP indicates they are awaiting a response from KLPD. KLPD has not answered all FERC concerns regarding the last safety Inspection, but 1/17/2024 letter to FERC describes efforts to do so.*

\* P-4784 PEJEPSCOT ISSUED 9/21/2023. 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, DSF and other NGOs supported FOMB's appeal. On 4/6/2023, the Maine Board of Environmental Protection resolved the issue at a meeting that agreed to reissue the Water Quality Certification under Class B and adopted additional language to prevent confusion. NOAA Fisheries issued Biological Opinion (BIOP) on 6/15/2023 supporting FLA provisions for project operations, continued project monitoring, and adaptive

management. *New License issued 9/21/2023. Includes Operation Monitoring Plan. "Topsham Hydro proposes to achieve an adult alosine upstream passage effectiveness rate of at least 70% of the fish passing within 48 hours of a fish approaching the project and a downstream passage survival rate of 95%. Topsham Hydro also proposes to achieve an upstream passage effectiveness standard for Atlantic salmon of 95%. Also includes " two seasons of fish passage studies for Atlantic salmon and alosines; a third season would be conducted if needed to account for such factors as abnormal hydrologic conditions and project operations. Upstream passage studies for adult Atlantic salmon will be conducted if sufficient stocking occurs upstream of the project to produce at least 40 returning adult Atlantic salmon; the study will be conducted in the first year that sufficient adults are anticipated." Eel passage will be studied as well. **NOTE: Expect Worumbo and Brunswick licenses will be written with similar language.***

P-2530 HIRAM ISSUED 9/23/2022 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.

P-3562 BARKER MILL UPPER EXPIRED 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 [REA]" 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. KEI letter of 12/21/2021 provided additional information. NOAA Fisheries letter of 8/21/2023 supported issuing simultaneous Ready for Environmental Analysis for the Barker Mill Upper Project Hackett Mills Project (P-6398-026) when both projects are ready. As new license terms and conditions for both are expected to be fully consistent with the Lower Barkers

Project, TU is not planning to intervene. On 9/14/2023, FERC authorized continue project operations under the same terms and conditions until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

\* P-4202 LOWELL TANNERY EXPIRED 09/30/23 CAPACITY 1000 KEI (MAINE) POWER MGMT (II) LLC PASSADUMKEAG R (First dam upstream from Penobscot.)  
Fishway performance an issue. ASF involved advocating for improved fish passage at the site. KEI disputed need for radio-tracking study, FERC found for USFWS and ordered study in February 2021. FLA filed 10/12/2021. KEI reported progress with agencies toward fish passage settlement and requested additional time to resolve. Per 4/17/2023 issuance, FERC *delayed* the Ready for Environmental Analysis (REA) notice until 8/31/2023. Atlantic Salmon Federation filed Motion to Intervene 4/3/2023. Negotiations related to fish passage remain ongoing. FERC issuance of 8/23/2023 further delayed REA to 12/31/2023 and stated that KEI Power should file any settlement agreement by 10/31/2023. *Further delay until 03/31/2024 authorized by FERC by 12/19/2023 letter.*



In Progress

\* 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. FERC issued Ready for environmental Analysis (REA) on 03/23/2023. Green Lake Water Power disputing fish passage prescription for eel passage. Department of the Interior letter of 8/9/2023 stated "DOI and GLWP have entered into an agreement to stay the trial-type hearing process for 120 days effective August 9, 2023." The parties will hold settlement discussions in the interim. *Apparently, discussions are ongoing.*

\* 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

\* *Change since last status 9/19/2023*

As of: 1/18/2024

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. On 4/6/2023, Brookfield filed Upstream and Downstream Fish Passage Alternatives Reports. Current installation “Overall, the hydraulics between the powerhouse discharge and the ladder entrances likely results in the poor entrance efficiencies.” Brookfield proposes to:

1. increase the attraction flow from approximately 138 cfs to 220 cfs by replacing the existing attraction flow pumps with new pumps,
2. modify the floor diffuser to provide more uniform distribution of flows,
3. abandon Entrance 2 and route all attraction flow through Entrance 3,
4. extend Entrance 3 downstream of the turbulent discharge from the powerhouse and add a new overshoot style entrance gate, and
5. extend the existing tailrace training wall to eliminate the area of recirculation located at the downstream end of the training wall and improve guidance to Entrance 3.

