November 18, 2026

Ms. Debbie-Anne A. Reese, Esq.
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Via online submission to: http://www.ferc.gov

Subject: Opposition Comments and Request for Interim Order of Maine Council of Trout Unlimited in Response to Great Lakes Hydro America, LLC's October 13, October 26, and November 6, 2026 Filings; Ripogenus Project (FERC No. P-2572) and Penobscot Mills Project (FERC No. P-2458)

Dear Secretary Reese:

I. INTRODUCTION.

On behalf of its six chapters and more than 1,400 members, Maine Council of Trout Unlimited ("Maine TU") responds in opposition to four filings by Great Lakes Hydro America, LLC ("GLHA"): (1) its October 13, 2026 Responses to Resource Agency Comments on the Final License Application (Accession No. 20261013-5429; "Agency Response"); (2) its October 26, 2026 response (Accession No. 20261026-5150; "GLHA Response") to the Commission's August 27, 2026 Additional Information Request regarding the July 27, 2026 outage at McKay Station (Accession No. 20260827-3044; "AIR"); (3) its November 6, 2026 Corrected Response to that AIR (Accession No. 20261106-5022; "Corrected Response"); and (4) its November 6, 2026 Response to the Notice of Intent to Prepare an Environmental Impact Statement, which includes its responses to stakeholder comments on the Final License Application (Accession No. 20261106-5140; "EIS Response").

These opposition comments address the filings chronologically: (1) the October 13 Agency Response in Section II below; (2) the October 26 GLHA Response, together with the November 6 Corrected Response in Section III; and (3) the November 6 EIS Response in Section IV. Section V addresses what the filings have in common, and Section VI sets out the relief Maine TU requests. Above all, Maine TU asks the Commission to enforce compliance with the current license conditions now, including ordering the interim measures GLHA says it is "prepared to fully implement" upon Commission approval.

II. GLHA'S OCTOBER 13 RESPONSES TO COMMENTS ON THE FINAL LICENSE APPLICATION.

The Commission's rules required reply comments "within 105 days of" the June 29, 2026 notice that the applications were ready for environmental analysis. 18 C.F.R. § 5.23(a). The 105th day, October 12, 2026, was a federal legal holiday, which moved the deadline to October 13, 2026. GLHA timely filed its Agency Response that day. It attempted to address the resource agencies and stated: "GLHA will file responses to comments from other stakeholders at a later date." (Agency Response, cover letter, p. 1). Maine TU is not aware of any request for, or grant of, an extension of time for GLHA to respond. GLHA's responses to the August 25, 2026 comments of

the coalition of organizations of which Maine TU is a member (Accession No. 20260825-5157; the "Coalition" and the "Coalition Comments") came 24 days late, as part of its EIS Response, and are addressed in Section IV. More than 30 days after the deadline, GLHA has still not answered or even proposed a date to answer Maine TU's August 19, 2026 Motion to Intervene and Protest, which GLHA itself describes as including "numerous comments on GLHA's Final License Application." (EIS Response, p. 2). Those comments stand unopposed in the record well after any reasonable period for a response from GLHA, and the Commission must consider them relevant and unopposed.

GLHA Agreed to the Agencies' Interim Measures on Paper, Then Did Not Implement Them.

On August 28, 2026, the Maine Department of Environmental Protection ("MDEP") asked the Commission to require five interim measures "so that outages and ensuing adverse impacts to aquatic life and habitat do not occur again below McKay Station while the license proceedings are pending." (MDEP, Accession No. 20260828-5080, p. 1). These included: restoring the required minimum flow within 24 hours after an outage; preemptively spilling from Ripogenus Dam in June when a turbine unit is out of service; a USGS gage at Telos Bridge; accelerated transmission line maintenance; and monetary payments to the Maine Department of Inland Fisheries and Wildlife ("MDIFW") "as previously agreed upon." (Id.) MDEP also reported that its November 15, 2023 comments "were not incorporated" into GLHA's Interim Plan and that "the Department is not aware that any of these measures have been implemented." (Id.)

