

June 30, 2025

Federal Energy Regulatory Commission (e-file)
Secretary Reese

RE: Ellsworth Project (FERC No. 2727); Report on Fish Mortality Event

Secretary Reese,

On June 9, 2025 I filed a citizens' report of my observations on June 6, 2025 of a major fish kill at the Ellsworth Dam and made several requests of the Commission and Maine state regulators. On June 26, 2025 owner Brookfield filed a report of a *separate* fish kill event, *different from that which I reported to the Commission*. The dead fish I observed on June 6 had been killed that morning and/or in the preceding days. Brookfield admits in their report that they did not observe this fish kill. The information they provided to FERC raises serious concerns and makes my June 9th requested regulatory actions even more relevant and urgent. Crucially, these kills took place—by Brookfield's own admission—while they were following operational protocols to “protect fish” (“Black Bear made an operational change at Ellsworth Station in 2017 to prioritize Units #1 and #4 over Units #2 and #3 during the downstream fish passage season to protect fish out-migrating to the ocean”).

In Brookfield's report we learn that although Brookfield has fish passage technicians on site each weekday from 7:00 a.m. until 6:00 p.m.—eleven hours per day, every day—multiple fish kill events from early June went completely undetected by their monitoring practices. Brookfield's own reporting also outlines their “standard practice” of “monitor[ing] the tailrace throughout the day for indications of fish activity (upstream or downstream migrants) and are observant of bird behavior, which can be an indicator of fish activity.”

With these practices in place the separate June 7th kill that Brookfield self-reported *went undetected until reported to Brookfield*. Brookfield states that they first became aware of the June 7 kill after they “received the first report of some dead adult alewives in the vicinity of the Ellsworth Harbor Marina on Saturday morning, June 7th, at around 8:00 a.m.” While I do commend Brookfield for reporting the June 7 event to FERC and other agencies—*albeit weeks after it occurred and they learned about it*—it appears that even this minimal act of responsibility was only possible because someone else first reported the fish kill to Brookfield. Based on what I observed on June 6 and Brookfield's filing with the Commission about the June 7th kill it appears that Brookfield's standard practices are at best inadequate, and one wonders whether they are anything but performative.

Finally, Mr. Bernier raises some question about the validity of my reporting and the responsibility I might hold for his company's continued mass killing of native fish on the Union River. To address his first point, I've included time-stamped documentation of my

photos and videos from the June 6 event with a reference map (see included "Reference Map for June 6, 2025 Fish Kill"). To his second point that "*he evidently failed to report this to Black Bear staff, who, if aware of this information, could have implemented the operational response procedure sooner,*" the Commission should be made aware of additional context for my actions, omitted by Mr. Bernier in his letter:

- For 10 years I have observed fish kills at the Ellsworth Dam. I have reported these to both Brookfield and to federal and state regulatory agencies. Those reports have been cited by state and federal agencies and confirmed in local print and video media.
- In past years, rather than contacting me following my reporting to discuss how to constructively involve me (and others who observe these fish kills) in thinking through ways that a citizen reporting system could quickly catch significant ongoing fish kills, Brookfield staff instead have reported me to local law enforcement while I was observing fish kills, in an apparent attempt to intimidate me and suppress my reporting. Never once has local law enforcement taken any action against me based on Brookfield's reporting to them.
- Equally important, never once has my reporting on these events stopped the mass killing of fish in the river by Brookfield's dam. If a phone call from me could turn off the dam when it's slaughtering fish I'd make it.

Mr. Bernier's June 26th reply to my previous filing suggests that Brookfield believes it is the public's responsibility to report to and for Brookfield about what happens on the Union River; that if we do not, we share the blame for events like this. Alternatively, I believe a citizen's responsibility is to call out Brookfield's mistreatment of the river—in this case the gross inadequacies of their "standard practices"—and to demand regulatory solutions.

Brookfield's Ellsworth dam on the Union River is not achieving the legally-required balance between energy production and environmental protection. Fish live in this river, and in Ellsworth, thanks to Brookfield, many die there too.

Respectfully,

Brett Ciccotelli
Friend of rivers

Concurrent copies via email to:

Maine Department of Marine Resources:
Commissioner Carl Wilson
Sean Ledwin
Lars Hammer
Michael Brown
Ernie Atkinson

Maine Department of Environmental Protection:
Commissioner Melanie Loyzim
Laura Paye

Ellsworth City Manager, Charles Pearce

State Senator, Nicole Grohoski

NOAA Fisheries:
Dan Tierney
Rory Sanders

Brookfield Renewable Energy:
Vice President, Thomas Uncher
Kevin Bernier

Reference Map for June 6, 2025 fish kill

The map below shows my photo locations from June 6, 2025



Descriptions of each point on map:

A&B: show the first fish I saw from the Rooster Brother parking lot, approximately 1,800' downstream of the Ellsworth Dam

C: shows a dead fish along the shore approximately 225' downstream of the Ellsworth dam. From this point I looked across the river and was able to see a light blotch below the river's surface, approximately at point EFG.

