

**Testimony before the Committee on Environment and Natural Resources  
in opposition to: 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***

**April 7, 2025**

Senator Tepler, Representative Doudera, and members of the Committee on Environment and Natural Resources, my name is Sean Mahoney, and I am the Vice President and senior counsel of the Conservation Law Foundation (CLF). I appreciate this opportunity to submit testimony in opposition to 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*.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental and energy challenges threatening the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that works to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources; are good for Maine's economy and environment; and equitably address the climate crisis.

The amendments to the Maine Waterway Development and Conservation Act (MWDCA) proposed by this legislation are unnecessary and unduly burdensome.

They are unnecessary in the sense that the monetary evaluation requirement proposed in LD 212 for the large, power generating dams that this legislation appears to be focused on already exists under the Federal Energy Regulatory Commission's (FERC's) licensing process. As prescribed by the Federal Power Act (FPA), FERC's primary responsibility is to ensure that any action taken on a dam, including removal, is performed in the best interest of the public and represents the "best adapted use" of the waterway. This means that when making decisions, FERC is required to do cost-benefit analyses (which includes estimating the value of electricity generated by projects) and perform alternatives analyses to determine which action represents this "best adapted use."

They are unduly burdensome in the sense that they would require dam owners to duplicate the process that they have undoubtedly already performed on their own in determining a cost/benefit analysis of their continued ownership and operation of their dam. Forcing dam owners to conduct "an evaluation of the monetary value of the electrical or mechanical power that the dam is capable of generating" and to demonstrate that "all reasonable efforts to sell the dam [were



made] and [the applicant] was unable to reach an agreement on a sale with an alternative owner” is government regulation that goes well beyond ensuring public health and safety.

Most dam removals in Maine occur because the asset is no longer economically viable, and in some cases, poses significant risks to public safety and/or the environment as it stands. This legislation would do nothing but slow down and complicate the process of addressing the reality facing hundreds of dams in Maine.. We urge this Committee to vote ought not to pass on L.D. 212. Thank you.