

April 7, 2025

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Maine Trout Unlimited Council

**Committee of Environment and Natural Resources**

**LD 1210 An Act to Regarding Renewable Electricity Generation by  
Hydropower Projects**

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Greg Ponte, and I am representing the Maine Council of Trout Unlimited which is made up of six local chapters and 1600+ members in Maine. The Maine Council of Trout Unlimited is a nonprofit conservation organization. Our mission is *"to bring together diverse interests to care for and recover rivers and streams, so our children can experience the joy of wild and native trout and salmon."*

We oppose LD 1210 due to the fact that under the Federal Power Act, the Federal Energy Regulatory Commission (FERC), not the state of Maine, is responsible for licensing of hydroelectric power projects, as well as the surrender and/or decommissioning of all FERC licenses. Section 401 of the Federal Clean Water Act requires States to certify that the construction and operation of hydropower projects subject to the Federal Power Act meets the state's water quality standards.

As written, this bill would require the Department to become experts in project economics- including "renewable energy, decarbonization, and economic development policies." This LD is an attempt to add other factors that have nothing to do with water quality certification.

Also, the word "notwithstanding" in LD 1210 in my words means "in spite of the project's effect on wildlife habitat and aquatic life within the waters affected by the project, including affected waters downstream of the project." That implication says it all.

Prior to the 1972 amendment to the Clean Water Act the major rivers of Maine were literally open and flowing cesspools because of discharges from municipalities and industries. The list of requirements added by LD1210 would alter the State of Maine's water quality permitting process and could potentially bring us back to the days of open sewer flowing cesspools in our rivers and limit the debate to "pickerel or payroll". This would be an enormous step backwards for the State of Maine.

We vehemently oppose LD 1210.

Thank you for the opportunity to testify today and I am happy to answer questions that relate to this LD or my testimony. in opposition to it.

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