

April 12, 2024

**State of Maine
Department of Environmental Protection
In the Matter of:**

Green Lake Waterpower Company)	Maine Water Quality Program
Green Lake Hydroelectric Project)	Clean Water Act
Project # L-020024-33-D-N (Approval))	Water Quality Certification (WQC)

Pursuant to the Opportunity to Comment notice issued on 13-Mar-2024 by the Maine Department of Environmental Protection (DEP), Green Lake Water Power Company (GLWP) files these Comments to the draft WQC for the Green Lake hydroelectric project (Project), FERC Project No. 7189.

GLWP believes the draft WQC discussions and conditions of issues related to actual water quality are appropriate and useful (with the exception of some minor points on the fall drawdown). However, the treatment of fish passage issues is misinformed and is not consistent with MDEP’s mission to protect water quality. While some of these aspects of the draft WQC are neutral complications that get in the way and do not contribute to the purpose of the draft WQC, some are antithetical to MDEP’s mission and would do harm to the resources MDEP seeks to protect.

Among the problems with the draft WQC are the following:

1. The Project is not Managed as a Component of a Brookfield Project

Draft WQC Section 1(D). *Existing Project Operation* contains misleading information. The Project is not managed as a component of a water storage system for Brookfield’s downstream power generation. The language in the FLA relating to this was an accidental holdover from the past when Bangor Hydro owned the dam and did manage Green Lake for the benefit of their downstream projects. The Project dam is managed for the Project’s own

generation, which occurs directly downstream of the dam. The Brookfield project does get a benefit from some of the water released from Green Lake at the dam and the powerhouse, and water released by the Hatchery. There is no business or routine operational connection between the Project and the Brookfield Renewable Energy Group project in Ellsworth, and the Project does not receive payments or other compensation from Brookfield for water released. During flood conditions, GLWP coordinates with Brookfield River Control, and others, to make sure unusually heavy water releases from the Green Lake Dam will not cause problems for Brookfield or the City of Ellsworth. It is not accurate to describe this as managing the station as a component of Brookfield's Ellsworth project.

This problem also exists in Sections 4(B)(1)(a & c).

2. Green Lake Does Not Discharge Directly into the Union River

Draft WQC Section 3(A) *Classification* labels Reeds Brook as a “portion of the Union River.” Reeds Brook, while it is a tributary of the Union River, is no more a “portion of the Union River” than the Missouri River would be described as a portion of the Mississippi River. This mislabeling occurs again in Section 3(B)(2).

Draft WQC Section 4(B) *Aquatic Habitat* labels Reeds Brook as “water on the Union River from the outlet of Green Lake”. GLWP does not believe Green Lake, nor the extent of Reeds Brook itself, would be accurately described as being “on the Union River”.

At the end of the first paragraph of this section, the last sentence appears to contain an extra word (highlighted): “The Applicant also must demonstrate that Reeds Brook is of sufficient quality to support indigenous aquatic species **consistent** without detrimental changes in the resident biological community.” Removing the extra word, the sentence meaning still remains somewhat uncertain: no list of indigenous species has been demonstrated or even asserted.

The non-existent list of species indigenous to Green Lake is then used as the basis for claiming that some unspecified diadromous fish are native to Green Lake and Reeds Brook. This assertion is then used as the basis for proving that “the Applicant must demonstrate that the waters of the Union River, including where these waters flow through and over the Green Lake Dam, provide safe, timely , and effective passage of diadromous fish, ensuring that the river is of sufficient quality to support all indigenous aquatic species and that the discharge of the river water from the dam does not cause an adverse impact to indigenous diadromous fish.” As covered above, there is a big difference between Green Lake and Reeds Brook, and “the Union River.” *Green Lake water* is discharged from the dam, not Union River water per se. Requiring the Project to demonstrate that the waters of the Union River (a river outside the Project boundary) provide for the safe, timely, and effective passage of some non-specified list of diadromous fish is neither based on sound science nor logic.

