

## 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-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 (DSF) is an intervenor in this proceeding. MBEP rejection of Water Quality Certification Application upheld by Maine Superior Court. Brookfield appealed to Maine Supreme Court. The Court has heard oral arguments on the merits of the case (Brookfield, MDEP, and DSF) and an issue of justiciability seemed to be the Court's primary concern. On January 21, 2025, Maine Supreme Court ruled that the issue of Leonard Lake classification is non-justiciable, so it was back to square one – Brookfield refiles a WQC application and one or more parties starts a new declaratory action on the Leonard Lake issue (same issue, different procedural set up). While this brings some certainty to the parties regarding Leonard Lake, Brookfield is still in violation of DO WQC standards on two other violations. *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 for anadromous fish passage and adaptive management provisions. Filing by DSF noted the six-year delay caused by Brookfield's appeals and included: volitional passage for indigenous shad is required immediately or at least consistent with the 2025 MDMR five-year fishway design and implementation scheduled prescription recommendations; aeration measures demonstrate periodically the attainment of Class B DO standards in Leonard Lake; annual multi-agency and stakeholder involvement in the event Brookfield deviates from its proposed water drawdown range for Graham Lake, the installation of a plunge pool at the base of Ellsworth Dam, and consistent effectiveness measures and testing to provide reasonable assurances of future compliance. Other NGOs' filings were consistent with these.*

\* Change since last status: 5/23/2025

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\* **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, in 2024 Brookfield was required to file a draft Species Protection Plan (SPP). Maine's environmental community was stunned by the contents of the Biological Opinion (BIO) 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. Draft Environmental Impact Statement (DEIS) issued March 28, 2024. Public Meetings held Tuesday, May 21 and May 22 2024. Good public turnouts with overwhelming support for stronger fish passage provisions than those contained in the DEIS. Maine Department of Marine Resources (MDMR) met with the United States Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the Federal Energy Regulatory Commission (FERC) in July to discuss the agencies' recommended fish and wildlife measures made pursuant to section 10(j) of the Federal Power Act for the Shawmut Hydroelectric Project (P-2322). The purpose of the meeting was to discuss and attempt to resolve inconsistencies between section 10(j) recommendations made by MDMR and those initially adopted in the Draft Environmental Impact Statement (DEIS) as they pertain to public interest and comprehensive development standards of sections 4(e) and 10(a) of the Federal Power Act (FPA). EIS was issued February 28, 2025. Includes Staff Alternative with Mandatory Conditions: "the project would have a total installed capacity of 8.65 MW, a capacity benefit of 6.43 MW, and an average annual generation of 43,522 MWh. When compared to current conditions, generation would be reduced by 7,536 MWh/yr. The alternative source of power's current cost to produce the same amount of energy and provide the same capacity benefit would be \$4,259,826. The total annual project cost would be \$7,360,073. Subtracting the total annual project cost from the alternative source of power's current cost, the project's cost to produce 43,522 MWh of power and provide a 6.43 MW capacity would be \$3,100,247 more than that of the alternative source of power's cost." November 2024 FERC Issuance gives MDEP until October 21, 2025 to act on WQC Application or is to be considered to have waived its rights. Still no announcement regarding possible

\* *Change since last status: 5/23/2025*

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purchase of the lower Kennebec Dams. *MDMR WQC Comments specifies anadromous fish passage performance standard and use adaptive management techniques to require a second sets of fish lifts if those initially installed do not work. Approaching deadline for MDEP to approve or deny WQC could act as a forcing function.*

P-5362 LOWER MOUSAM EXPIRED 03/31/22 CAPACITY 600 KENNEBUNK LIGHT & POWER DIST MOUSAM RIVER (Coastal river southwestern Maine) License surrender in progress. 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 Maine River’s 1/17/2024 letter to FERC describes efforts to do so. April 8 letter to MDEP urges enforcement action. KLPD acknowledged MDEP’s letter in their August 1, 2024 response and went on to say: “As you know, the District's application to surrender its federal hydropower license is pending before FERC. As the FERC surrender process is nearing its conclusion, the District would like to collaborate with you and your office to find mutually acceptable ways to address DEP's concerns in a manner that does not delay the FERC license surrender proceeding resulting in increased costs for the District's ratepayers. KLPD has been in contact with the NOAA Restoration Center to explore potential funding sources to address fish passage.” FERC issued a Notice of Intent (NOI) to conduct an Environmental Analysis for the project in January, due date April 30, 2025 that has been slipped to October 2, 2025.

