



Testimony in Opposition to LD 430, An Act to Impose Moratoria on Hydropower Dam Removal and on Water Release from Nonhydropower Dams and to Make Other Changes to the Laws Regulating Such Dams (Emergency)

Before the Committee on Environment and Natural Resources

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Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Staff Scientist at the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 20,000 supporters statewide and beyond. I am here today to testify in opposition to LD 430.

Historically, dams have played a key role in supporting Maine's heritage industries of logging, papermaking, and textile production by controlling river flows and generating mechanical power. However, as these industries and their supporting technologies have changed over time, many of the dams in Maine have long outlived their primary functions. Some of the larger historical dams have since been retrofitted to produce hydropower and some continue to provide recreational benefits; however, for many dams in Maine, the negative ecological impacts can overshadow economic and cultural benefits.

Like any form of development, dams come with a host of environmental impacts. Most notably, these include restricting the passage of fish and other aquatic organisms, disrupting the transport of sediment and nutrients, altering the natural flow of water, and promoting negative water quality conditions. When these environmental impacts greatly outweigh economic benefits or a dam is no longer economically viable, dam owners often seek to relinquish ownership of the asset or remove it.

Across the more than 1,000 known dams in Maine,¹ the positive and negative impacts at each one vary substantially depending on the conditions present. For some dams, the positives outweigh the negatives, and the continued operation of the asset makes sense from a risk-benefit perspective. For others, the negatives far outweigh the positives by almost every metric, and removal of the asset is the only logical course of action. As a result, we strongly oppose any blanket mandate that ignores this nuance, even if it is only temporary.

Most of the dams in Maine are old, with an average age of 108 years, and require costly upgrades to continue operating while ensuring public safety.² Many communities across Maine today are facing tough decisions about what they should do with this aging infrastructure – decisions like whether they should increase property taxes to cover required maintenance costs and comply

¹ Maine Section of the American Society of Civil Engineers, 2024 Report Card for Maine's Infrastructure, Accessed March 27, 2025.

² US Army of Engineers (USACE), National Inventory of Dams, Accessed Mar 11, 2024.

with state and federal laws or remove dams that have historical and cultural significance. We believe that it is counterproductive to take viable options off the table for these communities.

The process of removing a dam is a long one that requires extensive feasibility studies, stakeholder engagement, planning, fundraising, permitting, environmental assessments, engineering studies, and finally deconstruction. NRCM is intimately familiar with this process through our involvement with several dam removal projects over the years. Instituting a temporary moratorium for dam removal would introduce a level of uncertainty in this long process that could jeopardize future dam removal projects after 2027.

In addition to the moratoriums on dam removal and water level release, this bill also includes two other main provisions. One is several amendments to statute related to the release from dam ownership and water level maintenance, increasing key deadlines for consultation, reporting, and evaluation by 30 days. The second is a directive to the Maine Department of Environmental Protection (DEP) to evaluate options for programs and initiatives that address negative impacts associated with dam removal. We defer to Maine DEP's judgement on whether the extension of deadlines outlined in the bill are warranted and believe that many of the negative impacts that the directive to the Department aims to address are issues that are already carefully evaluated and considered under the current permitting process for dam removal.

At a time when so many communities across Maine are grappling with how they should deal with aging infrastructure under difficult economic constraints, we should be providing them with more options, not fewer. In this case, taking options off the table even temporarily would also open the door to unintended consequences and potential long-lasting impacts. For these reasons, we strongly encourage the Committee to vote Ought Not to Pass on LD 430. Thank you for your time and consideration.