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GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

CARL J. WILSON
ACTING COMMISSIONER

April 07, 2025

Environment and Natural Resources Committee
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

RE: L.D. 212 An Act to Require the Valuation of Energy Produced by Hydropower Dams and Exploration of Alternative Ownership Options Before They Are Removed Before the Joint Standing Committee on Environment and Natural Resources

Senator Tepler, Representative Doudera, and members of the Committee,

The Maine Department of Marine Resources (DMR) opposes L.D. 212. This bill would restrict the Maine Department of Environmental Protection (DEP) from approving an application for a permit to remove a dam that is part of a hydropower project unless the applicant 1) provides an evaluation of monetary value that the dam is capable of generating and 2) demonstrates that the applicant made all reasonable efforts to sell the dam and was unable to reach an agreement on a sale with an alternative owner.

This bill could directly impact active and future restoration projects managed or supported by DMR that include dam removals. Many dam removal projects are supported by the communities in which they are located, and passage of this bill could delay or prevent these projects. The benefits of community supported or necessary dam removal projects are significant – they have the effect of restoring important commercial and recreational fisheries, removing safety hazards, and improving water quality. These important benefits may not be realized if these projects are unnecessarily burdened with these requirements.

Many dams in Maine are considered for removal due to community safety and economic reasons. Some municipalities through their legislative body will vote to support dam removal. According to the 2024 Report Card for Maine's Infrastructure, the average age of Maine's 672 dams is 108 years old. Only 54% of these dams have been assessed for condition and only half of those assessed are in satisfactory condition. Out of 672 dams, 159 are classified as significant- and high-hazard potential dams, meaning failure would result in considerable damage and/or loss of life; 25% of these high-hazard dams are in poor or unsatisfactory condition. It is estimated that it would cost nearly \$1 billion to complete all the necessary repairs to improve conditions of dams in Maine. While most dams that control water levels and flow should be preserved, some dams are not needed and should be allowed to be efficiently considered for removal. This bill could have the effect of preventing the removal of dams that are unsafe.

While dam removal often should not occur for a variety of reasons, and hydropower opportunities should be assessed at many locations, it should not be an absolute requirement that a dam be considered for hydropower and sale in all cases. As written, this bill will add an unnecessary burden and cost to an already difficult process to remove obsolete hydropower dams in circumstances when removal is appropriate due to fisheries and wildlife impacts, safety considerations, and surrounding community support.

Thank you for your consideration. Please let me know if DMR can provide any further information.

Sincerely,

Sean Ledwin

Sean Ledwin
Director, Bureau of Sea-Run Fisheries and Habitat