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

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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. After approving five delays, FERC refused KEI's request to delay until July 1, 2024 citing the delays and achievement of agreement in principle. Settlement agreement reached in August 2024 gave KEI 8 years to implement fish passage. NGOs filed in opposition to the settlement: American Rivers, Downeast Salmon Federation, Conservation Law Foundation, Maine Council of Trout Unlimited, Maine Rivers, Atlantic Salmon Federation, and the Mousam and Kennebunk Rivers Alliance stating: "...we see little reason to incentivize the failure of KEI to advance fish passage solutions during the initial licensing period and then be provided an overly long timeframe to design and install fish passage." USFWS issued fishways prescription December 3, 2024: "installation of the new upstream anadromous fishway, no later than 8th passage season for American eel following license issuance. MDEP issued WQC on August 6, 2025 that includes: *"The Applicant proposes to install upstream and downstream eel passage facilities. Facilities and their operation will be designed in consultation with fisheries agencies. Upstream passage will consist of an eel ladder, and downstream passage will consist of two siphon-style passage systems. The Applicant proposes to modify the discharge location for the existing downstream fish passage pipe to discharge adjacent to the existing upstream fish ladder entrance. The Applicant also proposes to install full depth seasonal intake rack overlays with a 7/8-inch hole diameter punch plate. These proposals are part of a settlement agreement for a fishway prescription at the Lowell Tannery Project between the Applicant and the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the Maine Department of Marine Resources (DMR), and the Penobscot Nation."*

\* P-7189 GREEN LAKE EXPIRED 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

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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. Discussions with agencies have not resolved all issues. Water Quality Certification issued May 9, 2024. Green Lake Hydro requested that FERC delay issuing Environmental Assessment (EA) until resolved. WQC issued in May with eel passage provisions and providing for anadromous fish passage if/when passage provided downstream at the Ellsworth Project. *WQC issued by MDEP on May 9, 2025, EA issued May 21, 2025. 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.*

\* P-2600 WEST ENFIELD EXPIRED 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. 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 overshot 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 has not been filed, annual license granted valid through May 31, 2025 or until new license issued. January Brookfield filing proposed to: “submit a final licensing

proposal for upstream and downstream fish passage measures by July 1, 2025. On January 24, 2025, Brookfield filed and distributed the Revised Upstream Fish Passage Evaluation Report and the Revised Downstream Fish Passage Alternative Evaluation Report for review and comment. Comments were received from U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), Maine Department of Marine Resources (MDMR), and the Penobscot Nation. BPHA will continue to consult with agencies and the Penobscot Nation to collaboratively address concerns raised in comments, to the extent feasible. Brookfield contractor Natel is currently conducting the study to assess the feasibility of replacing the existing runners at the West Enfield Project with FishSafe™ runners. Natel has completed development of a 3-dimensional computer model of the water passage which is being used to run computation fluid dynamics modeling for various runner geometries. Natel is also working to optimize the runner geometry to maximize fish survival and energy efficiency. As Natel progresses with design other mechanical and structural design criteria will also be assessed. Natel anticipates having modeling and analysis substantively completed in late May 2025, followed by completion of the study report in June, which will then be presented to agencies and the Penobscot Nation. *June Status Report documents continued progress with feasibility designs and states that Brookfield intends to file a revised fish passage relicensing proposal by mid-September 2025.*

\* P-6398 HACKETT MILLS EXPIRED 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. The dam and low-level gate have deteriorated and repairs are in progress. Eagle Creek completed repairs in January 2025. LFA submitted and REA issued. Maine TU Council filed to intervene and protested the relicensing of this uneconomic project. *MDMR comments asked that decommissioning be considered as an alternative, and implementation of fish passage aligned with other hydro projects on the Little Androscoggin.* **Eagle Creek has let it be known that would consider purchase offers for the project.**

\* **P-2333 RUMFORD FALLS** EXPIRED 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 9/17/25 Draft Environmental Assessment in February 2024. Joint NGO comments cited imbalance of project purposes and proposed minimum flows over upper Rumford Falls and whitewater releases. EA did not incorporate NGO Comments. In August, MDEP issued WQC calling for 10 whitewater/scenic releases and 200 cfs minimum fishing flows over Middle Dam but made no reference to flows over Upper Dam or Upper Falls. Maine Rivers, American Whitewater, Conservation Law Foundation, Friends of Richardson Lake, American Rivers and TU submitted a joint appeal to Maine's Board of Environmental Protection (MBEP) of the Water Quality Certification. The Appellants responded to a MBEP request for a brief on their standing in the matter. MBEP then rejected the brief. In response, the Appellants filed a request for reconsideration of the rejection and in the alternative, an objected to the evidentiary exclusion of the individual statements and affidavits, submitted as definitive and required proof of associational standing. *MBEP heard oral arguments on July 17, 2025 and dismissed the appeal both on issues of standing and substance without ordering a hearing despite clear evidence in the record that the bypass reach contained potential aquatic habitat, and eels were present upstream. The appellants elected not to appeal the board's decision to Maine Superior Court.*