D: shows dead fish on small beach behind the Ellsworth library, approximately 1200' downstream of the Ellsworth Dam.

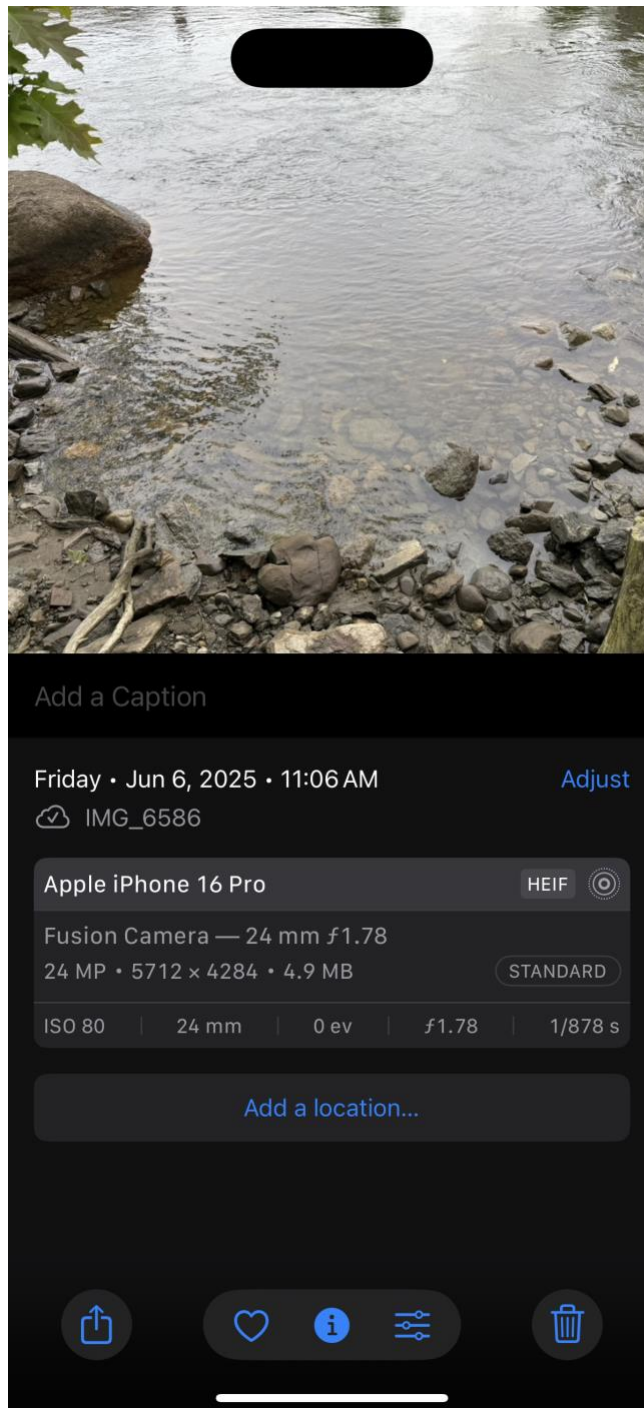
E: shows a screen capture from a video of the large pile of dead fish. Full video can be viewed at this link. [June 6 2025 Fish Kill](#)

F: shows the dead fish pile from below the water.

