MEMO

From: Frank Richards

To: Maine Joint Standing Legislative Committee on Environment and Natural Resources; Senator Tepler - Chair, Representative Brenner - Chair, Members of the Joint Standing Committee on Environment and Natural Resources:

RE: LD 430

Date: April 7, 2025

I am Frank Richards. I live in Vassalboro, between Augusta and Waterville. I am a long-term activist for alewife restoration. I am writing to offer my commentary on LD 430, which would place a moratorium on hydropower dam removal. The dams in Waterville and the underlying controversy are the context of LD 430.

By way of background, I testified at the FERC Hearing this May about the dams in Waterville. Also, in the late 1990s, I testified at the FERC Hearings on the Edwards Dam in Augusta and the Fort Halifax Dam in Winslow/ Waterville. For a civilian, I have had a fair amount of exposure to the FERC process.

As the President of a lake association, I played a central role in building a fish ladder at the Webber Pond dam in 2008. Later, that led to testifying at several legislative hearings about alewife restoration.

More recently, I was active in the community group in Vassalboro, which removed 3 older dams and constructed 3 fish ladders to restore alewives to China Lake. I have been featured in 2 newspaper articles on the subject of dams and alewives.

I have observed the challenges of fish ladders on 5 small dams. I will assert that the engineering knowledge for fish ladders on small dams has improved just remarkably over the last 20 years.

However, on bigger dams significant engineering problems with the rise to the run persist. With all due respect to FERC, I don’t believe it is possible to find an example of a successful fish ladder on a larger dam. I attached a link to an article about severe problems with the ladder in Brunswick, to illustrate.

Fish ladders on larger dams are complex, expensive, and high risk. There is a reasonable chance that building a fish ladder may result in a modified dam where the turbine operates, but the fish ladder doesn’t, at least not very well.

The FERC ruling ignores all this, despite extensive testimony and other reports similar to the dam in Brunswick. It is hard to see it as anything but a willful exclusion of relevant evidence. Even worse, it puts almost all the controversy on the state of Maine because everything is contingent on state permits and certifications.

They know (or should know) that legal requirements and lawsuits make it difficult for the state departments to issue permits and certifications quickly. And the state may be blamed both for the delay and eventually a multi-million-dollar price tag.

FERC almost surely understands (or should understand) that it is putting a difficult, politically controversial issue on to the state. There seems to be no direct evidence that it is a conscious political strategy to avoid controversy in Washington with the hydropower industry by affirming fish ladders and putting everything on Maine.

However, it has the appearance of passing the buck.

By way of economic comments, there is now an argument to be made that a free running lower Kennebec is more economically valuable than the hydropower from those Waterville dams. I concede that it is difficult to compare the value of many, many small maritime businesses with a large corporation with revenue and payroll on the books.

Alewives have historically been a key species in the marine economy. The work done in the last 20 years or so has greatly expanded that forage base, which supports commercial fishing in the Gulf of Maine. Also, following the removal of Edwards and Halifax, alewife harvesting now generates millions of dollars annually, supporting the lobstering industry with less expensive, higher quality bait.

People like to talk about Atlantic Salmon because they are a beautiful, iconic fish. Alewives by comparison are like a big shiner. Not very attractive. However, the economics of dam removal and fish ladders are driven by alewives, not by Atlantic Salmon. When dams occur further up the river, alewives cease to be part of an economic cost benefit analysis.

By way of other economic comments, if the issues in Waterville began to evolve in a way that might force the mill in Fairfield to close … Well, even someone like me would object. That mill is probably second only to the shipyard in Bath in terms of its economic importance to Maine. That dam is going to be there for a long time, if there is no engineering solution to keep water supplied to the mill.

It seems to be assumed that dam removal would entail a complete de-watering of the pool that supplies water to the mill. However, there are likely engineering alternatives to supply water to the mill from the river, even with a significant, partial dam removal.

There are few things that would benefit a substantive discussion of the Shawmut Dam more than a neutral engineering study about the possibilities for both watering the mill and also providing free flowing water for fish passage. I think to be credible the study would need to be paid for by the state of Maine, not by affected businesses or environmental organizations.

With respect to LD 430, I would urge that this be voted ought not to pass. There are going to be a lot of delays already. I would argue that enacting a bill that promotes more delay without addressing any specific widely recognized problem doesn't serve a useful purpose.

I agree that Maine's laws about dams and dam abandonment are not perfect, to put it mildly. However, LD 430 is not really an effort to rectify those laws. Instead, it seems to be a political strategy; rolling the dice and delaying the process in Waterville until a new Governor, DEP Commissioner, and DMR Commissioner are in place.

That concludes my testimony, I'd like to thank people for taking the time to read through this.

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Attached also are a pair of news articles that may be of interest.

https://www.newscentermaine.com/article/news/local/bath-brunswick/conservation-group-aims-to-improve-fish-passage-on-the-androscoggin-river-maine/97-68bd552f-8933-470d-83e0-0f686d61616e

https://www.bangordailynews.com/2024/06/10/mainefocus/mainefocus-environment/4-maine-dams-blocking-passage-of-endangered-salmon-joam40zk0w/