

1 STATE OF MAINE
2 DEPARTMENT OF ENVIRONMENTAL PROTECTION
3
4 IN THE MATTER OF BLACK BEAR HYDRO PARTNERS, LLC
5 APPLICATION FOR THE RELICENSING OF THE
6 ELLSWORTH HYDROELECTRIC PROJECT
7
8 PUBLIC MEETING
9
10 Reported by Robin J. Dostie, a Notary Public and
11 court reporter in and for the State of Maine, on July
12 9, 2019, at the Ellsworth High School, 299 State
13 Street, Ellsworth, Maine, commencing at 5:00 p.m.
14
15 REPRESENTING DEP:
16 MARK BERGERON, BUREAU OF LAND RESOURCES DIRECTOR
17 KATHY HOWATT, HYDROPOWER COORDINATOR
18 CHRIS SFERRA, HYDROPOWER SPECIALIST
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1 Department as part of the Federal FERC relicensing
2 process for the continued operation of the Ellsworth
3 project. The Department is currently reviewing this
4 Water Quality Certification application. Due to the
5 significant public interest in this application, the
6 Department has decided had to hold this public
7 meeting to gather your comments on this project. The
8 Department will be making a decision on this
9 application by March 20, 2020, which is the FERC
10 statutory deadline.
11 There are two dams with their associated
12 impoundments that make up the Ellsworth project. The
13 first dam, the Graham Lake Dam, creates Graham Lake
14 and its functions -- and it functions as a storage
15 reservoir. There are no electrical generating
16 facilities in the Graham Lake Dam. The second dam,
17 the Leonard Lake Dam, creates Leonard Lake, which is
18 downstream from the Graham Lake Dam. The Leonard
19 Lake Dam has four turbine generator units with a
20 total nameplate rated capacity of 8.9 megawatts. The
21 Unity River connects the two dams.
22 The Department's role in the relicensing
23 process is to ensure that the operation of the dam
24 does not violate Maine's water quality standards.
25 These standards relate to the waterbody's physical

1 TRANSCRIPT OF PROCEEDINGS
2 MR. BERGERON: Good evening, everybody.
3 AUDIENCE MEMBER: Good evening.
4 MR. BERGERON: Can everybody hear me okay?
5 AUDIENCE MEMBER: Yes.
6 MR. BERGERON: Great. Thank you. I want to
7 welcome you to the Maine Department of Environmental
8 Protection's public meeting on the application of
9 Black Bear Hydro Partners, LLC for the relicensing of
10 the Ellsworth Hydroelectric project. My name is Mark
11 Bergeron and I am the manager in the Land Bureau of
12 the Maine DEP and I will be overseeing the meeting
13 tonight. Thank you very much for attending and
14 participating in tonight's meeting. We greatly
15 appreciate you coming to share your comments with us.
16 Other members of the Department staff with
17 me tonight include Kathy Howatt, the hydropower
18 coordinator and project manager for this project.
19 And Christopher Sferra, a specialist helping us
20 tonight with public commenters. You will also note
21 that we have a transcriptionist here recording
22 tonight's meeting. Robin Dostie of Dostie Reporting
23 will be producing a transcript for the Department.
24 Black Bear Hydro Partners, LLC has filed an
25 application for Water Quality Certification with the

1 characteristics like minimum dissolved oxygen levels
2 as well as its designated uses like recreation,
3 fishing and aquatic habitat. Existing in-stream uses
4 must also be protected under the Maine
5 anti-degradation policy.
6 The Department looks at the potential
7 impacts of the project operations on the water
8 resources including the two impoundments and the
9 Union River below each of the dams. The impacts
10 considered by the Department generally include
11 habitat for fish and other aquatic organisms, water
12 quality and stability of the trophic state of the
13 water, dissolved oxygen and whether the designated
14 uses of recreation uses, fishing, drinking water
15 supply and agriculture are met.
16 A handout is provided at the door where you
17 entered with more detailed information about the
18 Department's review criteria. Questions have been
19 raised to the Department regarding how turbidity is
20 addressed through the Water Quality Certification
21 process, so I want to give you some insight into
22 that. Maine's water quality standards do not specify
23 a measurement for turbidity but it affects other
24 aspects that we do review. For example, turbidity
25 can reduce the amount of light that penetrates

1 through the water which in turn can limit the habitat
 2 where plants can grow and where fish and other
 3 aquatic organisms can find food or refuge. Turbidity
 4 can also increase the phosphorous in the water, which
 5 would affect the trophic state of the lake and
 6 excessive turbidity and water discharged from the dam
 7 can cloud habitat immediately downstream of a dam and
 8 may change the aquatic community structure. Each of
 9 these are examples of turbidity impacts that are
 10 evaluated through the Water Quality Certification
 11 process.