On October 13, GLHA told the Commission that it "agrees with MDEP's recommendations and is prepared to fully implement these measures upon FERC approval." (Agency Response, p. 3, PDF p. 14). Thirteen days later it told the Commission that it would reduce the 72-hour restoration period to 24 hours "in the new Project license" (GLHA Response, p. 8); that it would install the USGS gage after "issuance of a new Project license" (Id., p. 7); and that mitigation payments are something it "has proposed." (Id., p. 9). On November 6 GLHA went further: "it is typical and commonplace for licensees to wait until after the new licenses are issued to implement the new license requirements." (EIS Response, Att. 3, p. 6, PDF p. 221). GLHA cannot both agree to implement the interim measures upon approval and insist that nothing be done until a new license issues. If GLHA is prepared to implement them, the Commission should approve the measures and order them now to mitigate and prevent future harm.

MDIFW has now asked the same. Its November 5, 2026 comments report that "[t]o date there has been no restitution for the July 8, 2023, stranding event" and that, "[t]o our knowledge, FERC has not acted upon the interim measures plan developed by GLHA." (MDIFW, Accession No. 20261105-5165, pp. 1–2). MDIFW recommends mitigation payments of $40,000 for each of the 2023, 2025, and 2026 events, $120,000 in all; a two-year deadline for the transmission line upgrades; and installation of the USGS gage by September 2028 rather than after a new license, observing that "it could take several years for the issuance of new license conditions." (Id., pp. 2–3). MDIFW also states that it supports MDEP's August 28, 2026 comments. (Id., p. 3). Maine TU supports MDIFW's recommendations and commends MDIFW for attempting to quantify and place a monetary value on the harm these events have on the West Branch fishery. MDIFW's figure is, as MDIFW says, conservative. It values each lost fishing trip at $81, a statewide average drawn from the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation and a 2014 Maine study, adjusted to 2026 dollars, and notes that it "may increase the $81 in the

future" to account for fuel, guide services, lodging and willingness to pay. (Id., p. 5). MDIFW's trip counts come from the 2025 West Branch angler survey, where each trip is one angler-day. Its $81 value, however, is a generic statewide figure, and it is very conservative for a destination fishery like the West Branch, which involves greater cost. The survey describes the river as "a regional destination": 55% of its anglers come from out of state, and nearly 80% of angler-days are fished by anglers staying overnight. The survey also measured those costs directly. Anglers on this reach spend $284.25 per angler-day, about 3.5 times MDIFW's figure, and stay an average of three nights. (N. Hagstrom and G. Friel, West Branch Penobscot River: Angler Survey and Economic Assessment 2025, Accession No. 20260127-5253, pp. ii, 11–12, 24). Substituting $284.25 for $81 in MDIFW's calculation would raise its estimate for the July 27 event alone from about $40,000 to about $131,000. MDIFW's proposal is therefore more than generous to GLHA, and one GLHA should readily accept. At a minimum, the Commission should require it as an interim step to a more thorough analysis confirming the numbers in the 2025 Angler Survey cited above.

MDEP also asked for a permanent solution, such as "[i]nstallation of at least one Synchronized Bypass Valve" or "[r]etaining a permanent dam keeper at Ripogenus Dam." (MDEP, Accession No. 20260828-5080, p. 2). GLHA's answer was that it "anticipates additional consultation with MDIFW regarding potential measures." (Agency Response, p. 4, PDF p. 15). Its EIS Response proposes none.

III. GLHA'S RESPONSE TO THE ADDITIONAL INFORMATION REQUEST (OCTOBER 26, CORRECTED NOVEMBER 6).

GLHA's October 26 response to the Commission's AIR is long on detail and short on action. In it, GLHA maintains that the outage flow was delivered "in full compliance" with Article 402 and that its present flow monitoring is "sufficient for the interim period prior to license issuance." (GLHA Response, pp. 7, 10). The record shows otherwise.

First, GLHA answered Maine TU's August 17, 2026 comments on the July 27 outage (Accession No. 20260817-5126; "Maine TU Comments") only where the Commission required it to. The AIR named Trout Unlimited in six of its eight items, directing GLHA to "address the mortality estimates described by Trout Unlimited" and to "address Trout Unlimited's comments" on the transmission line. (AIR, pp. 3–5). GLHA's answers dismissed those comments, agreed with them only with qualifications, or ignored them. For example, it called Maine TU's mortality figures "speculation and assumptions that have not been independently validated" (GLHA Response, p. 9). It said the 2023, 2025, and 2026 events "arose from distinctly different circumstances and causes" (Id., p. 4). It said Maine TU's filing "focuses largely on alternative measures of flow and event duration rather than the standards established in the current license." (Id., p. 8). It agreed to Maine TU's flow-gage request only "subject to the Commission's concurrence with this measure and issuance of a new Project license." (Id., p. 7). GLHA did not respond at all to Maine TU's request that, until a gage is installed, it maintain a continuous 400 cfs release through a deep gate and restore a resident dam keeper at Ripogenus Dam. (Maine TU Comments, p. 5, Request 4).