The documents that discuss diadromous fish in the draft WQC Record are the Maine Department of Marine Resources (MDMR) comments on the Project FLA¹ and GLWP response to the MDMR’s comments on the FLA². The MDMR document references the Comprehensive Fisheries Management Plan for the Union River Drainage³ (Union River Plan 2015) to “prove” that Green Lake is historic habitat for various diadromous species. That document states the following: “Runs of anadromous fish were once common in the Union River (Havey 1961), but were extirpated in the late 1700’s and early 1800’s, presumably by construction of dams without fishways, water pollution, over harvest, and other factors.” The Havey 1961 reference is “Havey, K.A. 1961. Union River fish management and restoration. Maine Dept. of Inland Fish and Wildlife, Machias, Maine. 42p.” GLWP has been unable to locate this document as of the date of

¹ Accession # 20230522-5121 – MDMR’s comments on GLWP FLA

² Accession # 20230706-5117 – GLWP Response to the MDMR comments on GLWP FLA

³ Accession # 20150227-5321 – Union River Plan 2015 (Page 19 of the pdf)

these comments. However, GLWP notes that fish runs of anadromous fish were in the Union River. Such fish runs might or might not be present in any particular Union River tributary. The Union Plan 2015 was intended to be in effect “2015 until the current [Ellsworth Project, FERC No. 2727] license expires in 2017.” The reasoning on the 2017 expiration is: “The form and function of the [Union River Fisheries Coordinating Committee] is structured to comply with current FERC license requirements, as it is uncertain what form those requirements will take when FERC issues a new license for the project after the current license expires.” The Ellsworth Project is currently operating on extensions to the license in force in 2015, and the Union Plan 2015 has not been updated since it was released in 2015, so it would still be in effect.

The Union Plan 2015 does discuss Green Lake and Reeds Brook, as well as other lakes and tributaries in the Union River drainage. In section 5.0 *Long Term Fisheries Management Goals and Objectives by River Reach* the Union Plan 2015 states, within the objectives for Reach III are included: “2. Manage Green Lake, Beech Hill Pond, Floods Pond, and Burnt Pond for existing resident species, including landlocked Arctic char, landlocked Atlantic salmon, lake trout, and smallmouth bass.” and “6. Protect Green Lake National Fish Hatchery water supply from introductions of non-endemic/emergency fish pathogens.”

Additional data on fish and aquatic habitat in the Project area is contained in the GLWP response to the MDMR’s comments on the FLA⁴.

Section 4(B)(2) refers to the “waters of the Union River downstream of the outlet of Green Lake (Reeds Brook).” Either this section is referring to Reeds Brook as being the Union River (which is a gross mischaracterization), or it is claiming that the Project must demonstrate that any waters downstream of the Project are of sufficient quality and unimpaired, or it is referring to water as independent of location or habitat. Water from Green Lake flows into

⁴ Accession # 20230706-5117 - GLWP response to the MDMR comments on the FLA

Reeds Brook (unless it flows through the Hatchery) and then into Graham lake, which can be considered “the Union River.” This is vague and subject to interpretation at best. Some sections of the Union River, as well as the Atlantic Ocean, are downstream of the Project.

Section 4(B)(3) states:

“The Green Lake Project is a storage project with all the water of Green Lake flowing through or over the dam, discharging to Reeds Brook. By influencing the flow of the water, the dam and its discharge impacts the ability of fish to pass the section where the dam is located. By influencing fish passage, the dam and its discharge affect the biological integrity of the waters in the Union River downstream. As an aquatic ecosystem, the Union River is home to and supports a variety of aquatic life.

“Diadromous fish are part of the biological community in the river and, due to their migratory nature and life cycle needs, must be able to pass the Green Lake Dam to spawn. Unless diadromous fish can pass the dam, the Union River cannot support these species of fish.”

The Project is primarily a power generation project, not a storage project as stated in Section 4(B)(3).

The draft WQC has already shown that the waters of Green Lake and Reeds Brook, with Project operation, meet the water quality requirements needed to maintain their biological integrity. The draft WQC appears to assume that Reeds Brook and Green Lake are well served and understood by treating them as the main stem of the Union River—this is not sound fisheries management. The Project discharges water to Reeds Brook. Reeds Brook is an intermittent stream⁵. Furthermore, prior to the construction of downstream dams, Reeds Brook discharged into a very large swamp or marsh area. In this configuration, the lower part of Reeds Brook traversed very different habitat from the upper part of Reeds Brook and Green Lake. Reeds Brook attraction flows through a large marsh would tend to attract fish that favored that type of habitat over fish that preferred rocky habitat with deep cold water. Green Lake contains very little habitat that would appeal to fish attracted by a marsh. There is no support for the

⁵ Condition 3. Page 6 of the Licensed Project Development Agreement May 23, 1984 - Revised June 1, 1984 - Included in the Record as part of Accession # 20230522-5074

conclusion migratory fish must be able to pass the Green Lake dam to spawn and absent such passage the Union River cannot support these species of fish.