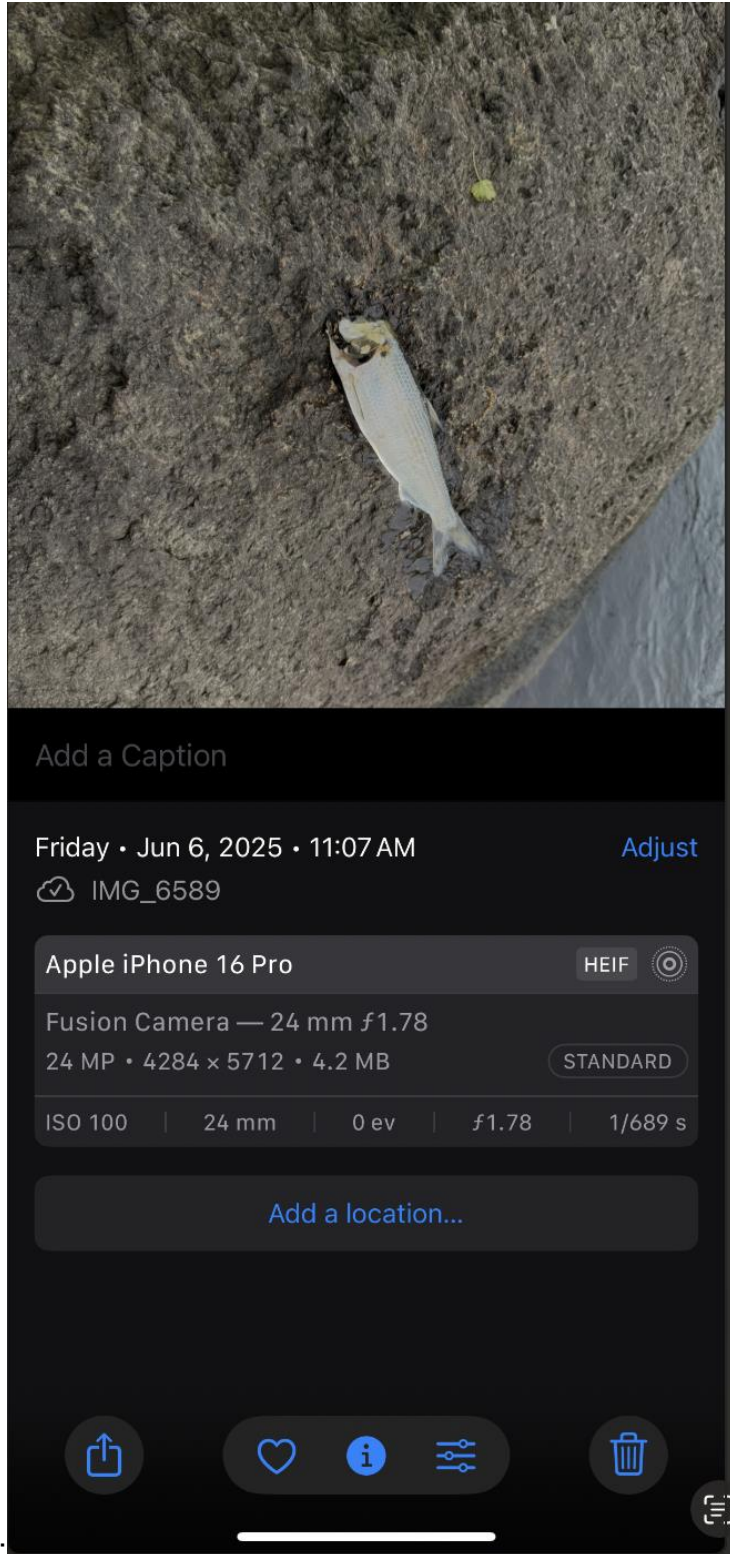
G: shows the dead fish pile as seen when looking downstream. EFG are all from approximately 380' downstream of the Ellsworth Dam.

Photos and video with timestamp from my phone.

A:



B:



C:



Add a Caption

Friday • Jun 6, 2025 • 11:15 AM

[Adjust](#)