This reluctance is not new. It dates to at least 2023, and the fishery has paid for it since.

Three Years, Two More Fish Kills, and No Interim Protection.

On August 22, 2023, the Commission directed GLHA to identify, with the resource agencies, "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." (Accession No. 20230822-3052, p. 10). The Commission offered three examples: more frequent staff presence at McKay Station, a battery back-up system, and "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." (Id.).

More than three years later, none of the three measures is in place. GLHA's January 19, 2024 Interim Plan committed to "install a back-up PLC system at McKay Station (by September 30, 2024)" (Accession No. 20240119-5146, p. 6). GLHA now reports that the system "was not installed" and "is no longer considered necessary." (GLHA Response, p. 6). In 2025 GLHA called automation of a Ripogenus Dam gate "an unviable option" (Accession No. 20250529-5238, p. 14), and its current statements on remote gate operation conflict, as discussed below. There is still no dam keeper or other personnel on site (Coalition Comments, p. 36), and there is no indication of more frequent staff presence at McKay Station or any battery back-up. On July 27, operators had to be dispatched to the Project before the crest gates could be opened. (AIR, p. 2).

In the meantime, the West Branch has suffered two more fish kills, on June 17, 2025 and July 27, 2026, making "three fish-kill events in the last four years" that Maine TU is aware of and that have been documented. (Coalition Comments, p. 36). These are unlikely to be the only losses. GLHA's response time to reach the site is "typically 2 hours" (Coalition Comments, App. F § 8.1, p. 113), and stranded fish are taken by predators or carried off by the returning flow before anyone counts them. MDIFW calls its estimate for the July 27 event "a conservative figure" that "does not consider impacts from strandings of other species, including aquatic invertebrates." (MDIFW, Accession No. 20261105-5165, p. 2). In Item 8 of the AIR the Commission found that the Article 402 outage flow "does not protect fish and other aquatic organisms from stranding and significant associated mortality," and required GLHA to "propose how you will address these significant mortality events related to project operations until such time the Commission issues a new license for the project." (AIR, p. 5). GLHA has not made that proposal. Three years after the Commission first asked, GLHA offers the possibility of an "investigation." This does nothing to provide or propose immediate steps to prevent future fish kills. This is unacceptable and directly contravenes the Commission's directive.

GLHA's Statements on Remote Gate Operation Are Inconsistent.

On October 26, GLHA told the Commission that it "is investigating the potential ability to safely open gates at Ripogenus Dam without onsite staff (i.e., remotely) when McKay Station trips offline." (GLHA Response, p. 10). Eleven days later it told the Commission that it "stands by" its May 29, 2025 position and quoted it in full, including: "GLHA is not proposing or considering the automation of any gates at Ripogenus Dam as a mitigation measure associated with unplanned McKay Station outages." (EIS Response, Att. 3, p. 4, PDF p. 219, quoting Accession No. 20250529-5238). Remote opening by an operator is not the same as an automated release, but the November 6 filing makes no mention of the investigation GLHA described on October 26. The

Commission cannot tell from GLHA's filings whether GLHA is pursuing either or neither. So which is it? Which GLHA statement is true? They both cannot be.

Transmission Line Work Is Welcome but Does Not Solve the Problem.

Maine TU welcomes GLHA's substantial work on the 29.4-mile Project transmission line (AIR, p. 2 n.2): 64 cross-arms and $2,375,000 forecast for 2026, all round cross-arms to be phased out by the end of 2026, and new commitments to pole boring, groundline assessments, and examination of removed cross-arms and poles. (GLHA Response, pp. 5–6). The work is needed because the Applicant deferred maintenance until significant problems began occurring. Two of the last three fish kills were caused by "cross-arm member deterioration that was not externally visible." (Id., p. 4). One also resulted in a wildfire hazard. (AIR, p. 2).

