

Debbie-Anne A. Reese
Acting Secretary
Federal Energy Regulatory Commission
888 First Street N.E., Room 1A
Washington, DC 20426

May 22, 2024

RE: COMMENT in regard to Projects #P-2322-069, et al., Draft Environmental Impact Statement for the Shawmut Hydroelectric Project, Lockwood Hydroelectric Project, Hydro-Kennebec Hydroelectric Project, and Weston Hydroelectric Project

Dear Acting Secretary Reese:

Thank you for the opportunity to provide comments on behalf of Maine Audubon and our 30,000 members, supporters, and volunteers. Our organization is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine’s wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy.

We are providing comments on the Federal Energy Regulatory Commission (FERC)’s dam relicensing and license-amendment process for four dams on Maine’s Kennebec River spanning Kennebec and Somerset Counties. Specifically, we would like to comment on FERC’s Draft Environmental Impact Statement (EIS) for amendments to licenses to incorporate an interim species protection plan for the Shawmut Hydroelectric Project; a final species protection plan for Weston, Lockwood, and Hydro-Kennebec Projects; and for the relicensing of the Shawmut Project.

Maine Audubon strongly urges FERC to take all necessary measures to secure fish passage and mitigate environmental impacts, and to seriously consider decommissioning all four dams as the preferred action to accomplish those goals. The Draft EIS fails to include state-of-the-art fish passage technologies required to effectively facilitate fish passage and instead proposes passage protocols and infrastructure that will continue to impede habitat connectivity for the Kennebec River. The price we pay for the minimal renewable energy generated by these hydroelectric dams is the disruption of natural river functions, loss of fish and wildlife habitat, barriers to aquatic organism passage, and direct loss of individuals and populations of fish and wildlife dependent on free-flowing streams, including listed species – this price is too high and not in the public’s best interests.

Maine is home to numerous species of sea-run fish that spend part of their lives in the ocean, and part of their lives in freshwater. These species need to move freely between habitats at specific times in their life cycles in order to survive. Species like alewives, blueback herring, Atlantic salmon, and eels need access between the ocean and freshwater rivers and streams in interior Maine to feed, shelter from heat

and predators, spawn, and raise future generations. Dams with insufficient fish passage infrastructure—like these four dams on the Kennebec River—largely prevent these species from making those movements. Dams also change sections of free-flowing rivers and streams with cool well-oxygenated water into impoundments of warm reservoirs of low-oxygen water. Cold-water fish species such as brook trout and Atlantic salmon avoid these warm still waters and their populations become limited to where cool running water is available.

Dams, including those on the Kennebec, have significant ecological impacts. Atlantic salmon, listed as an Endangered species under the federal Endangered Species Act, continue to decline where dams keep them from their spawning grounds, and Maine is the last place in the U.S. where wild populations exist. For example, the Sandy River contains some of the best Atlantic salmon habitat in the state, but the series of dams on the Kennebec precludes a self-sustaining wild population in the Sandy River. To address this access problem, the Maine Department of Marine Resources currently undertakes such extraordinary measures as to “trap and truck” migrating Atlantic salmon around the offending dams, and to raise and stock young salmon and salmon eggs in the parts of the river system that adults cannot access for natural spawning due to the dams. It is our understanding that the fish passage proposals in the Draft EIS have not worked anywhere else, and there is no evidence they will work on the Kennebec. If FERC proceeds with a fishways solution, critical improvements are needed as alewives, eels, and American shad can no longer dependably bring marine nutrients to the interior of the state or find suitable breeding habitat when they are blocked by dams, including those on the Kennebec River.

Dams also starve downstream habitats of sediment, nutrients, and structural elements such as woody material; this has a direct impact on habitats and species downstream. Additionally, the impoundments that develop behind the dams contain warm water with less oxygen and smaller substrate materials than would be found in a free-flowing stream, eliminating habitat for species dependent on cool, flowing water with complex substrate. Dams blocking fish passage exact a financial toll as well: alewives are valuable baitfish for the \$464 million lobster industry, brook trout bring recreational tourists to Maine, and the eel fishery in Maine is worth approximately \$19 million annually.¹

We respectfully urge FERC to reassess the draft recommendations as follows:

- 1. Top priority should be serious consideration of dam removal.** Federal² and state agencies³ have identified these dams as the key impediment to restoring the Kennebec and have called for significant action, including the removal of the Shawmut Dam and potentially others in order to save endangered Atlantic salmon and other sea-run fish.

¹ 2024. MDOT. News, Maine 2023 Commercial Fisheries Value Increases by More than \$25 Million. Accessible at <https://www.maine.gov/dmr/news/fri-03012024-1200-maine-2023-commercial-fisheries-value-increases-more-25-million>

² 2020. NMFS. Comments, Recommendations, Preliminary terms and Conditions, and Preliminary Fishway Prescriptions for the Shawmut Hydroelectric Project (FERC No. 2322). August 28. Pp. 43-44. Accessible at <https://1drv.ms/u/s!AkLlihAdyxqVkiBuZIG6A5I9pnd8?e=sWgbBm>

³ 2020. DMR, Op. Cit., Page 3. Accessible at <https://1drv.ms/u/s!AkLlihAdyxqVkiBuZIG6A5I9pnd8?e=sWgbBm>

If that is ruled out, then we request FERC require the following of dam owner Brookfield White Pine Hydro LLC and all of its subsidiaries:

- 1. Establish strong performance standards for both upstream and downstream passage of all sea-run fish species and a requirement to meet them within two years of any fish passage construction.** These standards should consider the cumulative effects of the entire series of dams rather than just individual dams because the impacts to fish and fish passage are cumulative. Failure to meet these standards should require concrete next steps, such as construction of additional fish lifts.
- 2. Build at least two upstream fish lifts at each dam.** We know single fish lifts fail to pass Atlantic salmon and American shad effectively.
- 3. Attach ¾-inch screens on all turbines at all four of the dams.** Narrow screens like those suggested are necessary to keep downstream migrating juvenile salmon, river herring, and shad out of turbines, where they can be injured or killed. This type of screening is U.S. Fish and Wildlife Service policy for protecting downstream migrating adult eels.

Fish and wildlife, as well as free-flowing rivers and associated habitats, are held in the public trust by various levels of government. That compact with the public requires harm to fish and wildlife and their habitats to be offset by benefits to the public. It has been argued that the production of energy from hydroelectric dams is a benefit that offsets the harm. These four dams represent only 6%⁴ of Maine's overall hydroelectric capacity and are increasingly unnecessary as the state accelerates the transition to solar and wind energy to combat climate change. Now that hydroelectric energy is largely dwarfed by other renewable energy production, the harm must stop and fish and wildlife habitats must be restored.

Maine Audubon respectfully requests that the Federal Energy Regulatory Commission consider our recommendation to remove all four dams to restore the riverine system and provide meaningful fish passage, or at a minimum require state-of-the-art infrastructure to better facilitate both upstream and downstream fish passage. Thank you for the opportunity to comment.

Sincerely,



Francesca "Ches" Gundrum
Director of Advocacy



Sarah A. Haggerty
Conservation Biologist / GIS Specialist

⁴ Kleinschmidt Associates. 2015. Maine Hydropower Study. Prepared for Maine Governor's Energy Office. Tables 1-1 and 2-1. Accessed at https://www.maine.gov/energy/publications_information/001%20ME%20GEO%20Rpt%2002-04-15.pdf.