\* **P-4026 AZISCOHOS EXPIRED 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. Confidential discussions continue between Brookfield Renewable Energy and the NGOs (Trout Unlimited, Appalachian Mountain Club, American Whitewater, American Rivers and Rangeley Lakes Heritage Trust, Aziscohos Lake Preservation Committee and Aziscohos Lake Camp Association. The NGOs are considering an extension of Brookfield's request to the Federal Energy Regulatory Commission (FERC) for a revised Final License Application filing date to June 2025 to allow for the settlement talks to continue, which have been constructive. The NGO's will request that FERC establish the following benchmarks: 1) Agreement in principle by end of January 2025, 2) Finalized Agreement by end of March 2025, and 3) Brookfield files revised FLA no later than June 2025. The NGOs will take into consideration that the clarification of historic deeds on land ownership along the Magalloway River from the dam to the Rte 16 bridge at Bennett Road is still being resolved, and the recent finalization of a 2-year option dependent on successful fundraising by the Rangeley Lakes Heritage Trust (RLHT), Maine Nature Conservancy (ME TNC), the Forest Society of Maine (FSM) and Northeast Wilderness Trust (NEWT) for a very significant Upper Magalloway land protection effort, which represents potential measures and plans to protect,

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mitigate, or enhance environmental resources (PME) for a 401 Water Quality Certificate (WQC) with Brookfield's financial participation. Brookfield and RLHT have had ongoing meetings on these two possibilities. NGO recommended acceptance of the revised schedule. To help move the discussions forward, NGOs revised their confidential May 2024 Proposed Draft Settlement Agreement (SA) Outline it had provided Brookfield, to incorporate with greater detail the new information on a) land ownership at and below the dam and associated stewardship costs, and b) specifics on how Brookfield's involvement in the Upper Magalloway Land project could have a PME role in the 401 WQC process. Brookfield has filed an Amended Final License Application (FLA) based on the pre-settlement negotiations with the NGOs including TU. Local fishing interests are generally opposing the content of the FLA contending that securing access to the Magalloway between Aziscohos Dam and the Route 16 Bridge Pool will only put more pressure that reach. Other local issues center on enforcement, regulations and other matters that involve MDIFW, not the FERC relicensing of the project. *Brookfield has prepared a Memorandum of Agreement that will be binding on all signatories that the NGOs are in the process of reviewing.*



\* 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. Preliminary Study Reports posted March 2024 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, 2025.* Consultations between Eagle Creek and NOAA Fisheries continue to develop Section 18 Fishway Prescriptions. *Consultation meetings have been productive and are scheduled to continue. FERC granted Eagle Creek's 05/31/2024 request to delay issuance of the Ready for Environmental Analysis notice until after 12/04/2025.*

\* 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. DLA issued, cities of Lewiston and Auburn and NGOs submitted comments that included requests for more releases of water over Lewiston Falls, an improved trail system, and support of MDMD requests for eel passage. Maine Bureau of Parks and Lands (BPL) and National Park Service both filed in support of stakeholder requests. FLA issued in August offering 6 scenic releases, not the 40 that Lewiston/Auburn had proposed FLA also included provisions for eel passage. Other recreational issues are involved. Brookfield response rejected Lewiston - Auburn requests. Scoping Meetings held in Lewiston on February 19. No presentations by FERC or Applicant, comments were taken by a court recorder in a separate room. TU protested the change of meeting format. Ready for Environmental Analysis (REA) issued May 15, 2025. *Cities and multiple NGOs have intervened. 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.*

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 landlocked salmon waters. TU, camp owners' associations, American Whitewater, Appalachian Mountain Club, Maine Rivers, American Rivers interest, and Penobscot Indian Nation interest. Committee working with other stakeholders and agencies. FERC has ruled that the 6-month flow excursion at Ripogenus Dam 2021-2022 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." 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 25<sup>th</sup>, 2023. Ops Model Workshop conducted January 31-February, 2023 in Bangor. Updated Study Plan Meeting conducted on Bangor May 15 and 16, 2023. Brookfield continues to avoid submitting study data that provides bases for comparison for current condition and changes to operating parameters. TU submitted 64-page report detailing observations of Ramping Study events conducted by Brookfield on July 17 and 24, 2024. Report highlights that strandings and mortality occur even when flows drop to 1000 cfs and recommends further studies to determine safe minimum flows. Brookfield refuses to run full range of Ops Model runs requested to test feasibility of different flow scenarios. FERC Submitted AIRs that with responses due this summer. Includes running of Additional Ops Model scenarios. Multiple NGOs submitted comments on inadequacy of studies to date. *TU submitted comments on two rounds of Brookfield responses to FERC Additional Information Requests (AIRs) filed in June and July. The first also addressed yet another generator trip event at Ripogenus Dam that occurred on June 19, 2025. TU was also a signatory to a joint filing on recreational requirements. FERC granted Brookfield request for additional time to respond to June 19 trip event granted until October 20, 2025 with progress report by September 26, 2025. Brookfield report filed September 9, 2025 providing details of outage.*

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**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. DLA filed June 28, 2024 proposes project to continue to operate as it has in the past. Final License Application filed December 11, 2024. NGOs do not plan to oppose continuing the status quo. Expect that to be the content of the new license.