*Final License Application still expected soon, new license due May 31, 2024, is even more likely to be delayed.*

\* 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). NOAA Fisheries letter of 8/21/2023 supported issuing simultaneous Ready for Environmental Analysis for the Barker Mill Upper Project Hackett Mills Project (P-6398-026) when both projects are ready. As new license terms and conditions for both are expected to be fully consistent with the Lower Barkers Project, TU is not planning to intervene. *Eagle Creek request for Extension of Time until January 30, 2024, to address April 3, 2023, Additional Information Request for the Hackett Mills Project under P-6398. NOTE: Eagle Creek has let it be known that would consider purchase offers for the project.*

\*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. TU filed joint comments along with other NGOs on DLA and USR on 8/31/22. Concerns include dewatering, inadequate whitewater and aesthetic flows, and recreational access. Breakout session to discuss environmental considerations of the relicensing with MDEP and key stakeholders that was held April 25, 2023. *Ready for Environmental Analysis issued by FERC on 6/26/2023. Maine TU, American Whitewater, Conservation Law Foundation, Maine Rivers and Friends of Richardson Lake have all filed to Intervene. Brookfield filed Water Quality Certification Application on 8/22/2023. FERC issued Notice of Intent to Prepare an Environmental Assessment on 9/12/2023. MDEP acceptance of WQC application transmitted 9/14/2023. Awaiting FERC issuance of Ready for Environmental Analysis (REA).*

\* Change since last status 9/19/2023

**\* P-4026 AZISCOHOS EXPIRES 03/31/25 CAPACITY 5311 ANDROSCOGGIN RESERVOIR CO (ME - BROOKFIELD) MAGALLOWAY RIVER (upper Androscoggin Watershed)**  
TU working with the stakeholders group that includes The Appalachian Mountain Club (AMC), American Whitewater (AW), Aziscohos Lake Campers Association (ALCA), Aziscohos Lake Preservation Committee (ALPC) that submitted joint comments on the Updated Study Report (USR) on 4/11/2023 noting "Reservoir levels should not remain entirely at the discretion of the Applicant as has occurred historically and requested in the Final License Application." It also included a request for information on the Androscoggin Headwaters Agreement and a modified study request for the scheduled spring tributary access study. Stakeholders group filed comments supporting MDIFW assessment that the tributary access study results were deceptive and showing additional problems. *Ready for Environmental Analysis (REA) delay requested by Brookfield approved. A kick-off meeting will be held the week of February 5 to develop a detailed schedule and framework for consultation, which would be filed with the Commission in the February report. A poll soliciting meeting times and venue will be distributed the week of January 14.*

**\* P-3428 WORUMBO EXPIRES 11/30/25 CAPACITY 19100 BROWN BEAR II HYDRO, INC. ANDROSCOGGIN RIVER**  
PAD filed 1/28/2022. Effectiveness of installed fish passage a concern. Revised Study Plan (RSP) issued 9/3/2022. Initial Study Report Meeting 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. Preliminary Study Reports posted March 24 showed poor upstream fish passage ~50% for river herring/ no shad. FERC granted Eagle Creek request to delay Species Protection Plan (SPP) due date until June 29, 2023. No SPP has been filed with FERC to date. *National Marine Fisheries Service has requested that the study be redone; Eagle Creek countered that it recognizes that fish passage problems exist but that new fish passage prescriptions should be based on modeling, not further studies. FERC sided with Eagle Creek and did not recommend the studies be repeated.*

**\* 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. TU 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, TU worked with above Cities and NGOs to draft response based on MDEP policies. Brookfield rejected NGO recommendations. Brookfield Study Report released March 2, 2023, studies on track. No comments by Lewiston or Auburn; none submitted for Maine TU Council. Will continue to advocate for maximum releases of water over the falls to improve habitat quality in critical Atlantic salmon habitat downstream. Brookfield has requested extension of time to submit the annual Species Protection Plan Compliance Report to February 15 annually. Maine Department of Marine Resources reported that Brookfield Downstream Eel Passage Study filed 6/30/2023 understated impacts on eels. *Recreational focus groups meeting.*

**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. Committee working with other stakeholders and agencies. FERC has ruled that the 6-month flow excursion at Ripogenus Dam was not a license violation. Maine TU Council had filed a letter with FERC explaining why it was a license violation and Brookfield should be held accountable. FERC Compliance has taken action on outage events caused fish kills directing Brookfield: that you 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 downramping events, such as unit outages, until the current relicensing process is concluded. Examples of possible measures include: increasing the frequency at which staff are present at McKay Station to respond to low flow events more quickly; a battery back-up system to reduce the instances and/or durations of outage-caused flow reductions; or automating a gate at Ripogenus Dam to release a preset minimum flow to the West Branch of the Penobscot River when McKay Station trips offline. By requesting interim protection measures, we are not prejudging requirements or other protection measures that may be determined during the relicensing process." *Due date of recommendations extended to 1/19/2024. FERC Year-2 Studies Determination received late 9/19/2023 recommended additional studies: North Twin Tributary Access, Upstream American eel Passage, Recreational Study, Whitewater Boating Assessment, Aesthetics, Environmental Justice, McKay Station Fish Stranding and Mitigation and McKay Station Ramping, USGS Gauge Feasibility, and Umbazooksus Lake Mitigation, TU volunteers participated Fishability/Wadability Study below Stone Dam conducted October 24th and 25th. Recreational focus group teleconference scheduled for 1/22/2024. Ops Model Workshop scheduled **in person** for January 10 and 11 postponed due to storm has been rescheduled for January 31-February 1 in Bangor.*

**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. Nothing of note filed since last report.

**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. As of 4/30 /2023, Brookfield had been unresponsive to the study requests from the towns of Hollis and Buxton.