 IMG_6591

Apple iPhone 16 Pro

HEIF



Fusion Camera — 24 mm $f1.78$

24 MP • 4284 × 5712 • 5.3 MB

STANDARD

ISO 80

24 mm

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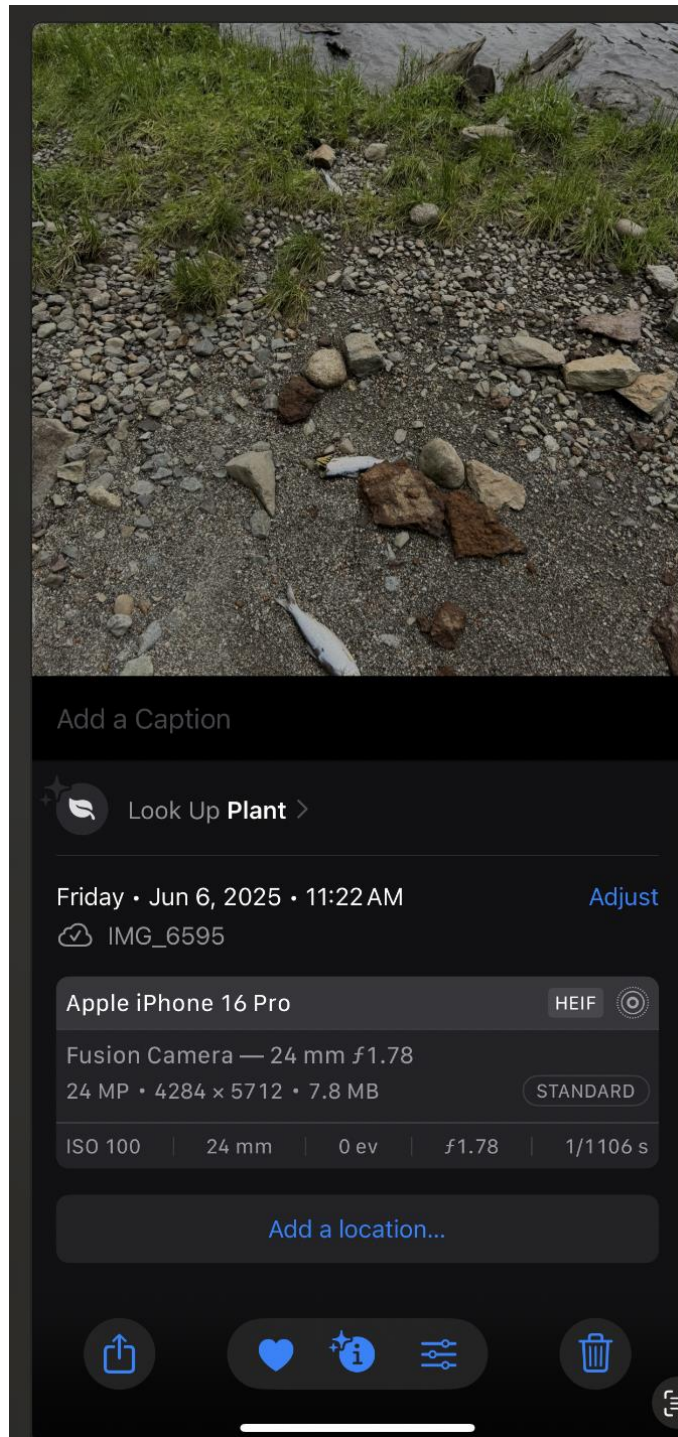
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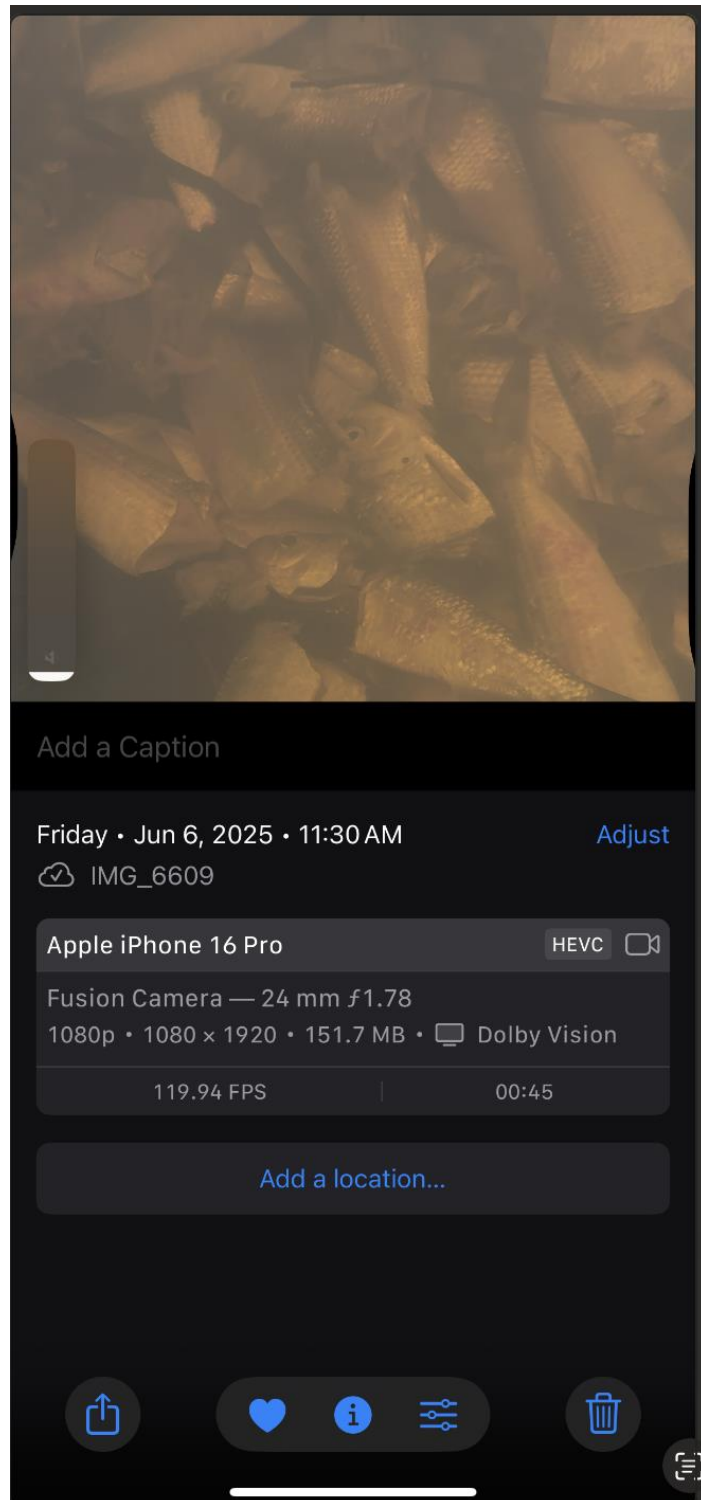
[Add a location...](#)



