



**Testimony of the Atlantic Salmon Federation and  
Maine Council of the Atlantic Salmon Federation on**

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

**April 7, 2025**

Senator Tepler, Representative Doudera, and Honorable Members of the Joint Standing Committee on Environment and Natural Resources:

My name is John Burrows, I live in Kennebunk, and I am the Vice President for U.S. Operations for the Atlantic Salmon Federation (ASF), an international non-profit conservation organization dedicated to the conservation and restoration of wild Atlantic salmon and their environment. Today, I am speaking on behalf of both ASF and the Maine Council of ASF, which is comprised of a dozen angling, conservation, education, and watershed organizations located across Maine, representing more than 2,500 members and volunteers.

We are providing testimony today in opposition to LD 1210, An Act to Regarding Renewable Electricity Generation by Hydropower Projects. We believe that existing state law and policy already include strong consideration of the energy, carbon, climate, and economic development concerns that are the focus of this bill, and therefore this bill is unnecessary.

LD 1210 would amend the Maine Waterway Development and Conservation Act (MWDCA) in three places to add a set of considerations for hydropower projects that would treat them differently from all other projects that require water quality certification under Section 401 of the Federal Water Pollution Control Act (a.k.a, the Clean Water Act). These changes would, for hydropower projects only, include consideration of the State's "renewable energy, decarbonization, and economic development policies" and "the environmental and economic benefits to the State of the hydroelectric generation provided by the project."

State waters that are impacted by hydropower projects are already given special consideration from water quality standards that would be applied to other waters of the State. For example:

- Subsection 9-A of 38 MRSA §464 provides that hydropower impoundments are deemed to meet state quality standards so long as the waters impacted "are able to support all species of fish indigenous to those waters and the structure and function of the resident biological community in the impounded waters is maintained."
- Subsection 10 of 38 MRSA §464 provides that riverine impoundments that are classified as Class A or Class B are deemed to meet water quality standards so long as they meet the aquatic life standards normally applied to Class C rivers and if "reasonable changes" that "do not significantly affect existing energy generation capability" cannot be made.
- Subsection 11 provides for similar deviations for waters "immediately downstream of and measurably affected by hydropower projects."

38 MRSA §635, Subsection 1, also already provides for consideration of “the public interest in replacing oil with hydropower.” And if you look at the other parts of the MWDCA, it is clear that it was drafted as a “balancing” statute that recognizes that hydropower projects have both benefits and negative impacts, requiring that permits for these projects be evaluated on a case-by-case basis. This case-by-case basis analysis is proper, as opposed to a blanket requirement to provide much greater weight to hydropower benefits, since each hydropower project is going to have unique considerations and varying degrees of impact on the environment and the public’s health, safety, and general welfare.

38 MRSA §636 outlines the eight approval criteria that the Department of Environmental Protection must assess for each project to issue or deny water quality certification pursuant to Section 401 of the Clean Water Act. Criterion 3 (Public Benefits), requires the Department to find that the project “will result in significant economic benefits to the public, including, but not limited to, creation of employment opportunities for workers of the State.” Criterion 7 (Environmental and Energy Considerations), requires the Department to assess a number of different factors and make a determination that “the advantages of the project are greater than the direct and cumulative adverse impacts over the life of the project.” These factors include impacts on fish and wildlife, historic and archeological resources, public access, flooding, and hydroelectric energy benefits.

Lastly, the Department can also choose to waive its authority to issue water quality certification at projects, which it has done on occasion, or opt to conduct a Use Attainability Analysis (UAA) under the Clean Water Act. UAAs are structured scientific assessments of the factors affecting the attainment of uses under water quality standards, and they allow for projects to meet less stringent criteria than would otherwise be required under state water quality standards.

In summary, we believe that state law and policy already provide special consideration for the benefits of hydropower and also provide legal mechanisms for the state to address economically important projects that fail to meet standards. As such, LD 1210 is unnecessary, and we urge the Committee to vote ought not to pass.

Sincerely,

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Atlantic Salmon Federation

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