Green Lake is an aquatic ecosystem that supports a variety of aquatic life. It has a thriving and unique resident biological community. It is characterized by deep cold water. Graham Lake, downstream, is a warm shallow lake. Speculative passage of fish from Graham Lake up into Green Lake is likely to at best stress one or more species already in Green Lake and at worst decimate them. Where is consideration for these fish? Their management is called for in the Union Plan 2015 as well as diadromous fish.

Fish passage for an open ended list of diadromous fish is called for in the draft WQC. The draft WQC is a bit vague on exactly what is required for this. Section 4(B)(3)(a) states:

“All of Maine’s native diadromous species are found in the Union River system, but only River Herring (Alewife and Blueback Herring) and American eel are known to occur within the Green Lake Project boundaries. Green Lake is located within the Gulf of Maine distinct population segment of federally endangered Atlantic Salmon and occurs within the designated critical habitat of that species.”

There are several problems with these statements:

- 1) All of Maine’s native diadromous species could be an open ended list. It could include, for example, fish that are no longer present in Maine waters.
- 2) The Project boundary extends from the extremes of Green Lake to the lower reaches of Reeds Brook. The presence of a species of fish at the lower reaches of Reeds Brook, nor even in Reeds Brook near the dam, on at least one occasion does not prove that species of fish would have historically used Green Lake or Reeds Brook as habitat.
- 3) The presence of a project in the general vicinity of some critical habitat of an endangered species does not prove that the project area *was, is or would be* critical habitat for that species. Natural barriers (such as intermittent streams or

falls) can impact whether a particular area is actually habitat for a species.

50 CFR 226.217 provides that critical habitat includes "all perennial streams" and 50 CFR 226.217 specifically provides that the general location map is a not definitive source for determining critical habitat boundaries. Reeds Brook is an intermittent stream, not a perennial stream.

- 4) However the Green Lake National Fish Hatchery is *known* to be critical habitat for the endangered Atlantic salmon. Having a safe, dependable water supply is part of protecting the Hatchery. The Project provides safety and reliability protection for the Hatchery's water supply.

3. The Project is not Required to Provide Flow Into the Hatchery

Draft WQC Section 4(A)(1) states that "The Applicant is also required to provide up to 30 cfs of flow from Green Lake into the GLNFH." The original license of 05-Apr-1984 was amended by a FERC order of 25-May-1984 which changed Article 29. The new (current) Article 29 states that the Licensee must ensure that "operation of the Project will not interfere with the ability of the hatchery to draw water in an amount up to thirty (30) cubic feet per second (cfs) from the Lake at any time". Article 29 also made clear that GLWP only has a requirement to supply water via Project structures when "the hatchery's priority use of up to 30 cfs is unavailable through its existing water supply lines" and that the hatchery shall not draw water through Project structures "as an alternative to proper, continued maintenance and use of its existing water supply lines."

The provisions of Article 29 of the amended license reflect the terms of the Development Agreement⁶ in place between FWS and GLWP. This agreement was in place when the license was amended, and is still in place and in force today.

Section 4(B)(3) states “The Green Lake Project is a storage project with all the water of Green Lake flowing through or over the dam, discharging to Reeds Brook.” This is not accurate. The Project does not control all the water of Green Lake that passes the dam. Some of the water that flows out of Green Lake is used by the Hatchery and discharged by the Hatchery directly to Graham Lake. Also, as covered above, the Project is not primarily a storage project.

4. The eel passage Settlement Agreement Text Inclusion is Superfluous

Section 4(B)(3)(c) contains the modified text of much of the eel passage Settlement Agreement reached between GLWP and USDOJ (Agreement). The inclusion of a large amount of unnecessary text in the draft WQC makes the document harder to read and understand, and also more subject to error, which is significant (see #5 below). The last paragraph of Section 4(B)(3)(c) and Section 4(B)(3)(d) proceed to expound contents of the Agreement. Including a mention of the Agreement and the draft WQC’s statements about it should suffice.