But a sound transmission line does not prevent a trip event. The July 2023 fish kill began with a lightning strike (Coalition Comments, p. 31), and the Commission has recognized that many outages "are not events that can be prevented like lightning strikes and car accidents." (AIR, p. 5). As long as flow below McKay Station depends on the station staying online, the next trip will strand fish again, whatever its cause. Only an independent release of water when the station trips will prevent that. The Commission also required an accounting "by location and date" (AIR, p. 4). GLHA's table gives annual totals without locations and identifies only two inspection years, 2018 and 2026. (GLHA Response, p. 5). Unless these are the only locations and dates (which would reflect a complete lack of reasonable actions and expenditures), GLHA should provide a more complete response as directed. GLHA should also explain its inspection methods, whether they meet current industry practice such as drone or helicopter thermal imaging, and why no inspection is identified between 2018 and 2026.

MDIFW "understands the most recent event was the direct result of aging transmission infrastructure" and recommends that the Commission set "a two-year deadline" for the necessary upgrades. (MDIFW, Accession No. 20261105-5165, p. 2). Maine TU agrees that a firm deadline is needed.

GLHA's Flow Record Is Still an Estimate.

GLHA explains that its flow data "are derived through calculations determined by engineered gate and turbine curves." (GLHA Response, p. 7). No flow below McKay Station is measured, and part of the July 27 record had to be reconstructed: "Unit 2 min flow data was manually calculated since flow data did not automatically populate in PI." (Id., p. 11). Even GLHA's calculations show total flow falling from 1,852 cfs to 157 cfs within two minutes of the trip and remaining below the 400 cfs outage minimum for 14 minutes (Id., p. 12), not the "just a few minutes" GLHA describes. (Id., p. 8). Fish stranded in the first minutes of such a flow disruption die where they are; an hourly average does not bring them back.

GLHA's two records of the event are also inconsistent. The graphic filed with its July 31 excursion report never shows flow reaching 500 cfs during the outage (Accession No. 20260731-5197, p. 3; values read from the graphic), while the new tables show a 610 cfs plateau. The July 31 report gives 648 cfs for the first affected hour (Id., p. 2); the new table gives 606 cfs. (GLHA Response, pp. 11–13). Compliance with Article 402 is being judged on calculated numbers that are materially inconsistent. Given this Project's recent history, direct measurement by an

independent source is needed. GLHA agrees to fund a USGS gage, but only after "issuance of a new Project license." (Id., p. 7). Based on the record and GLHA's inaction, the gage is needed now.

The Mortality Evidence Remains Uncontested.

GLHA asks the Commission to discount the observers because they "seem to have limited experience with West Branch fish identification or resource management." (GLHA Response, p. 2). Really? Is GLHA suggesting that an average person cannot identify a recently killed or stranded fish? GLHA is seemingly adopting a troubling response strategy: when you cannot dispute the facts, attack the person who observed. The observers did what GLHA did not—they searched a defined 300-foot reach at Little A, counted the dead fish, and photographed them. Chris Howe's photographs are in the record (Maine TU Comments, pp. 3, 9), and most of the fish are plainly juvenile salmonids: 24 landlocked salmon parr and 3 brook trout parr among 39 fish. (Attachment A). The species identification and mortality computations were made from those photographs by Neal Hagstrom, a member of Maine TU's FERC Committee and a retired fisheries biologist with more than 40 years of experience, 32 of them as a stream biologist with the Inland Fisheries Division of the Connecticut Department of Energy and Environmental Protection. He has investigated dozens of fish kills and followed the American Fisheries Society's fish-kill investigation procedures as closely as the data allowed. (American Fisheries Society, Investigation and Monetary Values of Fish and Freshwater Mussel Kills, Special Publication 30 (2003)). His method and the underlying counts are provided as Attachment A. This type of response by GLHA underscores its operational negligence and lack of credibility, and the Commission must hold it to account.

GLHA's objection is also inconsistent. GLHA "concurs" in an MDIFW estimate of 1,134 landlocked salmon mortalities developed "[u]sing the 2022 stranding study results and the fish mortalities documented by the two members of the public at Little A Falls." (GLHA Response, p. 3). The same observations cannot be unreliable when Maine TU uses them and reliable when MDIFW does. MDIFW has since filed its assessment. It estimates approximately 1,134 landlocked salmon and 142 brook trout mortalities "[b]ased on site-specific mortality observations, a 2022 stranding study, reach-specific habitat utilization, fish survival rates, hatchery replacement costs, and a Maine angler economic assessment," and lists Maine TU's report of observations from the 2022 stranding study and Maine TU's 2025 Angler Survey among its principal sources. (MDIFW, Accession No. 20261105-5165, Att. 1, pp. 4–6). Maine TU has described its figure as preliminary from the start (Maine TU Comments, p. 4; Coalition Comments, p. 32). The two estimates differ in method, but both rest on the same field observations GLHA asks the Commission to discount. GLHA can try to ignore stakeholder input all it wants, but Maine TU has documented each and every concern from the record, from GLHA's statements and data, and, where necessary, from data collected under well-accepted protocols. The Commission and GLHA must recognize that Maine TU's comments are relevant and must be considered in the EIS.