\* 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 2022 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 Buxton, the Town of Hollis, the Saco Salmon Restoration Alliance (SSRA), and TU. Steve provided guidance and a draft study plan to town resident and SSRA member Mark Woodruff. He worked with the Buxton Selectmen who filed the study requests that identified the town's concerns. Given that TU interests were tied to fish passage, this is now a matter for Buxton and Hollis and further TU involvement should not be required. Although Brookfield's Final Study Plan, issued in August 2023, addressed several environmental, recreational, and public safety concerns raised by Buxton and Hollis, requests to review existing information from EPA and the Buxton Zoning Ordinances were not adopted. Because of high river flows the field studies were postponed to 2024. The towns favor restoration of the site to its original condition but lack resources to contest Brookfield's proposal in court if accepted by FERC. American Rivers interest in the surrender. *Brookfield met with the select boards of both towns in May and asked both select boards to organize a decommissioning committee of 5 people from each town. The goals for the meeting: address questions and provide input on the draft study report; provide input for the decommissioning plan. There have been two facilitated meetings since late August. The discussions have focused on the decommissioning schedule, study results, and the community's concerns about the changes that will occur. The draft report which should include the committee's recommended revisions is expected to be released to the public in late September/early October.*

**\* P-2284 BRUNSWICK EXPIRES 02/28/29 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 (PAD) published, comment deadline June 20, 2024. Scoping Meetings held in Brunswick May 7, MMBTU Chapter well represented. License surrender will be included as an option in the Scoping Document. MMBTU organizing stakeholder coalition; *PAD* comments supported agency study requests and asked to consider dam removal based on sea level rise. Full range of studies requested. Free the Andro Coalition formed and had generated wide media coverage. Their resolution supporting improved fish passage will be considered by the Brunswick Town Council on February 3<sup>rd</sup>. Coalition gave presentation to Topsham Select Board February who voted to support fish passage. *Free the Andro group continuing to meet and engage with the local communities.*

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

NOI/PAD submitted, comments filed in response September 2024. TU supports MDMR recommendations for fish passage for anadromous species with fish sorting facility at Medway. MDMR comments filed September 24, 2024 included: “The 2008 Strategic Plan states, “American eel, American shad, and Atlantic salmon historically utilized portions of the West Branch Penobscot, but the 10 hydropower and water storage dams on the West Branch Penobscot do not pass diadromous fish and no passage is planned in the near term5.” While the historic habitat for these species, in addition to alewife, was identified in the plan, no passage was planned or supported by the licensee for the Projects in 2008. The absence of upstream passage facilities at the Projects prevents upstream passage for most diadromous species, including sea-lamprey not explicitly mentioned in the plan, and inhibits the passage of American eels. Therefore, there was no path at the time of writing of the 2008 Strategic Plan for restoration of diadromous species to the historic habitat in the West Branch Penobscot. These impacts are in direct conflict with MDMR’s goal for the Penobscot River in the 2008 Strategic Plan, which is an accepted comprehensive plan. “The Department’s goal for the Penobscot River is to restore, protect, enhance and manage self-sustaining6 populations of native diadromous alewife, American shad, American eel, Atlantic salmon, Atlantic sturgeon, Atlantic tomcod, blueback herring, rainbow smelt, sea lamprey, shortnose sturgeon, and striped bass within their historical habitat in the Penobscot River basin for broad-based public use and benefit.” DNR requested: “a CFD modeling study and an Upstream Alternatives study to inform license conditions that will facilitate safe, timely, and effective upstream passage at the project and assist the Licensee in preparing design plans for passage infrastructure.” USFWS comments centered on provision of American eel passage. MDMR comments supported the three eel studies requested by USFWS, and went on to say: “The study requests submitted by MDMR were not adopted by the Licensee, and they provided a rationale for why passage of

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anadromous fish was not needed at this time. MDMR strongly disagrees with the Licensee's perspective on anadromous fish passage and with their decision not to adopt our study requests. There is historic habitat for many of Maine's diadromous fish species within and above the Medway project, including for endangered Atlantic salmon, river herring, American shad, American eel, and sea lamprey."

P-2528 CATARACT EXPIRES 11/30/29 CAPACITY 6,650 BROOKFIELD WHITE PINE HYDRO, LLC.  
SACO RIVER

Head-of-tide dam for Saco River. Saco Salmon Restoration Alliance and TU planning to engage. TU hosted a Saco stakeholder teleconference that was held December 12. Key topics were: Cataract Project entering FERC relicensing process w/Scoping Meeting use of new format that did not encourage public participation, Brookfield's Pre-application Document hiding behind 2007 Settlement, Bar Mills Dam license surrender, Saco River Restoration Alliance & Hatchery loss of source of eggs needed for hatchery operations, and good number of elvers documented at Hiram Dam last summer. Subsequent PAD Comments included requests for the full spectrum of fish passage studies, and studies of effects of sea level rise on this head-of-tide project. Brookfield has submitted Initial Study Plan, Sebago TU worked with Saco Salmon Restoration Alliance to produce study plan comments. MDMR comments: 'The Licensee's PSP provides responses to our comments and rejects all but two of our study requests. During the PSP meeting on March 3, 2025, representatives from FERC encouraged the Licensee to sit down with the fisheries agencies in an effort to fill information gaps at the project through relicensing studies or other means. MDMR thinks this would be a productive discussion, yet no meeting has been arranged by the Licensee to date. Furthermore, the Licensee makes some troubling claims related to historical habitat for alosines above the Project, which misrepresents the 1987 Strategic Management Plan for the Saco River.'

