

Maine



Rivers

*OUR MISSION IS TO
PROTECT, RESTORE AND
ENHANCE THE ECOLOGICAL
HEALTH OF MAINE'S
RIVER SYSTEMS*

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RE: 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

Dear Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee,

My name is Landis Hudson, I am the executive director of the nonprofit Maine Rivers. Thank you for this opportunity to share with you our thoughts on LD 430. We are in opposition and ask you to reject the bill.

The first goal of this bill appears to be the maintenance of the production of power generated by hydropower dams. We note that it fails to take into consideration a number of factors.

Typically, by the time a dam owner has chosen to remove a dam, its power production has not met their hopes, or most often has ceased years before. In some situations the machinery may have been entirely removed. In several situations that I can think of (Lower Mousam Hydropower Project in Kennebunk, Old Sparhawk Mill in Yarmouth and Seabright Dam in Camden) the hydropower equipment had become antiquated, and the replacement costs were prohibitive. Some of the renewed interest in small hydropower operations came about because of federal subsidies in the 1980s, and when those subsidies ended, dam owners were left with uneconomical propositions.

Imposing a state-wide moratoria on the removal of hydropower dams would have unintended negative impacts. For example, there is a small dam located in the town of Starks on Lemon Stream and although this dam has not produced any power at all in more than 20 years, it is regulated by the Federal Energy Regulatory Commission (FERC) and was granted a FERC license in 1985. Over decades of ownership, the owner has not been able to make it economically viable. We have been working with the owner to remove the dam because Lemon Stream is considered to have high value Atlantic salmon spawning. By working collaboratively with the dam owner, as well as state and federal agencies, with strong support from the town of Starks, we have been able to secure funding to remove this dam and we are on track to do so in 2026. The grant application for funding to remove this dam was supported by Maine's Congressional delegation and well as Maine Department of Marine Resources.

Before the dam can be removed, we will complete an extensive permitting process, which will include review by Maine Historic Preservation Commission, Army Corps of Engineers, NOAA and FERC. The dam removal process will require a permit from the Department of Environmental Protection under the Maine Waterway Development and Conservation Act.

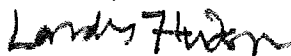
This permitting process entails engineering work, legal work, as well as coordination and outreach to state and federal agencies. This does not occur quickly, and it does not take place in a haphazard fashion. This bill would create confusion and add yet another layer of administration on top of what exists. And we are concerned that the moratoria, even temporary, would throw off timing of this work and put the entire project in jeopardy.

We see that the second goal of this bill is to maintain the water levels of impoundments. This bill fails to take into consideration the large number of dams in the State of Maine, and the unique considerations of each situation.

For example, the City of Portland owns the Stroudwater Dam. It's an aging structure that the City most likely came to own without full consideration of the eventual costs of maintenance. It lacks fish passage and is not a hydropower dam, but it is located within a historic neighborhood. The dam holds back water which becomes stagnant water and likely makes it difficult to meet water quality standards, and as those waters drain into Casco Bay. The situation should be improved. A recent engineering report assessed 18 recommended actions for dam maintenance (repair of bulging section of the dam, seal the foundation, etc.), with total recurring annual costs of \$4,250-\$14,000 before repairs, and total repair costs for recommended actions of \$124,600 to \$292,500. The City of Portland should be determining their path forward, taking their budget and their priorities into consideration. An additional requirement for consultation with the State of Maine regarding the water level of the impoundment created by the dam would add confusion to an already complicated process and add little value.

We do not support this bill, and encourage you to vote "ought not to pass."

Sincerely,



Landis Hudson
Executive Director