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GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

CARL J. WILSON
COMMISSIONER

June 26, 2026

Claire Briggs, Project Manager
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Subject: MDMR Comments on Draft 401 Water Quality Certification for the Lewiston Falls Hydroelectric Project (P-2302)

Dear Ms. Briggs:

On June 8, 2026, the Maine Department of Environmental Protection (DEP) issued a Draft Water Quality Certification for the relicensing of the Lewiston Falls Hydroelectric Project (P-2302). The Maine Department of Marine Resources (MDMR) is an active participant in federal licensing and relicensing activities through the Federal Energy Regulatory Commission (FERC) for these projects. MDMR provided comments on DEP's initial Notification of Project Review for Water Quality Certification for the Lewiston Falls Project and appreciates the incorporation of many of our recommendations into the Draft Water Quality Certification. MDMR provides the following additional comments for consideration in a Final Water Quality Certification.

Please contact Casey Clark (casey.clark@maine.gov; 207-350-9791) or Lars Hammer (lars.hammer@maine.gov; 207-557-1564) if you have any questions.

Sincerely,

Sean Ledwin

Sean Ledwin, Director
Bureau of Sea-Run Fisheries and Habitat

MDMR comments on Draft Water Quality Certification for the Lewiston Falls Project (P-2302)

On August 27, 2025, the Maine Department of Marine Resources (MDMR) submitted comments and eight fisheries recommendations in response to the Maine Department of Environmental Protection's (DEP) Notification of Project Review for Water Quality Certification (WQC). MDMR appreciates DEP's thoughtful review and inclusion of many of our recommendations in the Draft Water Quality Certification (Draft WQC). We provide additional comments below for DEP consideration during development of the Final Water Quality Certification.

PDF Page 18: "The historic extent of upstream passage for American shad, river herring,⁶ striped bass, and possibly sea lamprey has been reported to be Lewiston Falls. Rumford Falls was the historic natural barrier to Atlantic salmon."

MDMR Comment: As stated in our August 27 comments, MDMR believes that Rumford Falls was the historical natural barrier to sea lamprey. You acknowledge MDMR's position in the sea lamprey specific section on PDF page 20. For consistency and to avoid confusion, we request that you also acknowledge MDMR's position within the referenced text on PDF page 18.

PDF Page 18: "Some American eel, Atlantic salmon, and sea lamprey passed as far upstream as Rumford Falls."⁷

MDMR Comment: This text suggests that Rumford Falls may be a barrier to American eel, however in the American eel section on PDF page 20, you acknowledge that eels have been documented above Rumford Falls by the Maine Department of Inland Fisheries and wildlife. For consistency and to avoid confusion, please add this detail to the referenced text on PDF page 18.

PDF Page 37: "WATER LEVELS"

MDMR Comment: In our August 27 comments, MDMR had made a recommendation for implementation of a project operations and flow monitoring plan. The intent of this plan was to outline procedures to limit unnatural fluctuations in discharge that may impact spawning, rearing, and migration of sea-run fish as a result of hydropeaking operations at the upstream Gulf Island/Deer Rips project. MDMR did not see any discussion of this recommendation within the Draft WQC and requests that DEP consider inclusion of this recommendation or at least acknowledgement and discussion within a Final WQC.

PDF Page 39: "The Applicant shall provide temporary upstream eel passage for the first two passage seasons after license issuance."

MDMR Comment: MDMR appreciates the inclusion of this condition in the Draft WQC. MDMR's initial recommendation included **a minimum of two eelways** at the project. We made this recommendation due to the long length (813 feet) of the project spillways and multiple passage routes along the ledges to the base of the spillway. In fact, the licensee's monitoring during the relicensing process identified two congregation points along the spillway where eels were being attracted. Given the long length of the spillway and observed congregation points, it is unlikely that a single eelway will provide safe, timely, and effective passage for eels at the project. Thus, MDMR requests that DEP consider amending the Draft to require a minimum of two temporary and permanent eelways at the project.

PDF Page 40: "The Applicant shall install permanent upstream eel passage in the third year following license issuance. Permanent passage plans must be approved by the Department after a 30-day review period and in consultation with DMR."

MDMR Comment: MDMR appreciates DEP's inclusion of our recommendation in the Draft WQC. MDMR made an additional recommendation for 30%, 60%, 90% and final design review for all new infrastructure developed at the project. Design coordination and concurrence from DMR and DEP is critical to ensure that all new fish passage measures will support safe, timely, and effective passage at the Lewiston Falls project. MDMR requests that DEP consider inclusion of a requirement for consultation and concurrence from MDMR during design review in the Final WQC.

PDF Page 40: "DOWNSTREAM AMERICAN EEL PASSAGE

1. In the first year after license issuance, the Applicant shall implement interim, targeted, nighttime shutdowns. Nighttime shutdowns shall occur from dusk (1/2 hour after sunset) to dawn (1/2 hour before sunrise) during the duration of the downstream eel passage season, August 15-through November 15." MDMR Comment: In addition to the justification provided in our previous comments to DEP, MDMR provides the following additional information to support our recommendation for the downstream eel passage season at the Lewiston Falls project. MDMR recommends that downstream passage measures for American eel be operated from August 15 through November 15 to protect emigrating adult silver eels during their annual spawning migration. This operating period is supported by decades of biological observations and research demonstrating that downstream migration in Maine rivers begins as early as mid-August and continues through the fall in response to declining water temperatures, increased river discharge, and lunar cues.¹ MDMR's monitoring and management programs similarly recognize that adult American eels emigrate from Maine waters during the late summer and fall, generally from August through November, and this period has formed the basis for the Department's recommendations for downstream fish passage protection.

MDMR's recommended operational period is consistent with findings adopted by the Federal Energy Regulatory Commission (FERC) in multiple hydropower licensing proceedings. In the Environmental Assessment for the American Tissue Hydroelectric Project (FERC Project No. 2809), FERC concluded that "the downstream migration period for American eel begins as early as mid-August" and determined that downstream protective measures should begin on August 15 to reduce turbine-related injury and mortality of the earliest migrating eels and continue through November 15.² This migration window has since been incorporated into numerous Maine hydropower licenses, including the Milford Project on the Penobscot River, and is further supported by telemetry studies conducted in the Penobscot River that document downstream migration occurring during late summer and fall and being strongly influenced by seasonal environmental conditions.³

¹ Haro, A., T. Castro-Santos, J. Noreika, and M. Odeh. 2003. Swimming performance of upstream and downstream migrating fishes in relation to fish passage design.

Weaver, D.M., D.B. Sigourney, et al. 2021. Characterizing Downstream Migration Timing of American Eels Using Commercial Catch Data in the Penobscot and Delaware Rivers. Marine and Coastal Fisheries.

² FERC. 2007. *Environmental Assessment for the American Tissue Hydroelectric Project (FERC Project No. 2809)*. Washington, D.C.

³ Mensinger, M.A., E.J. Blomberg, and J.D. Zydlewski. 2021. The consequences of dam passage for downstream-migrating American eel in the Penobscot River, Maine. Canadian Journal of Fisheries and Aquatic Sciences 78:1227–1238.