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

Eagle Creek has requested information for inclusion in the PAD. Sebago TU and Saco Salmon Restoration Alliance interest.



Upcoming

Next Maine FERC hydro license expires in 2033.



Ongoing Concerns

\* 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.” Brookfield filed the 2024 Incidental Take report January 7, 2025; Atlantic salmon mortalities: three Atlantic salmon mortalities, two at Milford and one at the West Enfield Project. Draft Diadromous Fish Passage Study Report issued January 15, 2025. Penobscot Indian Nation (PIN): “requests a study of downstream passage of American eels at all three Projects in 2025 and 2026, using the methods accepted by MDMR and USFWS.” Projects are Milford (FERC No. 2534), Orono (FERC No. 2710), and Stillwater (FERC No. 2712). Brookfield submitted draft Biological Assessment and Species Protection Plan that includes new information, gathered since NMFS issued its Biological Opinion (BiOp) for the Projects in 20123, which includes:

1. Results of radio telemetry studies of Atlantic salmon passage, and collection and modeling of a large amount of additional information regarding Penobscot River Atlantic salmon.
2. Removal of two main stem Penobscot River dams, and fish passage improvements implemented at the remaining dams.
3. Stranding of Atlantic salmon in the ledge pools below the Milford Project (FERC No. 2534) spillway, which was not considered in the 2012 NMFS BiOp.

4. Installation of a collection trap on the existing Denil upstream fishway at the Milford Project to capture passing Atlantic salmon, which was also not considered in the 2012 BiOp.

5. A need to develop standalone BiOps for each Project that match FERC license expirations.

Additionally, FERC designated Brookfield as a non-federal representative for the purpose of conducting informal consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to the regulations at 50 C.F.R. §402.08 implementing section 7 of the ESA, before the Tainter gates are replaced. The role of the non-federal representative may include conducting studies, developing and supplying information, attending meetings, ensuring that pertinent endangered species information is maintained in a project file, participating in informal consultation with your agency, developing a draft biological assessment if necessary, and keeping the Commission apprised of its actions. However, the Commission remains ultimately responsible for all findings and determinations regarding the effects of the project on any federally-listed species or critical habitat. FERC designated Brookfield as a non-federal representative for the purpose of conducting informal consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to the regulations at 50 C.F.R. §402.08 implementing section 7 of the ESA, before the Tainter gates are replaced. The role of the non-federal representative may include conducting studies, developing and supplying information, attending meetings, ensuring that pertinent endangered species information is maintained in a project file, participating in informal consultation with your agency, developing a draft biological assessment if necessary, and keeping the Commission apprised of its actions. However, the Commission remains ultimately responsible for all findings and determinations regarding the effects of the project on any federally-listed species or critical habitat. *Formal ESA Consultation initiated with new Biological Opinion (BIOP) due October 15, 2025.*

\* P-2364 ABENAKI ISSUED 07/25/2003 CAPACITY 18800 EAGLE CREEK KENNEBEC RIVER  
(2 dams at Anson)

Eel upstream passage mechanism damaged by high water in summer of 2023. This was not mentioned in the latest status report by Eagle Creek. Liaison with the Eagle Creek Licensing and Compliance Manager indicated repairs were made in August of 2024. TU requested that Eagle Creek file an amended report. *Eel passage addressed by Anson and Abenaki Fisheries Meeting held in August 2025.*

\* P-2942 DUNDEE ISSUED 10/02/2003 CAPACITY 2400 ~~DICHOTOMY~~ now RELEVATE HYDRO LLC PRESUMPCOT RIVER. Sluice gate failure dewatered impoundment in July of 2024. FERC determination was that this would not be considered a license violation. Maine TU Council filed comments January 21, 2025 requesting FERC review decision in light of photographic evidence of mussel and fish kill, and continuing problems since current operator acquired the Presumpscot projects from SAPPI in 2022. Working kevel liaison indicates MDEP has decided to only issue a warning for the dewatering. TU hoisted a teleconference to discuss the issues with Presumpscot Hydro Operations on March 11, 2025. Sebago TU working to develop next steps following dewatering and form coalition to address long and short terms needs in the watershed. *Subsequent TU filings resulted in FERC declaring the Dundee dewatering a license violation; subsequent TU filing with the Low Impact Hydro Institute (LIHI) resulted in suspension of the project's LIHI certification. Despite this, FERC approved Relevate's request to upgrade capacity of the project's generators. Relevate filed a plan to study eel passage at all its Presumpscot Projects on September 15, 2025.*

P-2932 MALLISON FALLS ISSUED 10/02/2003 CAPACITY 800 ~~DICHOTOMY~~ now RELEVATE; PRESUMPCOT HYDRO LLC PRESUMPCOT RIVER. FERC ruled June 3, 2024 minimum flow deviations a license violation. Another possible license violation reported by Sebago TU's Jim Wescott in March. Could be due to malfunction at Mallison or either of the two dams upstream. Maine TU Council submitted incident report to FERC, Sebago TU to submit assume reporting responsibilities for future incidents.

