

# FERC Committee Report - Steve Heinz

October 17, 2024

## **Outreach.**

Conservation Community Event. The next event will be held November 13 from 1:00 to 4:00 via teleconference: Lower Androscoggin Symposium. Presentations will include the Sabattus Stream restoration project (MDMR and Maine Rivers), the Little River Habitat survey (MMBTU), Compliance with the Terms and Conditions of the Pejepscot Project (NOAA) and the Lewiston Falls Project relicensing (City of Auburn). Contact Steve if you want to participate and did not get an invitation.

Little Androscoggin Redevelopment Plan. Notification sent to Maine TU members announcing event "Reimagine Washington Street" on Wednesday, October 23, from 5:30-7:30PM. This community conversation will be held at the Auburn-Lewiston Airport (80 Airport Drive). Learn more and view their storymap at: <https://www.littleandrogateway.com/> Plan heavily dependent on using the Little Andro as a resource.

**Lower Kennebec Dams.** Activity continues following posting of the Draft Environmental Impact Statement (DEIS). Target date for Final EIS revised to February 28, 2025. A BDN article published last week says The Nature Conservancy has offered to buy the lower 4 dams from Brookfield!

**Rumford Falls Project.** Maine Rivers, American Whitewater, Conservation Law Foundation, Friends of Richardson Lake, American Rivers and Council submitted a joint appeal to Maine's Board of Environmental Protection (MBEP) of the Water Quality Certification. The appeal can be viewed at <https://drive.google.com/file/d/1OR9gY1Knvwnw-7luvTHvYB6TxPNggm9j/view?usp=sharing>. Evidentiary issues (what the Board of Environmental Protection can and can't see during the hearing) are in the process of being resolved. A hearing date by the Board has not been set.

**Aziscohos Project.** FERC has approved the revised Final License Application filing date to June 2025. Confidential discussions continue and currently are proceeding between Brookfield and the Rangeley Lakes Heritage Trust.

## **Ripogenus and Penobscot Mills Projects.**

Final License Application (FLA). Offers to increase minimum flow to 1700 cfs, but does nothing to control lake levels. Steve teleconferenced with American Whitewater, Camp Owners Assn reps, and American Whitewater on Wednesday. Discussions focused on development of requested lake levels for Rip-Chesuncook. The group will meet again On October 29. Steve also working to identify data gaps so we can do our own studies next summer. When we announced this, the IFW response was: "Maine IFW will be conducting creel surveys on the Ripogenus Impoundment and the West Branch in the summer and winter 2025. We would appreciate it if outside organizations do not interfere with our work plans." We have attempted to coordinate efforts, but our communications have not been returned. Need to get John Perry involved, may be an item for discussion with the new IFW Fisheries Director Liz Latti?

**Legal Defense Fund.** Fund raising will resume in late October. It will feature a USPS mailing to prior donors, and a separate mailing to prospective donors from the TU membership rolls living in affluent towns: Cape Elizabeth, Falmouth, Cumberland and Camden. → Council Members are encouraged to donate directly using the "Donate" feature on the Council website home page.

**Mousam Project.** Still awaiting MDEP response to Maine Rivers and latest MKRA filing regarding dam removal.

**Medway Project** (first dam on West Branch). Steve attended the Joint Agency Meeting in Millinocket in July. Agencies will support fish passage. TU comments support, especially overdue eel passage. Steve had conversation with NOAA Fisheries official. NOAA will not be supporting anadromous fish passage for a number of reasons. Only path to support would be congressional.

**Worumbo Project (lower Androscoggin).** Consultations continue between Eagle Creek, USFWS, and NMFS to develop fishway prescriptions.

**Royal River Dams.** USACE has completed their final draft of the Project Report and Environmental Assessment regarding restoration of the Royal River. The report was released last week and can be downloaded at <https://www.nae.usace.army.mil/Portals/74/docs/Topics/RoyalRiver/Public-Review-Documents/Royal-River-Draft-Feasibility-Report-Public-Review-11Oct2024.pdf> Recommendations include removal of Bridge Street Dam, improvements to the side channel at Middle Falls and partial removal of the Elm Street Dam. No TU members currently live in Yarmouth, so please talk this up to anyone whom you know who is a Yarmouth resident. Sebago will be submitting comments to USACE supporting the removals.

**Lewiston Falls Project.** Brookfield has filed the Final License Application. Brookfield only offers 6 scenic releases. Steve working with Grow L+A Workgroup to respond. Good agency support.