12 Our goal tonight is a fair and productive
 13 meeting to gather your comments. We are here to
 14 listen to and consider your concerns. We would like
 15 to ensure that everyone has the opportunity to speak,
 16 so I ask that you all respect each other's right to
 17 present his or her viewpoint. Please make this as
 18 productive a public meeting as possible by limiting
 19 your comments to specific issues regarding the
 20 proposed project and to those topics over which the
 21 Department has jurisdiction. Please limit your
 22 comments to those related to Maine's water quality
 23 standards, which include topics such as, as I have
 24 mentioned before, fishing, recreation, navigation and
 25 agriculture, fisheries and wildlife habitat, and

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1 issuance of a draft Department Order. Written
 2 comments should be sent to the Department of
 3 Environmental Protection, attention Kathy Howatt, 17
 4 State House Station, Augusta, Maine, 04333. And we
 5 encourage you to send in your comments sooner than
 6 later so that we can review them.

7 One reminder also for everybody to turn off
 8 or silence their cell phones please. That will be
 9 helpful. And, again, thank you for your attendance
 10 and participation in this meeting tonight.

11 Are there any questions on the format of
 12 tonight's meeting before we begin? Yes, sir.

13 AUDIENCE MEMBER: (Scott Sells.) Just one
 14 question. You mentioned a draft order, do you have
 15 any -- do you intend to do a draft certification and,
 16 if so, what would be the timing of that draft?

17 MR. BERGERON: For those that couldn't hear
 18 that question there was a question of if the DEP was
 19 going to be issuing what we call a draft order, which
 20 is essentially a draft of what the final licensing
 21 decision is going to be. The answer is, yes, we will
 22 be issuing one of those. It will likely be sometime
 23 late winter or early spring before the March 2020
 24 deadline.

25 AUDIENCE MEMBER: (Scott Sells.) Thank you.

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1 other water quality issues.

2 There are sign-up sheets located at the door
 3 where you walked in for any of the members of the
 4 public who would like to speak this evening. If you
 5 would like to speak but have not signed-up, please do
 6 so now. If you do not wish to speak tonight but want
 7 to submit written comments to the Department, please
 8 see Kathy after the meeting for her contact
 9 information. All public comments received tonight
 10 and throughout the processing of this application
 11 will be reviewed and considered as the Department
 12 makes a decision on this application. We will call
 13 upon those who have signed-up to speak. When your
 14 name is called, please come up to one of the
 15 microphones, either one, and identify yourself by
 16 name, place of residence and affiliation, if any,
 17 before beginning your comments. Based on the number
 18 of persons wishing to speak, I likely won't limit
 19 each time -- limit time that each speaker has, but we
 20 encourage you to summarize your main points in just a
 21 few minutes. When you speak, please try to speak
 22 slowly and clearly so that Robin can record your
 23 comment.

24 If you do not want to speak this evening but
 25 still wish to comment, you may do so until the

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1 MR. BERGERON: Seeing no other questions,
 2 we'll start with our first speaker. Scott Sells, and
 3 Dwayne Shaw, Kathy Button, and Bob Wood. If you can
 4 come up and start lining up behind the microphones
 5 that would be great. Thank you.

6 AUDIENCE MEMBER: Good evening. My name is
 7 Scott Sells. I am an attorney. I currently reside
 8 in Cape Elizabeth and I am offering comments tonight
 9 on behalf of the Downeast Salmon Federation. I'd
 10 like to begin my comments with a small clarification
 11 regarding this important clean, renewable resource as
 12 the subject of today's hearing.