Definite interpretation of the draft WQC is further hindered by including back references to earlier sections in the Conditions section of the document.

5. The Draft WQC Invalidates the Settlement Agreement

One of the sections of the Agreement that is not included in Section 4(B)(3)(c) discusses withdrawal rights. Per the Agreement: “GLWP may unilaterally withdraw from this Agreement if [...] a state agency issues a water quality certification that contains fish passage conditions for American eel that are materially additive to, or materially inconsistent with, the terms of this

⁶ Licensed Project Development Agreement May 23, 1984 - Revised June 1, 1984 - Included in the Record as part of Accession # 20230522-5074

Agreement, and the water quality certification issued by said state agency is not thereafter satisfactorily modified after administrative and judicial appeals are pursued by [GLWP...].”

Sections 4(B)(3)(d-e) and Section 7 are materially additive to, or materially inconsistent with, the terms of the Agreement. Section 4(B)(3)(c) may be as well.

MDEP has adopted MDMR fish passage recommendations to include strong, onerous conditions in the WQC which are not based on sound science or reason. The documents in the draft WQC Record that appear to support this position are the MDMR document containing comments on the Project FLA and related documents⁷. Along with these documents the GLWP reply document⁸ should also be considered. Inspecting the MDMR documents presents a picture of what such requirements as MDMR approval of designs or fish passage issues means. MDMR is requiring that “all designs are to be consistent with the most current version of the Service’s Fish Passage Engineering Design Criteria Manual (USFWS 2019 or subsequent version).” The 2019 Design Criteria document is what the Agreement requires GLWP and USFWS “strive to meet” in the eel-passage designs, a wording that recognizes the unique nature of Green Lake, Reeds Brook, and the Green Lake Dam. The USFWS Design Criteria document requires a minimum fish passage flow that is not available at Green Lake during periods when fish passage operation is required⁹. This is true whether GLWP operates or not--Reeds Brook is an intermittent stream.

6. The Draft WQC Violates the ESA

The draft WQC appears to be aimed at forcing the removal of the Green Lake dam. Conditions 3(F-G) create a requirement for open ended fish passage, within a specified time,

⁷ Accession # 20230522-5121 - MDMR comments on the Project FLA

⁸ Accession # 20230706-5117 - GLWP response to the MDMR comments on the FLA

⁹ Accession # 20200320-5152 - GLWP Response to NMFS Study Dispute – included in the record under /application materials/GLWP-FLA-Files/11-20220331-5449_Green-Lake-FLA-Exhibit-E-Appendix-D-Study-Planning.pdf – starting at page 206 of the pdf

from an indeterminate date. Other places in the draft WQC create the requirement that all fish passage measures require MDEP approval with no stated criteria nor timeframe for such approval. It is not clear that even the needed approvals for fish passage could be acquired within the specified 6-month timeframe, let alone design and construction of fish passage that works properly without the seasonal availability of required water flow to support fish passage. The draft WQC has specific requirements on how GLWP must document MDMR consultations. MDIFW consultation is required, along with MDMR consultations, in various places in the draft WQC, yet MDEP does not include any requirement for MDIFW consultations to be given the same documentation consideration as MDMR. MDMR, in its comments on the Project FLA has clearly shown that it views the requirements for fish passage at the Project to be blindly dictated by the Union River watershed as a whole, rather than based on a scientific understanding of some of the unique aspects of Green Lake and native species managed by MDIFW, Reeds Brook, and the Project.

It appears that MDEP's intent is to require MDMR approval of all fish passage measures at the Project. Along with the open-ended requirements for fish passage on a very tight timeframe, with insufficient water available at the site, this appears designed to make fish passage impossible to implement as specified. GLWP believes MDMR's answer to this is removal of the dam, as demonstrated by MDMR's actions on the Kennebec River.

Shutdown of the Project, even without removal of the dam, removes the protections of the Hatchery water supply currently provided by the Project license and Development Agreement. Removal of the dam would do the same, plus require that the Hatchery install expensive pumps to get the needed water from Green Lake. The net effect of either of these scenarios would harm the Hatchery, which would be harming critical habitat of the endangered Atlantic salmon—primarily for the benefit of non-endangered species.