GLHA, for its part, "did not conduct field surveys downstream of McKay Station" (GLHA Response, p. 1), notified the agencies by e-mail about 21 hours after the trip (Accession No. 20260731-5197, pp. 2, 4), and three months later still offers no assessment beyond inference from a 2022 simulation. A Maine game warden lives beside Ripogenus Dam. Prompt notice would have put agency eyes on the river while the stranded fish could still be confirmed and counted.

GLHA's Corrected Response confirms that no one else looked either. GLHA had told the Commission that the U.S. Fish and Wildlife Service "has not responded to GLHA's consultation request." (GLHA Response, p. 4). The Service had responded and, although aware of the flow disruption, it "did not receive any reports directly of adverse environmental effects, nor did USFWS conduct any surveys in response to the incident." (Corrected Response, p. 1). Neither GLHA nor the Service surveyed the river, and MDIFW's estimate rests on the observations of the two members of the public GLHA attempts to criticize.

Whatever the final number, the losses fall on the life stage that matters most. The Commission's 1996 Final Environmental Impact Statement for these Projects states: "According to DIFW and GNP, the limiting factor determining the abundance of salmon in the West Branch is young-of-year nursery habitat." (FERC, Final Environmental Impact Statement, Upper Penobscot River Basin, FERC/FEIS-0075, Sept. 1996, Accession No. 19961007-0159, § 3.5.2.2, p. 3-17). The young-of-year parr that made up most of the July 27 kill are that life stage. Even the 1,134 salmon GLHA accepts is the "significant associated mortality" the Commission has already found the Article 402 outage flow does not prevent. (AIR, p. 5).

IV. GLHA'S NOVEMBER 6 RESPONSE TO THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT.

GLHA's Responses to the Coalition Were Late and Incomplete.

GLHA filed its responses to the Coalition Comments on November 6, 24 days after the October 13 deadline, as Attachment 3 to its EIS Response. The same filing answers Maine TU comments filed June 30, 2025 and August 27, 2025, and joint comments filed March 24, 2025, from 14 to more than 19 months after they were filed. (EIS Response, Att. 1, PDF pp. 36–52).

The responses are also incomplete by GLHA's account. Attachment 3 begins: "GLHA has not responded to each of the Coalition's specific comments." (EIS Response, Att. 3, p. 1, PDF p. 216). To the Coalition's detailed analyses of GLHA's earlier responses on the camp owners' comments, the Angler Survey, and the draft Recreation Management Plan, GLHA answers in one sentence each that it "largely disagrees." (Id., p. 6, PDF p. 221). To the agency concerns the Coalition summarized, GLHA answers that FERC staff should review the agency filings themselves. (Id., p. 5, PDF p. 220). To the Coalition's requested license measures, GLHA answers by asking "that the Coalition review GLHA's relicensing proposal." (Id.). In place of answers or specifics, the attachment offers characterizations such as: the Coalition's description of the 1996 relicensing is "insulting" (Id., p. 2, PDF p. 217), and the Coalition "lacks knowledge of GLHA's compliance record, project operations, watershed hydrology, and community support and outreach." (Id., p. 5, PDF p. 220). Where GLHA has chosen not to respond to a specific comment, that comment stands unrebutted in the record, and the Commission should treat it as such and as relevant to preparing the Environmental Impact Statement.

The EIS Response also states that "the Commission's procedural rules do not permit answers to protests" and "seeks leave—to the extent necessary—to respond to those comments that TU has placed under its 'protest' heading." (EIS Response, p. 2; see 18 C.F.R. § 385.213(a)(2)). GLHA does not identify which of its responses answers Maine TU's August 19, 2026 Motion to Intervene and Protest, and Maine TU has found none directed to it. GLHA offers no reason for the Commission

to waive the rule and no legal or factual basis to do so. Maine TU's Protest was timely and complies with the Commission's regulations.