13 Generally speaking, hydroelectric dams are a
 14 major source of water quality impairment. Their
 15 existence and operation alter temperature regimes of
 16 entire river systems, allow dissolved gas
 17 supersaturation, cause in-stream flows and
 18 impoundment elevations to fluctuate, eliminate
 19 spawning and rearing habitat for indigenous and
 20 anadromous fish, facilitate increased predation of
 21 fish, and directly kill fish through their operations
 22 as we continually observe here on a repeated basis.

23 Given the adverse effects dams can have on
 24 designated uses like maintaining aquatic species'
 25 habitat or reserving fishable waters, the state's

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1 Clean Water Act 401 jurisdiction is critical and
2 should not be deferred, ignored, or otherwise avoided
3 as the fisheries in the State of Maine remain a
4 lifeblood of this state and as such are a uniquely
5 state matter.

6 Further, there is nothing about effective
7 and timely fish passage that affects the renewability
8 of the resource, only its short-term economics. With
9 fish passage the water still flows, the turbines
10 still spin and the owner/operator still generates its
11 revenue. Even if the resource is affected as with a
12 temporary shutdown during a run there are ample
13 replacement options in a state that exports its
14 renewable energy.

15 So how did we get here today? With seasonal
16 fish kills that increase in severity, resulting on
17 NOAA, or the National Oceanic Atmospheric
18 Administration, deeming them, quote, substantial,
19 closed quote, and that continues to increase in
20 severity as increased populations of alewives attempt
21 to migrate that are unable to do so without being
22 entrained and killed. The last, most recent kill put
23 a lot of dead fish and fish parts in the downstream
24 stretch of the Union, a lot of biological material
25 effluent that would not be there but for the

1 Nor are federal prescriptions addressing
2 this matter. The endangered female salmon recently
3 captured and detected will need to presumably wait
4 three years for males to come upstream through
5 biological effluent to spawn and another 15 years for
6 adequate downstream fish passage to return to the
7 sea. This should be unacceptable from both a
8 fisheries and water quality standpoint.

9 This brings me to the importance of the
10 state's authority to do something about it as
11 affirmed by the U.S. Supreme Court in the 2006 S.D.
12 Warren case.

13 Surely temporary measures can be put in
14 place to address a clear water quality issue.
15 Incredibly, during the last run there was no complete
16 turbine shutdown even during the peak of the run, and
17 contrary to the owner's representation to the Natural
18 Resources Legislative Committee in Augusta at least
19 one turbine was kept running. That's a little like
20 saying the blender is only going to run on low. Same
21 result, more effluent in the water downstream just at
22 a lower rate. The rationale given of course was that
23 fish would be lost over the spillway at low tide. No
24 mention was made of a temporary or permanent plunge
25 pool as seen, for example, at Cobbossee and no

1 operation of the turbines and lack of effective fish
2 passage.

3 These fish kills are not merely unfortunate,
4 and that is a term that the DMR has used, or
5 insubstantial with respect to indigenous fish
6 populations. There has been no independent study or
7 monitoring to determine what the mortality rate is,
8 much less how much of the alewife population is
9 affected. There is a lot of speculation and a lot of
10 the fox guarding the chicken coop and reporting that
11 everything appears to be just fine.

12 This despite a historical record at least
13 through the nineteenth century that documents the
14 presence of several indigenous species being affected
15 by this facility including shad, eels, North Atlantic
16 salmon and of course alewives, all species vital to
17 Maine's fisheries and its economic well-being.

18 Here, however, the facility's operation has
19 resulted in major turbidity events, extreme water
20 level drawdowns of Graham Lake and of course a lot of
21 dead fish. Not once, but in a predictable repeating
22 pattern. In short, by any measure, turbidity,
23 biological effluent downstream of the dam, indigenous
24 species mortality and habitat impact, Ellsworth Dam
25 cannot reasonably be described as a clean resource.

1 mention of what increased fish mortality resulted
2 from the continued operation of the single turbine.

3 Similarly, there is resistance by the owner
4 and operator of this dam to the 4.5 foot FERC
5 drawdown recommendation. The rationale seems to be
6 economically driven as well as it appears that state
7 water quality standards cannot be met merely by
8 cycling the turbines here. DSF believes there is
9 ample scientific and legal justification for limiting
10 the drawdown to three feet. However, DSF supports
11 the FERC number and suggests the state should as well
12 as this is protocol that has been established and
13 followed elsewhere in other areas. DSF will continue
14 its support of the 4.5 drawdown level in further
15 comments on the record.