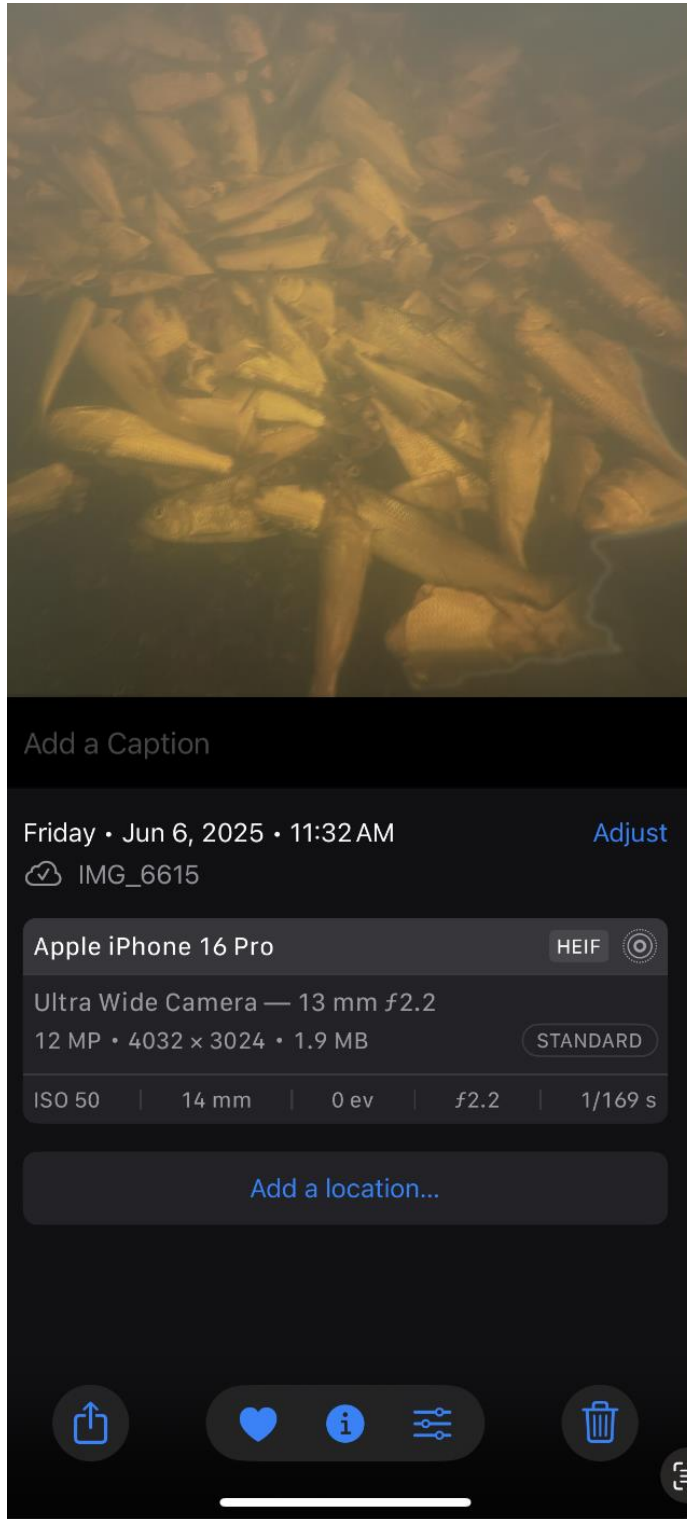
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