The EIS Response Adds Nothing New on the Issues the Agencies and the Coalition Raised.

GLHA describes its EIS Response as "an updated summary of GLHA's proposed operations and protection, mitigation, and enhancement (PM&E) measures." (EIS Response, p. 5). The summary restates the proposals in the Final License Application. Apart from new model runs for the operating scenario requested by the Caribou and Chesuncook Lake Associations (Id., p. 4), it adds nothing on the issues the agencies and the Coalition raised. For example, the following issues in particular remain unaddressed:

- **Station outages**. GLHA proposes to "[c]ontinue to provide a minimum hourly average flow of at least 400 cfs below McKay Station following unplanned station and unit outages" and describes this as providing "rapid and automated restoration of outage flows." (EIS Response, p. 8). This is the outage flow the Commission has already found inadequate in Item 8 of the AIR. (AIR, p. 5).

- **Stone Dam**. GLHA proposes 200 cfs below Stone Dam (EIS Response, p. 15) and "has not adopted the MDIFW-requested minimum flow" of 500 cfs. (Agency Response, PDF p. 24). This conclusory statement does not resolve the minimum flow issues raised and documented by Maine TU and others.

- **Mitigation**. GLHA "is not proposing a mitigation fund such as that suggested by MDIFW" (Agency Response, PDF p. 32) and "is not proposing an annual meeting" with the resource agencies. (Id., PDF p. 44). It is one thing to take this position in the absence of events that have been documented in these and other comments. On this record, however, the position is patently unreasonable, both for agency and stakeholder involvement and for preventing the kinds of harm GLHA's Project operations are known to cause.

- **Studies.** GLHA asserts that it "has conducted all the resource studies requested by agencies and stakeholders that were determined to be necessary by the Commission." (EIS Response, p. 1). The statement omits that GLHA declined most of the study requests and that the Commission then required studies GLHA had not proposed. GLHA's Proposed Study Plan declined approximately 21 of the 35 study requests it received (Accession No. 20211123-5005, Part 1, p. 3-1), including a demonstration of the 400 cfs outage flow at McKay Station (Id., p. 3-14), and the Commission's Study Plan Determination required studies GLHA had not proposed, among them Maine TU's requested fish stranding study below McKay Station. (Accession No. 20220513-3014, pp. 2–3). As detailed extensively in the Coalition Comments, the lack of studies and gaps in the record and data matter here, where operations are causing ongoing harmful impacts. This refusal to engage with recommended studies has been known to cause a fatal flaw that will affect the EIS and the Commission's license determination.

GLHA also urges the Commission not to add conditions, quoting a separate concurrence by Commissioner LaCerte in the Bear Swamp rehearing order that asks resource agencies and the Commission "to refrain from layering on new mandatory conditions, PMEs, and license articles where 'equal consideration' has already been given." (EIS Response, p. 6, citing Accession No. 20260513-3058). The same concurrence encourages the Commission "to propose and adopt only articles that are intended to mitigate or minimize effects directly caused by the project." (Id.).

Fish kills caused by McKay Station outages are effects directly caused by the project, and the Commission has already found that the existing outage flow does not prevent them. The Bear Swamp criteria are inapplicable here.

V. COMMON THREADS IN GLHA'S APPROACH.

Read together, GLHA's October 13, October 26, and November 6 filings show a remarkably similar pattern, one Maine TU and the Coalition have documented throughout this relicensing: GLHA answers agency requests and stakeholder comments late, in part, or not at all, and defers protective measures to a new license rather than implementing them now when negative impacts are being observed. That pattern began with the Pre-Application Document, in which GLHA maintained "that a full suite of new studies is not needed" and that the 1990s record "should be relied upon for these relicensings." (Accession No. 20210611-5071, Vol. I Part 1, PDF p. 51). That assertion was patently absurd, and Commission staff responded that "many of the referenced studies are 30 years old and may not reflect current conditions" and directed GLHA to file ten years of operations data with its Proposed Study Plan (Accession No. 20211008-3060, PDF pp. 5, 9). GLHA filed that data in March 2022, four months after the Proposed Study Plan. (Accession No. 20220323-5081). GLHA's January 2024 Interim Plan did not incorporate MDEP's comments, and its back-up PLC commitment was never carried out. (MDEP, Accession No. 20260828-5080, p. 1; GLHA Response, p. 6). MDEP disagreed in May 2026 with GLHA's position that its current flow monitoring is sufficient. (MDEP, Accession No. 20260506-5120). GLHA repeated its position on October 26 and again on November 6. (GLHA Response, p. 7; EIS Response, Att. 3, p. 6, PDF p. 221). This reflects a pattern of behavior where (1) the Commission's directives are answered with an investigation (GLHA Response, p. 10); (2) agency requests are acknowledged and deferred, and agency concerns are left for Commission staff to review themselves (EIS Response, Att. 3, p. 5, PDF p. 220); (3) stakeholder comments are answered late, in part, or with the observation that the commenter does not understand the Projects; and (4) the members of the public who counted the dead fish are discredited for their "limited experience." (GLHA Response, p. 2). This is GLHA's record as documented by the agencies and stakeholders, and it is not likely to change unless the Commission acts.