16 In closing, I want to encourage the
17 Department to focus on what is really happening here.
18 Because of inadequate fish passage, what was a
19 historic alewife run is now only currently sustained
20 by stocking with no independent study or quantitative
21 idea on what the impact of mortality is during a
22 seasonal run is on the overall population. There is
23 no adequate eel escapement or anything specifically
24 designed for shad, also both species indigenous to
25 the Union. The trap and truck method and downstream

1 passage for salmon and alewives is woefully
 2 inadequate as evidenced by the repeated fish kills.
 3 Then there are the secondary water quality effects
 4 which include a substantial amount of biological
 5 effluent downstream of the Ellsworth Dam and
 6 increased turbidity and extreme drawdowns affecting
 7 Graham Lake and those who live and try to enjoy its
 8 benefits. The 86/87 Water Quality Certification
 9 contains no material enforcement provisions with
 10 respect to these observable impacts, no incidental
 11 take for endangered and threatened species and is
 12 obviously not adequate in a new fish regime where
 13 there are more alewives and the presence of migrating
 14 salmon has been detected, North Atlantic salmon being
 15 an endangered and threatened species. There is a
 16 clear need for conditions in the certification to end
 17 historical and seasonal fish kills. This is
 18 happening over and over again. These respectfully
 19 include, one, complete temporary turbine shutdown
 20 during the peak of the run, which is not now
 21 occurring; two, effective and accurate independent
 22 monitoring of indigenous species including shad,
 23 eels, salmon and alewives during seasonal migrations;
 24 and three, a permanent plunge pool to accommodate
 25 spillway escapement.

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1 were listed as an endangered species, so we have an
 2 important role to play. We've been working
 3 throughout the region in a very fair and balanced way
 4 as we looked at the fishery resources and looked at
 5 opportunities that exists or for restoration and as
 6 Scott mentioned, obviously we are a fishing dependent
 7 society. Our lobstering is important, our elver
 8 fisheries is important as well as our fisheries
 9 inland. As stated, lobster fishermen are desperate
 10 for bait. This river system and its potential needs
 11 to be actuated or actualized for the lobster industry
 12 producing more bait. And we've documented through
 13 our studies the potential that exists here and it's
 14 not inconsequential. We're talking about millions
 15 and millions of alewives that could be produced
 16 annually with little input and harvested by the
 17 municipality, the City of Ellsworth, sustainably
 18 forever to support the most important fishery in the
 19 state, the lobster fishing industry.

20 The elver fishery, as I said, is second only
 21 to lobsters and we know that the adult eels migrating
 22 out of this river system are being turned into
 23 chowder as was mentioned. So this is really
 24 appropriate at this point in our -- at this point in
 25 time as we are ready to celebrate 200th anniversary

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1 Thank you very much for your time this
 2 evening. We appreciate the opportunity to provide
 3 you comments.

4 MR. BERGERON: Thank you.

5 AUDIENCE MEMBER: Good evening. My name is
 6 Dwayne Shaw. I live in Franklin here in
 7 Washington -- Hancock County. And I was a long-term
 8 resident of Washington County. And I am here
 9 representing the Downeast Salmon Federation. Scott,
 10 thank you four your comments. It was very well done.

11 And what I wanted to speak about was what
 12 the Downeast Salmon Federation is and why we believe
 13 we have an important role in this process and
 14 standing, if you will, as stakeholders. And our
 15 organization was created by anglers. It was
 16 mentioned early on here that the -- one of the
 17 designated uses that needs to be considered is
 18 fishing. We are a fishing-based organization that
 19 was established by salmon anglers in 1982 in
 20 Washington County.

21 We partner very closely with the Union
 22 Salmon Association, which is here in Hancock County
 23 and we have been involved since the last relicensing,
 24 which was in the late '80s when you could still fish
 25 for Atlantic salmon in the United States before they

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1 of the State of Maine. This dam was fought over when
 2 it was built. We have documented all of the debates
 3 that happened at the time. We have nine biologists
 4 on the staff. We're based in East Machias and
 5 Columbia Falls where we have established two salmon
 6 hatcheries that are cutting edge technology. We're
 7 employing about 14 people currently, many of them
 8 local people graduating from UMaine Machias as
 9 fisheries biologists. And we've looked at the
 10 records here and we're seeing that many of the
 11 families that continue to live in this watershed had
 12 been involved with earlier petitions to assure fish
 13 passage at this dam when it was built in 1907 at the
 14 lower dam and in the '20s for the upper dam at Graham
 15 Lake. So this is not a new debate, however, this is
 16 a time for some new beginnings, if you will, for this
 17 river and for what it can do for our society.