**Hackett Mills Project.** Very small Eagle Creek Project on Little Androscoggin River. Project in relicensing but undergoing needed repairs to spillway. Yearly license issued to fill gap until new license can be issued. Repair schedule extended into January 2025.

**Dundee Project.** Relevate (formerly Dichotomy) allowed dewatering of Dundee Pond, an ecological disaster. Repairs are in progress, pond expected to be refilled this fall. See outreach above. Related note: FERC cited Relevate for a license violation for a head pond level violation downstream at the Mallison Falls Project. TU Council filed asking that flow excursions at Eel Weir that precluded fishing the Presumpscot in 2023 be revisited and declared a license violation, that the FERC response was “inadequate, inappropriate and potentially dangerous.” FERC rejected the request.

**Cataract Project.** Working with Saco River Restoration Alliance. Expect to submit Preapplication Document (PAD) comments later this month supporting fish passage.

**Lowell Tannery Project.** Small KEI Project on the Passadumkeag River, a Penobscot River feeder. Council had filed to intervene earlier this summer. Agencies and PIN agreed to settlement after two years of negotiation. ASF, American Rivers, TU and others filed stating our concerns that the implementation date was too far in the future and rewarded KEI for the delay. Agencies noted and took no action.

**Green Lake Project.** The Ellsworth American and we assume other outlets ran an article stating that TU was supporting introduction of alewives into the Green Lake Project. There are so many conflicting interests there that we saw no good solution and have not filed anything since 2019 when we supported the full suite of environmental studies. Steve has spoken with the author Paul Reynolds who will be publishing a correction. →Has anyone seen the last issue of the North woods Sporting Journal?

**Maine Agency Conflict of interest.** FERC Committee considering introducing legislation to stop MDIFW and other resource protection agencies from accepting money directly from entities exploiting and profiting from the resource without approval at the commissioner level. Greg Ponte says that we should wait until the election to see who will be on legislative committees and then find a sponsor for the bill. → Should this and the Ripogenus studies be another topic of conversation between TU and the new IFW fisheries director to take place sometime in mid-November?

**DOE Hydro Grants.** U.S. Department of Energy announced it had awarded nearly 300 projects across 33 states up to \$430 million in incentive payments to upgrade hydropower facilities – specific amounts for Maine attached. Steve distributed to Maine conservation community. Reactions were complex but included shock and rage. The only response anyone has come up with is to write to state federal legislators expressing our objections that our tax dollars are being used to subsidize the assets of foreign-owned companies, most of which are large and well-financed. Steve had Lauren inquire of TU National and So Amy spoke with TU National government affairs (who checked with DOE) and the response they got was that "DOE was going to release regional "fact sheets" - not clear if the communications will just share highlights from each region, given the number of projects, or cover each project (and that's why it's taking some time). Basically, she got a "stay tuned and circle back when the regional fact sheets drop."

**Upper and Middle Dam Storage Project.** The license calls for annual inspection of the inlets to the feeders to Mooselookmeguntic and the Richardson Lakes. Jeff Reardon, then Mac McGinley used to do it. Brookfield's Kyle Murphy asked for a volunteer on short notice. Steve unsuccessfully tried to get someone from people he knows own camps in the area. Steve asked for earlier notice next year. David Huntress thought he had someone identified who would do it, but he didn't pan out. The search continues. → Any candidates?

**Bureau of Parks and Lands Integrated Resource Policy (IRP).** The Bureau is working on an update to its Integrated Resource Policy (IRP), last revised in 2000. The IRP is the Bureau's primary guidance for managing public reserved lands, non-reserved lands, parks, and historic sites. The internal part of the update process has been going on for a couple of years now, and we are now making plans for outreach to stakeholder groups/organizations and the general public. Details are just now being worked out, but we will likely schedule videoconference meetings to provide an overview of the purpose and content of the IRP and a summary of the most substantial revisions contained in the Draft Revised IRP. We will then provide various options for folks to review and comment on the Draft. To assist with that outreach, BPL official Jim Vogel is compiling a contact list, starting from people and organizations that have been on our management plan Advisory Committees across the state. Jeff Reardon had represented TU on one of those committees. Thanks to David Huntress for agreeing to be the TU Point of Contact.

**Maine FERC Active Project Status Report.** Report filed last month and is in the online meeting folder. The report was also emailed to Council members.