\* P-2984 EEL WEIR ISSUED 03/23/2015 CAPACITY 1800 ~~DICHOTOMY~~ now RELEVATE HYDRO LLC PRESUMPCOT RIVER

FERC Determination issued September 2024 ruled Sebago Lake level and downstream flow deviations were not a license violation. TU requested that the determination be revisited and deemed a violation in light of the above two events and conflicting content of the determination letter. NGOs had opposed transfer of the Penobscot River licenses to the current operator in 2021 due to lack of technical ability and financial capacity. FERC denied the TU request that the event be considered a license violation. Above entry germane. Environmental Analysis issues, Friends of Sebago Lake working to respond asking that it include information on the adverse effects of the current flow regime on bank erosion, fish and wildlife and water quality. Response due by June 2, 2025. MDEP filed Notice of Violation on May19, 2025 for

failure to build a boat ramp per Water Quality Certification #L-19937-33-J-N, Condition 8(A). *This and subsequent TU filings resulted in FERC declaring the events a license violation; subsequent TU filing with the Low Impact Hydro Institute (LIHI) resulted in suspension of the project's LIHI certification. Despite this, FERC approved Relevate's request to upgrade capacity of the project's generators.*

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. FERC license requires fish passage to be operating two years after fish reach the base of the dam. The dam is owned by Kruger Energy Industries (KEI), a large Canadian, privately held conglomerate. The third upstream dam in lower Cobbosseecontee Stream to create Pleasant Pond. The pond has a significant number of homes and camps along its shore. Because of the value of the real estate, fish passage will be required at this site. Upstream's current effort is focused on the lower three dams in Cobbosseecontee Stream. Pleasant Pond is large enough for a commercial alewife harvest. There are two more dams downstream of the 5,000-acre Cobbosseecontee Lake. Creating access for sea run fish into Cobbosseecontee Lake will be the second phase of this restoration effort. See also Gardner Paperboard Dam under Other Dams.

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. TU discovered in April that Brookfield had a major fishkill below Brassua Dam back in March of 2023 that killed three year classes of fish. FERC accepted a settlement between Brookfield and MDIFW with IFW getting \$15,000 a year for the next three years as remediation. TU rejects the 'cash for dead fish' approach where improvements should be made to facilities and has broached the subject with the IFW Fisheries Director. Problems on the Presumpscot noted above are being properly addressed with MDEP by MDIFW in accordance with existing policy.

\* P-2808 BARKER'S MILL [Lower] ISSUED 4/2015/2020 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

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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 includes fish passage provisions. In March, FERC submitted comments on KEI's Supporting Design Report (SDR) for the installation of Fish Passage Facilities submitted December 6, 2024. It included feedback on engineering drawings, compliance issues, etc. *KEI submitted revised design in September 2025.*

\* 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. Order modifying and approving upstream American Eel Passage Effectiveness Plan issued 05/14/2024. Construction completed August 9, 2024. *FERC Issued an Environmental Assessment (EA) on August 29, 2025 to address proposal to "draw the impoundment down to perform repair to the upstream fishway and log sluice at the Mattaceunk Project, replace the sluice gate due to deterioration, and perform concrete repairs to the leaking slots immediately downstream of the sluice gate."*

P-3820 SOMERSWORTH EXPIRED 08/31/2021 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, Maine Rivers, and Conservation Law Center challenged the decision by FERC to allow the owner of a failed hydropower project in Somersworth, NH/Berwick, ME to abandon two dams in the Salmon Falls River rather than requiring them to remove them. Aclara has filed a motion to dismiss. The dams block migratory fish passage and recreation. Oral argument in the D.C. Circuit of the federal Court of Appeals was heard on November 20, 2024. The court ruled against the

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appeal, and accepted that Somersworth's concerns about the reservoir were sufficient, even though the effect of removal was unknown according to the environmental analysis. They did not require FERC to look more closely at the effects and alternatives – a disappointing result. There are a few aspects of this that will help in future efforts to prevent dam abandonment. The court found that the NGOs had legal standing in this case based on AW members' desire to boat there in the future even though there was no past use. This will help in future cases. They also found that the court had jurisdiction to hear the case and that the case wasn't moot based on the completion of the terms for surrender. This removes several defenses put forward by the dam owner. The appeal got the attention and respect from FERC and the hydro industry, and they know that this will be an issue in future dam surrenders.