18 Bait for the industry is one, but salmon is
 19 another piece. The reason we don't fish for Atlantic
 20 salmon anymore is because they're endangered. Why
 21 are they endangered? Dams are one of the biggest
 22 issues of fish passage. Proper and modern fish
 23 passage needs to be installed and can be. And the
 24 owners of these dams own other dams with modernized
 25 fish passage just up the road. In Milford there is a

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1 fishway -- a brand new fishway that's working very,
2 very well. They invested in it. It works. We're
3 very pleased with that. And what we're asking for is
4 for this river system to be brought up to modern
5 standards and we don't want to wait. We don't want
6 15 years for this license, which is a 30 year license
7 to give -- give an allowance of 15 years before what
8 is called volitional upstream passage is installed,
9 essentially a fish elevator. We think it can be done
10 in a shorter time than that.

11 We're also very concerned about the
12 fisheries in Graham Lake itself whether that's white
13 perch, small mouth bass, pickerel and other fish that
14 we all fish for. And when the lake levels are drawn
15 down to the point that the ice is resting on the mud
16 and you put the ice auger through, and this has all
17 been documented and submitted in various forms to the
18 state and federal agencies, that's not a fishable
19 waterbody. Neither is it when there is no water in
20 the lake for sometimes thousands of acres. So
21 clearly there are problems in terms of its
22 fishability. And we believe, and we'll be submitting
23 a set of comments into the record on this, technical
24 comments about the littoral zone of the wake and the
25 wetted width of the river and the minimum discharge

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1 Association, Downeast Salmon Federation, Maine
2 Council for Atlantic Salmon Federation, Friends of
3 Graham Lake, Downeast Conservation Network,
4 Conservation Law Foundation, Union River Sporting
5 Club, Georges River Trust, Trout Unlimited state
6 chapter, Downeast Otter Pond and Native Fish
7 Coalition. So our organization represents about
8 1,000 members and about another 1,000 who are part of
9 our network and volunteer network. All of these
10 groups put together represent probably on the order
11 of 10 or 20,000 individuals with a direct interest in
12 this -- the outcome of this. Thank you very much.

13 MR. BERGERON: Thank you.

14 AUDIENCE MEMBER: Hello. My name is Kathy
15 Button and I live in Franklin. And I learned about
16 this hearing yesterday at the grand reopening of the
17 Tidal Falls Center for Frenchman Bay Conservancy.

18 I am a great proponent of renewable energy.
19 And while I think that hydroelectric energy would be
20 a good source of electricity, but in the case of this
21 project I don't think it's worth it to continue the
22 dam. For the small amount of electricity that the
23 dam produces I think it would be much better off with
24 conservation and other sources of renewables. And
25 I'm also a birder and I'm thinking, oh, we haven't

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1 and attempts to absolve, but what I wanted to be
2 clear on tonight is that this is not something that
3 is simply about Atlantic salmon -- endangered
4 Atlantic salmon, it's about white perch, it's about
5 pickerel, it's about navigability of the lake and
6 these things can be fixed, which they must be under
7 the current law and we believe the state has the
8 authority, as Scott said, from the 2006 case here in
9 Maine that went all the way to the state's -- the
10 Federal Supreme Court. Under those authorities you
11 have the ability to fix this permanently to benefit
12 its citizens.

13 And speaking just a bit more broadly and
14 then I'll get done. I wanted to say a little bit
15 about the other groups that have expressed some real
16 interest in this and I have a list here of those that
17 petitioned for this public -- well, what we were
18 requesting was a public hearing and we're happy that
19 there has been -- that this public meeting has been
20 provided for us by DEP, but some of these groups are
21 not perhaps able to be here tonight. Some key
22 individuals I know from the Maine Elver Fishermen's
23 Association petitioned for this hearing or meeting,
24 Frenchman Bay Conservancy I think is represented,
25 Maine Center for Coastal Fisheries, Union Salmon

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1 talked about the birds. If we -- if the dams were
2 removed, we might have a better habitat for, you
3 know, the cranes and other larger species of birds.
4 A wetland, which would replace much of the Graham
5 Lake would also be a nice natural filter for -- for
6 wet -- for the environment. So and my experience
7 also is that these natural wetlands help with flood
8 control, so that would be another issue that would be
9 solved I believe by removing these dams. Thank you.