7. The Draft WQC Imposes Unneeded Fall Drawdown Requirements

The fall and spring drawdown descriptions in draft WQC Section 1(D), Section 4(A)(1), and Condition 1(A) should be modified to remove the stipulation that the fall drawdown be completed by October 15 and the stipulation that the water level not be reduce below the October 15 level during the winter or spring drawdowns. The summer and winter levels should remain as they are in the draft WQC.

MDIFW has determined that Arctic charr spawn at a deep enough level in Green Lake that the maximum fall drawdown level will not impact Arctic charr. GLWP verified, via a phone conversation with MDIFW on 09-Apr-2024 and an email message on 10-Apr-2024 that Arctic charr spawn at depths below 6 feet in Green Lake. They spawn in historical grounds that were established before the Green Lake Dam was built and are deep enough that MDIFW staff have been unable to catch them in their trap nets.

Since Arctic charr spawn deeper than 6 ft in the lake, their eggs won't be dewatered or impacted by ice even at the deepest allowed drawdown level (3.2 ft below full pond) combined with more than 2 ft of ice on the lake. Removing the October 15 restriction on the fall drawdown and the associated level restriction on the spring drawdown could allow summer levels to extend further into the fall, enhancing fall recreation opportunities, and it could also allow better regulation of the winter and spring water levels to reduce ice and flooding dangers for lake residents. Delaying the fall drawdown could also allow benefits for the Hatchery by allowing GLWP to perform some routine maintenance in the fall rather than the summer and by maintaining more water pressure on the Hatchery's pipes during the fall.

GLWP is updating the FLA Exhibit A to reflect this and other changes.

8. Timing of Fish Passage Requirements

Condition 3(F) provides that within six months of the issuance of a new license with fish passage or dam removal at the downstream Ellsworth Project, the applicant must implement fish passage at the Green Lake Project for the same species. Given the intermittent nature and limited flow of Reeds Brook, the inability of such flow to support usual and customary fish passage design, and the significant ecological differences between dam removal and fish passage at the downstream Ellsworth Dam, Green Lake requests that the MDEP forego ordering fish passage beyond that agreed upon by Green Lake and USFW, or dam removal, at the Green Lake Project until changed circumstances indicate significant numbers of diadromous fish actually present at the Green Lake dam for upstream passage. This will facilitate continued operation of the Green Lake Project in support of the fish hatchery and recreational opportunities, and preserve existing renewable electric generation.

9. Fish Passage Likely Makes the Project Nonviable

Fish passage as contained in the draft WQC would likely make the Project nonviable. One of the main factors that influences this is that the Project penstock will need to be replaced within the next 10 years or so because of escalating maintenance costs. This is combined with the fact that electric rates, when adjusted for inflation, are less than when the Project was originally licensed—the electric rates that originally constructed the Project facilities are no longer available. Maintenance costs for the Project continue to go up with inflation and as facilities age, but going forward the project has the advantage of not needing to completely build the Project structures. The cost of the regulatory and relicensing burdens on the Project have also gone up.

GLWP believes the Project can fund itself and operate responsibly into the future. GLWP is not against fish passage in general, where it is justified, practical, and effective. The eel-passage agreement with DOI demonstrates this. The Project provides benefits to Green

Lake, Reeds Brook, and many people and groups involved with them. The Project has a demonstrated history of voluntarily working with the Hatchery to benefit their mission, and GLWP has hope this can continue.

Evaluating the Project's viability is largely about risk. Future electric rates are unknown. Future maintenance expenses are somewhat unknown. The final cost and timing of replacing the penstock are unknown. Eel passage design, construction, and operation expenses are largely unknown until final design and operation plans are approved, and then are somewhat unknown after that (since all these are subject to change). Adding open-ended fish passage, with hard deadlines and strict requirements that are impossible to meet, into this financial mix increases the Project risk greatly. It very likely would make the Project nonviable.

Requiring fish passage at the dam ignores the fact that the Green Lake watershed does not have sufficient flow during the fish passage period to maintain water levels for recreation and the Hatchery, and operate standard design fish passage¹⁰—even with large capital outlay for equipment used during extremely limited fish passage periods. Because of this, general fish passage at the dam would not accommodate enough anadromous fish to make a difference in the Union River anadromous fish populations. Unlike many areas in coastal Maine, there is no historical evidence suggesting large numbers of anadromous fish ever inhabited Green Lake since the retreat of the most recent glaciers—and the Union River Basin was very different at that time.