The pattern matters for the new licenses. Any terms and conditions the Commission adopts will protect the West Branch only if GLHA carries them out. On the record above, new conditions written in the same form can be expected to mean no more in practice than the existing ones have, given GLHA's documented failure to act or respond. As the Coalition has explained, "only enforceable license conditions with automatic consequences will produce the operational change the fishery requires." (Coalition Comments, p. 36). Given the events that continue to recur, demonstrably a result of GLHA's neglectful operations, the Commission should hold GLHA to its obligations now, and it should write the new licenses with firm deadlines, required reporting, and stated consequences for noncompliance.

VI. REQUESTED COMMISSION ACTIONS.

The most important action the Commission can take now is to enforce compliance with the current licenses and their conditions. There is little point in issuing new licenses, however protective their terms, if GLHA will not comply with the current ones, and the record shows that its compliance with the current licenses and with the Commission's directives under them has

been extremely lax. For example, the proposal Item 8 of the AIR required has not been made, the transmission-line accounting the AIR directed is incomplete, and stakeholder comments have been answered late or not at all. Requests 1 through 5 concern the current licenses and should be acted on first. Maine TU respectfully requests that the Commission:

1. Find that the GLHA Response does not satisfy Item 8 of the AIR, and direct GLHA, pending a new license, to maintain a continuous minimum release of not less than 400 cfs through a deep gate to buffer future trip events and to restore a resident dam keeper at Ripogenus Dam (Maine TU Comments, p. 5, Request 4);

2. Order GLHA now to implement the interim measures MDEP requested on August 28, 2026, which GLHA states it is "prepared to fully implement" upon Commission approval: (1) restoration of the required minimum flow within 24 hours after an outage; (2) preemptive spill from Ripogenus Dam in June when a turbine unit is out of service; (3) installation, at GLHA's expense, of a USGS-standard flow/temperature gage in the Telos Bridge reach now, and in no event later than September 2028 as MDIFW requests (Maine TU Comments, p. 5, Request 1); (4) completion of the transmission line upgrades within two years, as MDIFW requests; and (5) mitigation payments to MDIFW for the 2023, 2025, and 2026 events in the $120,000 total MDIFW recommends;

3. Require GLHA to file within 60 days a statement reconciling its October 26 and November 6, 2026 statements on remote and automated gate operation at Ripogenus Dam, the results of its investigation of remote gate operation with an engineering evaluation and an implementation schedule, and either install the back-up PLC system committed to in its Interim Plan or explain how the outage sequence is protected against PLC failure;

4. Require GLHA to complete its transmission-line accounting by location, with the date and method of each inspection since 2016, as the AIR directed, and task the New York Regional Office with a field inspection to verify it (Maine TU Comments, p. 5, Request 5); and

5. Require GLHA, during the relicensing period and pending new licenses, after any unplanned McKay Station outage that reduces discharge below the applicable minimum flow: (a) within 30 minutes, to notify MDEP, MDIFW (Augusta and regional offices), the Maine Warden Service, USFWS, the Caribou and Chesuncook Lake Associations, and Maine TU by telephone or text, stating the time of onset, the actual discharge, the cause if known, and whether the automated release activated; (b) to have its responding personnel photograph and document flow conditions, fish stranding, and mortality at the time of their initial response, and in no event later than 4 hours after the outage begins; and (c) following any outage exceeding 2 hours, to complete a fish stranding and biological impact survey of the affected reach no later than 48 hours after flow restoration, using methods consistent with GLHA's 2022 Fish Stranding Study (Accession No. 20230424-5265), and to file the initial-response documentation, the survey results, and a written outage report with the Commission, MDEP, and MDIFW within 10 days. This is the procedure the Coalition has asked MDEP to include in the Maine Water Quality Certifications for the Projects (Coalition WQC Comments, Proposed Condition 3(D), Nov. 13, 2026; see also Coalition Comments, p. 36 and App. F §§ 8.1–8.3, pp. 113–114; Maine TU Comments, p. 6, Request 6(d));

