

# Maine



## Rivers

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

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Maine Department of Environmental Protection  
c/o Laura Paye, Hydropower Coordinator  
Bureau of Land Resources  
Via email to [DEP-Hydropower@maine.gov](mailto:DEP-Hydropower@maine.gov)

August 14, 2025

RE: Ellsworth Hydroelectric Project (FERC P-2727) Water  
Quality Certification

Dear Ms. Paye,

Thank you for this opportunity to share our comments regarding the State's consideration of a Water Quality Certification for the Ellsworth Hydroelectric Project (FERC P-2727).

Writing in 1887, Charles G. Atkins, Maine's first Commissioner of Fisheries documented in The River Fisheries of Maine that salmon, shad and alewives had "abounded" in the Union River (p. 705). The river and its watershed maintain significant ecological value for local communities and the State of Maine. We are profoundly concerned that the current application for a Water Quality Certification does too little to address to the underlying and well documented problems that result in on-going degradation of natural resources. It is clear to Maine Rivers that the project does not currently meet its statutorily assigned State Water Quality Standards and should not receive certification.

We note that the waters above the Ellsworth Hydroelectric Project are not currently meeting Class B criteria which are as follow:

Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of *Escherichia coli* bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. [PL 2021, c. 551, §11 (AMD).]

<https://www.mainelegislature.org/legis/statutes/38/title38sec465.html>

The operation of the Ellsworth facility relies on trapping and trucking to achieve some level of support for some aquatic species. While this may be reasonable for an interim solution, it does not support all aquatic species and we believe it falls far short of what is necessary “to support all aquatic species indigenous to those waters”. Sea lamprey, for example, are unlikely to be supported in current operations. American shad are an ecologically valuable and important species that were historically present in the Union River. The “American Shad Habitat Plan for Maine River Systems” documents this presence with mapping of the Union River and shows the river to be designated as “current” American shad habitat in the Update Approved February 2021. Currently the species is near completely absent above the Ellsworth Dam, a stark reality that the applicant for a Water Quality Certificate has had years to improve through fish passage measures, but shows no interest in addressing. The near complete absence of this species is evident by simply reviewing the annual trap data posted by the Maine Department of Marine Resources, referencing data from Brookfield Renewable Energy Group. This shows that from 2014-2024 a total of **six** individual American shad were documented over a period of 10 years moving above the Ellsworth operation (accessed 08/08/2025).

		Atlantic salmon	American shad	alewife
Union River	Ellsworth Dam			
	2014	2	0	153,360
	2015	0	0	329,160
	2016	0	1	336,220
	2017	0	0	327690
	2018	0	0	278675
	2019	2	0	320320
	2020	3	0	301,860
	2021	0	2	313,136
	2022	0	2	321,251
	2023	0	1	324,675



	2024	0	0	326,025
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<https://www.maine.gov/dmr/sites/maine.gov.dmr/files/inline-files/Trap%20Counts%20for%20Web%20Page%202024.pdf>

A count of six individual fish over a period of 10 years cannot be considering sustaining the species. The applicant must invest in safe, timely and effective fish passage for diadromous species.

The application under consideration considers the reclassification of Leonard Lake to GPA and offers a technical solution to meet dissolved oxygen requirements. Reclassification is unlikely to gain either Maine DEP or USEPA approval since it would remove water quality standards of the present class. We note that the option under consideration is likely to be costly for the applicant, and simply does not address the underlying issue that causes the low oxygen. Like trapping and trucking it might be an interim solution, however we conclude that this technical solution is a poor substitute for the values associated with a free flowing and naturally oxygenated river. While the application includes improvements in their operations, these do not address several of the underlying issues of concern to Maine Rivers.

For the foregoing reasons, we urge the Department to deny the application because it abjectly fails to propose measures that would lead to safe, timely and effective passage for all migratory fish species.

Thank you for your consideration,

A handwritten signature in dark ink, reading "Landis Hudson". The signature is written in a cursive, flowing style.

Landis Hudson  
Executive Director