10 MR. BERGERON: Thank you.

11 AUDIENCE MEMBER: The dams were put in to
12 control flooding in Ellsworth.

13 AUDIENCE MEMBER: Hello. My name is Bob
14 Wood and live in Cutler, Maine and I'm here tonight
15 on behalf of the Downeast Fisheries Partnership.

16 The Downeast Fisheries Partnership is a
17 group of 10 organizations that include the Maine
18 Center for Coastal Fisheries, Downeast Salmon
19 Federation, Downeast Institute, Maine Coast Heritage
20 Trust, Manomet, Maine Farmland Trust, College of the
21 Atlantic, Maine Sea Grant, Washington County Council
22 of Governments and the Sunrise County Economic
23 Council. These organizations have come together
24 focusing on helping communities across Hancock and
25 Washington to support the recovery of our fisheries

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1 and also to help make sure that recovering fisheries
2 have feedback to help communities to be more
3 rejuvenated.

4 I think it's great to start this comment to
5 say that MaineDEP has it right. If you go to their
6 information sheet on hydropower relicensing it
7 explains hydropower relicensing greatly affects the
8 character of the state's river resources for the next
9 generation. It's really important to consider that
10 this is a long-term decision. Today, the coastal
11 watershed ecosystem -- this coastal watershed
12 ecosystem like too many across Maine remain
13 disconnected, disconnected from other connections
14 from our lakes, ponds and streams upland all the way
15 to the coast and into the Gulf of Maine. That means
16 a flow of fish, nutrients, and energy that would
17 normally move from these upland ponds and lakes all
18 the way to the Gulf of Maine is -- and back to the
19 sea again with the sea-running fish returning. It's
20 looking to be a long and very small fraction of what
21 would make this ecosystem healthy and productive
22 again. Nearby rivers like Sebasticook have shown the
23 ability to recover rapidly in terms of the
24 productivity and when they're fully reconnected from
25 the head of the waters to the ocean. That's easily

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1 well. They can't go beyond the dam in order to
2 return the size of the run to what they used to be,
3 which couldn't be accommodated by truck and trapping.

4 So, again, quoting from the hydropower
5 licensing information sheet from DEP, the relicensing
6 of hydroelectric generation in water storage dams in
7 Maine provides a once in a lifetime opportunity to
8 shape the destiny of our water resources. A good
9 company invests in its infrastructure. We at DFP
10 believe that balancing the uses of the Union River
11 for our community requires a modern and effective
12 fish passage system. We believe that the owners of
13 this dam can do it and that they should do it for the
14 good of our community today and for the next 30
15 years. Thank you for listening.

16 MR. BERGERON: Thank you. The next names on
17 the list are Craig Shoppe, Brett Ciccotelli, Ed Damm
18 and Brad Perry.

19 AUDIENCE MEMBER: My name is Craig Schoppee.
20 I live on Graham Lake and I am not affiliated with
21 any organization per say. And I may be blind here, I
22 have a question -- the first question for you is is
23 it okay for me to ask you questions?

24 MR. BERGERON: No, this is more us receiving
25 your comments.

23

1 seen in the context of DO recovery where runs that
2 were minimal at best have within just a few years
3 become a site for millions of fish.

4 Over 19,000 acres of spawning habitat for
5 alewives lie above this particular set of dams. The
6 best available science suggests that's about 4
7 million alewives running the river alone. That's
8 only one species of sea-run fish. Considering the
9 importance of the alewives though as a local fishery
10 to the potential recovery of salmon to the cod
11 fisheries and other ground fish as a quality bait for
12 the lobster fishery and as a food for birds, other
13 fish and people, it's hard to consider that the
14 river's current state is balanced with respect to
15 fisheries as a part of Clean Water Act or as a
16 designated use for the people of the fishery.