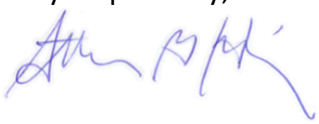
6. In preparing the Environmental Impact Statement, evaluate a permanent solution to station-outage fish kills, including the automated bypass valve at McKay Station the Coalition has proposed (Coalition Comments, p. 36) and the synchronized bypass valve MDEP has requested, with a dam keeper at or near Ripogenus Dam in the interim, since GLHA's EIS Response proposes none;

7. Deem the comments in Maine TU's August 19, 2026 Motion to Intervene and Protest, which GLHA has not answered, and the Coalition's specific comments that GLHA chose not to answer, relevant and unopposed, and give no weight to GLHA's untimely responses in Attachments 1 and 3 of its EIS Response or, if the Commission considers them relevant, allow the Coalition 30 days to reply;

8. As the Commission's Rules, by GLHA's admission, "do not permit answers to protests," deny GLHA's request for leave to answer Maine TU's August 19, 2026 Protest or, if the Commission determines further appropriate action is necessary and grants GLHA leave to answer, allow Maine TU to reply; and

9. Given the evidence on the record that has been cited extensively, Maine TU suggests there is ample evidence for the Commission to issue a direct order on the merits, based on the filings to date, to impose the requested interim Commission actions as set forth above and otherwise consistent with these opposition comments.

Very respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator

Electronic copy to:

FERC Division of Dam Safety and Inspections, New York Regional Office: John Spain, P.E.
Maine Department of Inland Fisheries and Wildlife: John Perry, Liz Latti, and Jeff Bagley
Maine Department of Environmental Protection: Laura Paye
U.S. Fish and Wildlife Service: Patrick Dockens and Kim Spiller

Attachment A: Maine TU Fish Mortality Expansion — July 27, 2026 Trip Event

Source: Maine TU worksheet "7-27-26 fish mortality expansion" and accompanying narrative, July 30, 2026.

- Shortly after the July 27, 2026 trip, two observers collected all dead fish along a 300-foot reach of one bank of the West Branch at Little A. All fish found were photographed by Chris Howe (Maine TU Comments, Attachment A, p. 9). Observers reported releasing a similar number of stranded fish that were still moving.

- Juvenile salmonid (riffle) habitat between McKay Station and the head of Nesowadnehunk Deadwater was delineated from aerial photographs: 24,124 feet along one bank, or 48,248 feet counting both banks, excluding the Holbrook Side Channel and the second channel below Telos Bridge. Google Earth elevation profiles and on-site knowledge of the reaches were used to confirm the habitat delineation.

- Dividing 48,248 feet by the 300-foot search unit gives 160.8 comparable habitat units. Each species' count was multiplied by 160.8. Other species were assumed to share the habitat of the salmon parr that were killed.

- The upper limit of approximately 7,700 landlocked salmon assumes the released, still-moving fish (a number similar to the dead fish found) died later from stress or injury. It is not a confirmed count.

Species

Dead fish found (300 ft, one bank)

Expanded estimate (× 160.8)

Landlocked salmon parr (age 0+)

24

3,860

Brook trout parr (age 0+)

3

482

Blacknose and longnose dace

6

965

Suckers

2

322

Sculpins

4

643

Total

39

6,272

Projected fishery loss. Using annual survival rates from Warner and Havey (1985), the upper-limit salmon figure was carried forward through 2032. Catch rates by size class and an average trip length of 3.45 hours from the 2025 Angler Survey convert the surviving fish to lost angler-trips: approximately 140 trips, valued at about $51,000 using the survey's consumer surplus ($66.24) and economic impact ($298.30) per trip.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Opposition Comments, Request for Interim Order, and Response was transmitted by electronic means to each person on the service lists maintained by the Secretary of the Commission for Project Nos. P-2572 and P-2458.

Dated: November 18, 2026



Stephen G. Heinz
Maine TU Council FERC Coordinator