10. DMR is Using DEP to Prescribe Fish Passage

DEP has done a good job of evaluating Green Lake and Reeds Brook water quality and effects on water quality from the Project. They have been forced into untenable territory on fish

¹⁰ Accession # 20200320-5152 - GLWP Response to NMFS Study Dispute – included in the record under /application materials/GLWP-FLA-Files/11-20220331-5449_Green-Lake-FLA-Exhibit-E-Appendix-D-Study-Planning.pdf – starting at page 206 of the pdf

passage. From reading the documents in the WQC Record and the draft WQC itself, it appears that this is at the demand of DMR. Through the conditions in the draft WQC DMR is essentially empowered to require any fish passage measures it desires in the future. GLWP is then required to document how it agrees with these measures and provide information to DEP on any basis that could be used to challenge them so DMR can counter them. GLWP does not believe this is how cooperative consultation works.

DMR has a proper, above board, way to request and justify fish passage during a FERC relicensing. DMR knows that their 10(j) requests are subject to FERC weighing all factors involved. GLWP has received multiple anecdotal agency and industry reports on DMR doing the rounds with various agencies aggressively pushing extreme fish measures based on questionable science. This appears to be described as interagency “consultation” by DMR. MDMR and some of the agencies involved (such as USDOJ, USNMFS, and MDEP) have adjudicatory powers in various areas that are related to relicensing. It is likely that MDMR has violated Maine’s, and likely FERC’s, ex parte laws during their “consultation” activities.

11. DEP is Struggling to Prescribe Fish Passage

Arguing that having sufficient water quality for fish habitat requires that fish be given access to that habitat is like claiming the similar requirement for “navigation” requires GLWP construct a canal and locks at and below the dam. DEP is not authoritative on fish issues, so they must depend on DMR for an "understanding" of the issues involved.

DMR has a vested interest in being able to claim that they “reopened habit” to diadromous fish. They issue licenses in Maine for harvesting young eels and alewives and regulate these fisheries. Per the Union River Plan¹¹ DMR’s alewife escapement goal is 15% of

¹¹ Accession # 20150227-5321 – Included in the Brookfield 2014 Annual report (Page 10 of the plan)

the projected alewife run. Their plan is to directly authorize the killing of 85% of the returning alewives, largely for lobster bait.

GLWP's reason for pointing this out is not to express disapproval, but to make clear that alewife runs are a matter of commercial harvest, not the restoration of an endangered species. The public's interest in recreation, Maine's interest in green power related to commercial power generation at the Project, and the Hatchery's interest in a safe, reliable water supply should be evaluated against commercial benefits from fish passage. A black and white, "at all costs," attitude for or against fish passage is unlikely to be in the public interest.

DMR has a history of wildly overoptimistic projections on fish returns¹². GLWP believes that DMR is continuing that tradition by viewing Green Lake only as a number of acres in the Union River Watershed. They have ignored the fact that there is little desirable habitat in Green Lake for key species they are trying to pass¹³. There is no proof that Green Lake has been historically significant habitat for these species. There is a likelihood of introducing undesirable or invasive species through fish passage. Valuable resident species are likely to be adversely affected by fish passage. In reality, Green Lake is a unique lake with attributes not well understood by looking at the Union River watershed as a whole.

Fish and fish habitat must be understood well to reach sound, scientific conclusions on fish passage. The relevant physical and hydraulic aspects of a project location must also be well understood. DEP blindly counting on DMR to make judgements in these area is not helpful to the State of Maine.

¹² Accession # 20150227-5321 – Included in the Brookfield 2014 Annual report (Page 10 of the plan)

¹³ Accession # 20230706-5117 - GLWP response to the MDMR comments on the FLA

CONCLUSION

Among the actions needed to turn the draft WQC into a useful document are the following:

1. Remove the sections and conditions requiring fish passage.
2. Remove the superfluous inclusion of the text of the agreement between GLWP and USFWS on eel passage.
3. Remove the fall drawdown October 15 end date as well as the restriction that the spring drawdown be no lower than the October 15 level. Leave the summer and winter levels as they are in the draft WQC.
4. Fix any remaining references to Green Lake and Reeds Brook as the Union River, and false statements about fish resources and any other remaining problems mentioned above.

Respectfully submitted,

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Dated: April 12, 2024