17 Now, we've heard reference included in the
18 papers that the existing passing system of the lower
19 dam which consists of trapping fish and then
20 transporting them by truck appear to be sufficient
21 for the volume of migratory fish that show all of the
22 damage here. That may be true, but it's
23 insufficient. While trapping and trucking may seem
24 sufficient for today's volume of migratory fish the
25 primary reason for that is they're not doing very

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1 AUDIENCE MEMBER: (Craig Schoppee.) Taking
2 comments.

3 MR. BERGERON: If you would like to have a
4 separate conversation with Kathy either afterwards or
5 you can get her contact information, you can have
6 more of a dialogue with her afterwards.

7 AUDIENCE MEMBER: (Craig Schoppee.) Okay.
8 So I would just like to say ditto for everything
9 that's been said so far, but there are still numerous
10 questions remaining and I'll address them afterwards.

11 MR. BERGERON: Thank you.

12 AUDIENCE MEMBER: My name is Brad Perry.
13 I'm a resident on Graham Lake. I live there with my
14 wife. I'd like to talk a little bit about the
15 wildlife that we find at Graham Lake. There is a lot
16 of avian residents. We've got raptors. We've got
17 eagles and osprey, fox galore. We have ducks. We
18 have a lot of golden eye. We have occasional
19 mergansers. We have mallards and a few loons. There
20 is at least one nesting pair of loons.

21 We have watched some of these, the birds,
22 the duck kind of birds' trying to nest. There is a
23 long way to go to get to a nest from the water levels
24 especially when they're drawn down as much as they
25 have been, so the birds nests are on the shore and

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1 under cover. When they're making these long passes
2 back and forth they're open to extreme predation. We
3 have -- I hate to see that. I really like the ducks.
4 We listen to the sound of the loons at night and
5 they're running out of places to nest.

6 As far as fish, my wife and I both like to
7 fish. We've fished for small mouth and large mouth
8 bass, catch the few occasional pickerel. The
9 turbidity that we are experiencing in that lake
10 because of the drawdowns and the reduction in water
11 levels the fish can generally take that for a few
12 days, but if you get much more than three days they
13 start to have trouble breathing. Their gills become
14 gummed up with silt and mud. Their eyes get
15 encrusted with mud. It's a pretty dire situation for
16 the fish. The fish live off of the plants mostly
17 that are developed in the littoral zone. We haven't
18 had much of a littoral zone. I mean, it's just at
19 times like a desert out there.

20 I would like to see a return of plant life
21 on the floor of the lake. I think that would go a
22 long way to reduce the turbidity if we stabilize the
23 level of the lake. I would love to see a drawdown of
24 no more than 3 1/2 to 4 feet, but we'll accept what
25 FERC said. I think it's a more reasonable number

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1 the turbidity specifically. Thank you.

2 MR. BERGERON: Thank you.

3 AUDIENCE MEMBER: Hello. My name is Ed
4 Damm. I'm one of the members of the Friends of
5 Graham Lake and I have a Facebook page Friends of
6 Graham Lake. Hopefully not many of you have been
7 like me in the past few years, but this particular
8 picture I have is me dragging my boat on a trailer
9 across the lake to it or back from it. And that
10 picture kind of looks like a desert more than a lake
11 and unfortunately in the summer, late summer on into
12 fall, quite often that's the way the lake looks. Not
13 very good.

14 So I'll get to my comments. First of all, I
15 want to thank you for having this meeting. As you
16 can tell, there are quite a few folks that are --
17 there is a lot of interest in this. Graham Lake is a
18 wonderful spot. Some folks occasionally see some
19 amazing sunsets there. There is great water fowl
20 there. There was an eagle sitting in a big pine tree
21 next to the house today and chasing the crows of
22 course. And lots of wonderful things out there.

23 Well, I've lived on the lake with my wife
24 for 16 years in Ellsworth and in the spring we lose
25 summer between 100 to 300 square feet of upland soil

27

1 than what Brookfield has come up with 5.7 and that's
2 out of the question.

3 There is other animals that we have observed
4 over time. We used to be able to paddle around the
5 lake and see turtles, painted turtles up on the logs.
6 We're not seeing that anymore. I don't know what's
7 happening to the amphibians. We are not hearing the
8 frogs that we used to. We sit out at night and it's
9 just pretty darn quiet.