**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. Notice of Intent / Pre-application document due by February 2024. Merrymeeting Bay TU Chapter organizing coalition.

**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**  
Head-of-tide dam for Saco River. *Steve will contact Saco Salmon Restoration Alliance to coordinate efforts.*

**P-9340 KEZAR FALLS LOWER EXPIRES 09/30/2030 CAPACITY 1,000 KEZAR FALLS HYDRO, LLC**  
**OSSIPEE RIVER (MAIN SACO RIVER FEEDER)**

## Exempt Dams

**NOTE: As a group, FERC Except Projects constitute the greatest purchase and remove opportunities in Maine**

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. **Not a removal candidate.**

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.

\* 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. Town subsequently decided not to pursue relicensing and is working with The Nature Conservancy. Town obtained 2-year grant to study redevelopment options. TNC has retained Inter-Fluve to conduct studies; a baseline report has been completed. Periodic open meeting and status reports to FERC will continue. *FERC granted town's request to delay filing of a surrender plan until 6/30/2025.*

\* 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. *FERC letter of 7/20/2023 gave operator 60 days to submit plan to address multiple discrepancies, suspense date 9/18/2023. As of 1/17/2024, nothing on the docket indicating compliance. FERC letter of*

\* 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

\* *Change since last status 9/19/2023*



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. Project delayed - Army Corps of Engineers requires floodplain study.

\* 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; *Auburn resubmitted an application for a NOAA grant in response in 2023, awards will be announced in March.*

\* SABATTUS RIVER DAMS (lower Androscoggin Watershed)

DMR is working on passage on the Sabattus River. Mill Street: The dam at this site was removed in 2019, however the ledge under the dam is still a barrier to passage for most fish. MDMR and ASF worked with Interfluve complete a design for this site in 2023 and will have final designs in January 2024. The site will be complete in 2024 or 2025 based on funding and contractor availability. Farwell Dam: Designs for the dam removal and nature-like fishway are at the 75% phase and will be shared with stakeholders for comments in February 2024. DMR has a significant portion of the of the funding needed to complete the dam removal and construction of a nature-like fishway at the site, which will address the ledge falls that are the result of the river being moved ~200 years ago. DMR is working to complete this site, or at least break ground, in 2024 to meet funding timelines. Upper Dam: Dam removed in 2022 with financial support from NFWF National Coastal Resilience Fund and USFWF National Fish Passage Partners and management support from ASF. Removal of this dam was a great success at it provides meaningful reduction in flood risk for landowners upstream. DMR has been awarded funding to complete a LOMR to FEMA to reduce flood zone mapping, which will reduce flood insurance costs for 10's of landowners and could total \$100K a year in savings. The Upper Dam site was resilient to the two large storms, and high water in 2023. Fortier Dam: Maine Rivers has reached an agreement with the dam owner for permission to remove the dam. Designs are still in progress, and more information on contamination in sediment in the headpond is needed in 2024. We are actively applying for funding for this site too and, if funded, would complete work at this site in 2025 or 2026. Mill Remnant Dam: Removal is delayed until 2024 due to high bids for the work. As of January 2024, DMR has tentatively been awarded funding for this site. Sleeper Dam: Designs are complete, Acadia Civil Works has shared those designs with permitting agencies. DMR and the Sabattus Lake Dam Commission are actively applying for funding for this site and hope to break ground in 2025.

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.

\* *Change since last status 9/19/2023*

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 the studies that could lead to dam removal. *Army Corps of Engineers briefed Town officials on study status at a January 17 teleconference. Key points included that sediment testing showed the areas clean without the mercury reported in earlier studies. Upstream soil conditions are not a bar to removal, recreational uses can continue with dam removal. The Construction/Civil Engineering Team is assembling a report of four alternatives including fish ladders and dam removal with associated costs. A public presentation of the findings will be scheduled.*

GUILFORD DAM (Piscataquis River). TNC removal project slipped to 2024.

\* BRANCH LAKE DAM (On Branch Lake Stream northwest of Ellsworth) Downeast Salmon Federation engaged. Goal is to incorporate fishway into dam repair. Branch Lake is Ellsworth water supply. Removal not seen as a viable option. New entry.

### License Surrenders

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

P-8417 OLD SPARHAWK MILL (formerly exempted)

P-5362 LOWER MOUSAM

P-2194 BAR MILLS

P-8791 STARKS

And likely upcoming:

P-5912 MOOSEHEAD

P-8505 ABBOTTS MILLS

P-12629 CORRIVEAU

P-8736 PIONEER