



STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
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**VIA ELECTRONIC FILING**

January 29, 2022

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Subject: **Green Lake Dam Project (FERC No. 7189)**  
**MDIFW COMMENTS ON DRAFT LICENSE APPLICATION**

Dear Secretary Bose:

The Maine Department of Inland Fisheries and Wildlife has reviewed Green Lake Water Power Company's Green Lake Hydroelectric Project FERC No. 7189-014 Draft License Application (DLA). The Project is located on Green Lake and Reeds Brook in the City of Ellsworth, Hancock County, Maine.

The Maine Department of Inland Fisheries and Wildlife (MDIFW) was originally established in 1880 to protect big game populations; since then, MDIFW's mission has evolved in scope to include protection and management of fish, non-game wildlife, and associated habitats. Per 12 MRSA, §10051:

*The Department of Inland Fisheries and Wildlife is established to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; to provide for effective management of these resources; and to use regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.*

Nowhere in our Department's legislative mandate is MDIFW required to differentiate fisheries and wildlife management strategies between naturally occurring lakes and artificial, or artificially modified, lakes. The waters and aquatic resources utilizing these waterbodies belong to the People of the State of Maine and MDIFW has the stewardship responsibilities for the management of inland fisheries and wildlife resources and respective habitats in all public waters of the State for their preservation, protection, enhancement, and use.

It is our understanding of the FERC process that "*assessing project effects is directed primarily at describing the existing (baseline) project-related environment and assessing the beneficial and adverse effects that the proposed project and its operation would have on these resources*". To that end, we offer the following comments and corrections on the DLA, noting that other resource agencies have commented and addressed inaccuracies under their respective purview:

### Section 2.1.1 Reservoir and Storage

The DLA states, “*The Project manages the lake level on Green Lake to maintain recreation values, allow a dependable water supply for the Green Lake National Fish Hatchery (GLNFH), and to protect lake trout spawning habitat.*”

MDIFW has stocked lake trout in Green Lake since 1961, and as a result of numerous underwater surveys it has been determined that Green Lake does not contain habitat suitable for spawning lake trout nor is there evidence of spawning. We recommend “*...and to protect lake trout spawning habitat*” be removed for the Final License Application (FLA).

### Section 2.1.8 Fishway Facilities

As been previously stated, any planned reintroduction of river herring into Green Lake should be coordinated with MDIFW based on the outcomes of discussions and research being undertaken within the joint Federal and State partnership of the Alewife Interaction Committee to reach a balanced approach to comanaging resident lake and diadromous species in this and other waters around the State. As has been previously stated, density dependent interactions between anadromous alewives and landlocked rainbow smelt remain an ongoing concern of our Agency. Landlocked smelt are the primary forage species for landlocked salmon, which are native to Green Lake, one of only four lakes in Maine to which landlocked salmon are endemic. Additional concerns relate to preventing invasive species from being introduced above said licensed dam in the advancement of diadromous fish restoration. Green Lake’s tributaries also have very limited spawning and rearing habitat for its native landlocked salmon, and MDIFW desires to protect this limited habitat from future threats of other species displacing and utilizing this native fishes’ reproductive area. We believe there are options that would support both restoration and controlling the spread of invasives at Green Lake.

The FLA should be clear that MDIFW remains committed to working with our State and Federal partners in studying the above concerns should fish passage be considered during the term of the new license, and MDIFW should be party to any future discussions pertaining to fish passage for sea run species during the term of the new license. Therefore, our comments should not be interpreted as conflicting with the other State and federal resource agencies that are stakeholders to this relicensing.

### Section 3.7 Consultation

The DLA states that Susan Bard is an MDIFW Fisheries Biologist. Any future reference to Ms. Bard (who is no longer employed with MDIFW) in the FLA should be corrected to Wildlife Biologist.

### Section 5.1 Background

The references to the fish screens should clarify that the screens were installed to prevent landlocked salmon from leaving the lake.

### Section 5.3.1 Species

The FLA should reference that lake trout have been stocked in Green Lake since 1961, and the stocking rate be clarified that MDIFW is currently stocking lake trout every other year, not “*about half of those years*” as stated in the DLA.

The DLA states, “*Arctic charr are believed to be native to the lake.*”

The FLA should be clarified that it has never been firmly established that Arctic charr are native to Green Lake as Arctic charr were stocked in the late 1800’s; however, Green Lake does now support a wild population of Arctic charr.

### Section 5.3.3 Environmental Analysis

The DLA states, “*It is unlikely that any fish or wildlife species in Green Lake is unduly stressed by the current lake management method, which is similar, but less extreme than, the prior lake level management approach.*”

As no fish or wildlife studies were conducted to verify this, we recommend that this statement be omitted from the FLA.

### Section 5.3.3.4 Arctic Charr

The DLA states, “*Arctic char spawn during the fall in water that is 1.5 to 6 feet deep...*”

The FLA should be clarified that Arctic charr likely spawn at depths deeper than 6 feet at Green Lake.

### Section 5.4.2.1 Loon

At a regional scale (northeastern United States), Maine has a high responsibility for loon conservation. Loons face a variety of challenges throughout their range and every subpopulation is important for species resilience. Until the late 19<sup>th</sup> century loons could be found as far south as Pennsylvania, throughout New York, and in all the New England states except Rhode Island. The declines and range retraction were primarily due to human activities such as sport hunting and shoreline development. There are now efforts underway to restore loons to parts of their historic range, specifically in Massachusetts. Efforts to reduce human impacts resulting from shoreline development, artificial water level fluctuations, increases in mercury, oil spills, lead fishing tackle, and disturbance have been undertaken over the last decade and continue to impact loons in a positive direction. State, federal, and non-governmental organization partners are currently working to restore the 531 loons killed during the 2003 B-120 tank barge oil spill in Buzzard’s Bay, Massachusetts, which includes the dedication of nearly \$1.5 million for loon restoration in Maine.

As proposed in the DLA, by waiting until June 1 to set the water level by which fluctuations cannot vary more than a 6-inch increase or 1-foot decrease, loon nest initiation dates get pushed back at least two weeks, potentially leading to reduced nesting success, particularly in situations

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when their first nest fails. Later nesting can result in fall and winter iced-in loons becoming more frequent.

Without knowing the number of territorial loon pairs, their exact chronology, the locations and characteristics of their established territories and nest sites, and productivity measures, MDIFW recommends:

1. Maintaining stable water levels through the typical nesting season, with no more than 0.5 vertical foot up or 1 vertical foot down occurring within a 28-day period during the loon nesting season (May 15 – July 31); or
2. Development of a loon raft management plan. The plan would require hiring professional biological consultants with loon monitoring experience to conduct an initial 3-year study to identify territories, determine productivity, and deploy rafts where suitable. After consultation with and approval from both MDIFW and USFWS, these rafts would then be deployed, maintained, and monitored annually by professional biological consultants, with periodic reporting to both MDIFW and USFWS, for the duration of the new license.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,



John Perry

Environmental Review Coordinator

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