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 requiring dissolved oxygen (DO) monitoring. Water quality data from Scopan Stream in 2023 were collected in accordance with Condition 3(B) of the Project's WQC. The data demonstrate that the water quality in Scopan Stream downstream of the Project was not in compliance with Maine's Class C numeric standards for DO during brief periods in late July. The aerator system was likely affected by drifting vegetation, which built up on one of the diffusers closest to the hydropower intake rack, likely gradually during periods of generation that occurred. Though generation is generally uncommon during most summer periods, it occurred frequently in 2023 and likely affected the study results. Aroostook Power proposes to continue deploying the same aerator system in 2024, but to incorporate additional maintenance measures to ensure that the aerator system is functioning at peak capabilities to encourage de-stratification of the water column upstream of the hydropower intake. Water Quality Report issued January 2025 stated: "Operation of the generating unit at the Project generally resulted in minimal changes in DO and temperature downstream relative to the prevailing conditions. The aerator was checked weekly and was mostly clean of vegetation throughout the season. Generation periods did not correlate with periods of low DO. Rather, as previous years of study data have demonstrated, the primary issue with water quality downstream of the Project is the low DO passing through the Project via leakage, as a result of stratification and oxygen depletion in the hypolimnion in the channel just upstream of the Project intake." The project still is not meeting Class C DO standards. Additional studies will be conducted in 2025.

P-2530 HIRAM ISSUED 9/23/2022 CAPACITY 10500 BROOKFIELD WHITE PINE HYDRO, LLC. SACO RIVER  
Maine TU Council unsuccessfully appealed WQC in 2022. Project continues to provide minimum flows through the turbines dewatering potential aquatic habitat below the dam most of the year. No upstream or downstream fish passage. Local residents began collecting photos of eels seeking upstream passage in summer of 2024. MDMR is aware of the effort. Could affect fish

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passage implementation schedule of existing Settlement Agreement. Saco Salmon Restoration Alliance submitted report showing numerous American eels seeking upstream passage during the summer of 2024. Brookfield responded by threatening legal action for trespass. Brookfield threats are contrary to Maine law regarding an important doctrine called "SLAPP" or Strategic Lawsuits Against Public Participation which has both case law and is codified in Maine's Uniform Public Expression Protection Act (UPEPA).

\* 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. Post relicensing action continuing. The licensee must file an updated Fish Stranding Plan with the Commission for approval, concurrent with and based on the findings of its fish stranding report, due May 1, 2025 including the methods and timing, for each time spill ceases over bascule gate no. 5, to capture and relocate all stranded fish from the pools in the bedrock area below bascule gate no. 5 to an area downstream of the project tailrace as determined in consultation with the resource agencies. Atlantic salmon mortality report filed July 5, 2024. Cause of mortality to one adult Atlantic salmon undetermined. *Long-term fish stranding plan issued in May, 2025. Plan for Evaluation of Nighttime Shutdowns for Outmigrating Adult American Eels for 2025 to 2028 issued July, 2025.*

## Exempt Dams

**NOTE: As a group, FERC Exempt 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 DAM (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. Town Steering Committee recommends removal, but have put the issue up to a vote by the voters. Dam has been shown to increase risk of flooding in the vicinity. Town voted against removal in the summer of 2024. Town has a year to decide what to do. *Town subsequently held referendum in June that rejected proposal to spend \$9M to repair the dam. FERC granted request by town to delay filing of a surrender application until December 22, 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 5/17/2025, nothing on the docket indicating compliance.

P-8505 ABBOTTS MILLS (Concord River, 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, TU looking for NGO to purchase and remove. MDIFW supports removal. 7/12/2023 FERC inspection: "project features were observed to be in poor condition, with significant concrete deterioration noted on the base and downstream face of the right forebay wall." Also: "Public Safety Plan (PSP) was filed on August 1993 and is now over 30 years old. Please submit an updated PSP." Additionally: "You must complete the above repairs and other actions and submit the above documents as soon as possible." FERC letter of 8/30/2023 reiterated this. Nothing filed to the docket since.

P-7253 SEBEC (Sebec River) Exemptee: Dicotomy Capital. Project apparently purchased from previous owner in 2023. Safety inspection noted that no structures were in immediate need of repairs.

P-8791 STARKS (Lemon Stream, Sandy River feeder, Kennebec Watershed)  
Exemptee: Mark A. Vaughn (also owns Upper Spears Stream) Multiple issues, nothing filed to the docket since 2021. Maine Rivers has owner's permission to remove dam and applied for NOAA funding to do so. Removal possible in 2026.

P-7979 FOSS MILL (Marsh Stream)  
Exemptee: Peter C. Graham / Lesia Sochor (owner) / John Purinton (Maintenance) Nothing filed to docket since 2021.

P-2660 FOREST CITY DAM (St. Croix River)  
[https://m.facebook.com/groups/1778552792360444/permalink/3652509398298098/?mibextid=l6gGtw&refsrc=deprecated&\\_rdr](https://m.facebook.com/groups/1778552792360444/permalink/3652509398298098/?mibextid=l6gGtw&refsrc=deprecated&_rdr) Awaiting FERC Decision on ownership transfer.

\* P-8640 SEABRIGHT DAM  
Exemptee: Town of Camden  
Surrender Application accepted, not implemented. *The Town of Camden approved removal of the Montgomery Dam and potentially restoring fish passage at the upper dams (Seabright, East, and West), and is awaiting word on funding.*

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P-11365 SWAN'S FALLS. (Saco River) Active project. Apparently compliant:  
[Information furnished by Sarah Vogel]  
P-5647 MILO (Sebec River) Exemptee: (Ridgewood Maine Hydro Partners)

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 BISCO FALLS, P-8788 LEDGEMERE DAM, P-8450 STONEY BROOK, P-9079 UPPER SPEARS STREAM, P-7591 WIGHT BROOK



### Other Dams

\* BRUSH MILL DAM in BUCKFIELD (Androscoggin River Watershed)  
Small, deteriorating, functionless dam on the Nezinscot River. Town and dam owner support removal. Merrymeeting Bay TU Chapter working to effect removal. *American Rivers will be partnering with TU on the removal effort.*

FROST GULLY BROOK DAMS in FREEPORT (small coastal brook)  
Sea run brook trout involved. Dams successfully removed June-July 2023 by Merrymeeting Bay TU Chapter and partners. Macro-invertebrate monitoring being conducted.

WELCHVILLE DAM. (Little Androscoggin Watershed)  
The Hogan-Whitney Ponds outlet channel grade controls were installed last fall. The post-construction monitoring required by the US Army Corps permit for the grade controls commences spring 2025; that permit calls for 3 years of post-construction monitoring to evaluate the performance of the grade controls to maintain pond elevations during the summer with the Welchville Dam gates left open. After the post-construction monitoring period is complete, the Town of Oxford would be required to remove the Welchville Dam if the grade controls prove to be effective, or remove the grade controls and restore the outlet channel to its original condition. Given these requirements, the best case scenario is dam removal is in 2028.

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

As of: 9/18/2025

fisheries grant program to remove the dam and effect fish passage on Taylor Stream, a Little Andro feeder. NOAA funding of project announced May 22, 2024, public engagement and design 2025, removal in 2026.

#### 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 was still a barrier to passage for most fish. MDMR and ASF worked with Interfluve complete a design for this site, and construction is currently underway to improve passage at this site. Completion is expected by the end of September. Farwell Dam: 75% designs for the dam removal and nature-like fishway were shared with stakeholders in the spring of 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 in 2025. Upper Dam: Dam removed in 2022 with financial support from NFWF National Coastal Resilience Fund and USFWS 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 update flood zone mapping, which should reduce flood insurance costs for 10's of landowners and could total \$100K a year in savings. The restored 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. Funding is complete for this site, we have 60% design plans, and expect to go to bid for construction by January with work to be completed in 2025, depending on coordination with other projects being completed on the river. Mill Remnant Dam: Was removed in summer of 2024 and will get final planting at the site likely in the spring of 2025 or 2026. Sleeper Dam: Designs are complete, Acadia Civil Works is working with permitting agencies. Funding is complete for the site. DMR and Sabattus Lake Dam Commission will go to bid for construction in November 2024 and plan to complete construction in summer-fall of 2025 except for the Farwell Mill Dam that involves construction of a rock ramp and is now scheduled for 2026.

#### 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. Army Corps of Engineers presented their final draft report on their Tentative Selected Plan that is expected to include recommendations to remove Mill Street Dam, portions of the Elm Street Dam and other measures to implement fish passage on October 9th at 6 pm at the Patriot Insurance Building on Route 1 in Yarmouth. After another public meeting in December, the Town Council voted for removal in January 2025. American Rivers expected to be heavily involved. Although serious concerns exist, no perturbations to government funding of the project have been announced. *Removal possible in 2026.*

GUILFORD DAM (Piscataquis River). TNC removal project slipped to 2026.

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. Town fired engineering firm, project delayed pending hiring of new firm.

GARDINER PAPERBOARD DAM AKA Yorktown Dam. (Kennebec Watershed) A local group (Upstream) is working to restore sea-run fish in the Cobbosseeconte Watershed. The effort is focused on getting alewife, blueback herring, and American eel past this dam, the lowermost dam on Cobbosseeconte Stream. The Cobbosseeconte Watershed has the potential to create a significant run of river herring in the watershed's large, warm water lakes and ponds.

WOODLAND DAM (St. Croix River) The Passamaquoddy Tribe at Pleasant Point will receive \$12 million to improve fish passage. The dam is one of two remaining barriers for migratory fish in the lower river.

CHERRYFIELD ICE CONTROL DAM (Narraguagus River)

The Downeast Salmon Federation will receive about \$9 million to remove the ice retention dam spanning the Narraguagus River in Cherryfield which blocks salmon from migrating upstream. DSF will then build a new incline, across the entire river, to allow fish to travel freely, and maintain the current elevation and pond that the dam holds in place. Dam removal expected this summer.

### GOOSE RIVER (small coastal stream formerly P-2804)

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 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.

## 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

P-8640 SEABRIGHT

And likely upcoming:

P-5912 MOOSEHEAD

P-8505 ABBOTTS MILLS

P-12629 CORRIVEAU

P-8736 PIONEER