10 Of course there has been substantial
11 documentation of the fresh water clams and muscles
12 that we have that are generally filters for the --
13 for the water. They die in vast numbers when they're
14 trying to get out to the water. And this is hurting
15 the fish too. When you've got only just puddles here
16 and there that water heats up in the summer and the
17 fish can't survive, the muscles and clams can't
18 survive. They can't all get up into the streams and
19 brooks, they just can't move that fast, so a lot of
20 these animals are stranded.

21 I think that's about all I've got to say.
22 But, you know, one other thing, just -- if -- if we
23 were able to deal with the turbidity by reducing the
24 drawdown levels in the lake that might go a long way
25 to reducing the turbidity without having to address

26

1 to the flooding. And when I say flooding, I mean
2 levels of water of 102.4 feet above mean sea level.
3 We did have some pictures in what I sent you there of
4 the other side of the lake, which is kind of like the
5 windjammer side of the lake. Later in the year and
6 you can see a change in terrestrial plants between
7 upland and water and right around 102.4 is like high
8 lake level, go higher than that and you're drowning
9 terrestrial plants and lower than that you start
10 seeing beach and rocks and things down there.

11 Okay. So in -- by September to November
12 because of receding water there is plenty of death
13 knell for the fauna in the lake. Lake levels need to
14 change and they're presently like 93.4, which is
15 wicked low to 104.2, which at least for us on the
16 bottom end of the lake, though I'm sure for many
17 people on the upper end of the lake those levels are
18 a handy thing instead of a desert, but for us 104.2
19 you pretty much almost have water reaching the top of
20 Route 179 and lots of our land is totally flooded and
21 it stays that way for weeks, months, which this
22 particular spring it has, from this whole sections of
23 the soil just get aqueous and just head right out to
24 the lake.

25 Through the year we go through flood and

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1 erosion to a dried out lake bottom scattered with
 2 thousands of dead fresh water muscles from maybe 1 to
 3 20 years old of age and you can count the rings on
 4 the shell. You can't get back a 10 to 20 year old
 5 muscle that filters the lake water. I am grateful
 6 for lake water. It's one of the few things on the
 7 lake that filters the lake water is the muscles. And
 8 all over the nation and all over the world muscles
 9 are in distress with lots of things, mostly dams, but
 10 many other things, things that come into the lake
 11 kill the muscles. We really need the mussels. So
 12 they drop the lake level year after year and we won't
 13 have any muscles at all. Mussels can't run to the
 14 edge of the water. You see their travel tails going
 15 in circles in search of water, but with one foot they
 16 can't catch up to the receding lake levels. They
 17 overheat, dry and die.

18 These low lake levels also can't be good for
 19 the fish. Can the salmon, alewife, shad or a
 20 sturgeon climb the 70 foot length of the Union
 21 River's Ellsworth Dam? No. The fish don't even have
 22 one of the crawling feet that the muscles do. They
 23 just can't climb up there.

24 There is a cycle here to the life of the
 25 lakes and the rivers that flow in the ocean similar

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1 Graham Lake, but some years, maybe even last year,
 2 the number moved didn't meet the number required to
 3 be transported because of low fish numbers. They're
 4 trying to get to safety, but they just couldn't get
 5 them.

6 As for recreation, we have some, but the DEP
 7 has already had complaints of people trying to ice
 8 fish as you've heard other comments through holes
 9 drilled in the mud instead of the water being
 10 available under the ice. Young alewives feed many of
 11 the game fish in the lake. Some people I know in
 12 other parts of the state have complained all those
 13 alewives will get rid of the small mouth bass. Well,
 14 I think real research shows you get alewives in there
 15 they get really fat small mouth bass. You really
 16 have. Yes, the lake bottom, glacial mud, can be
 17 dried hard enough to ride a bicycle out one half mile
 18 to the islands or to a hike. There will be no mud in
 19 your tires or boots as you pass thousands of dead
 20 muscles. It can be Graham Desert instead of Graham
 21 Lake in late summer.

22 So I am asking you, one, for safe volitional
 23 fish and eel passage at both the Ellsworth and Graham
 24 Lake Dams. Those number of eels when they're adults
 25 and they're pregnant and they want to get back down

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1 to the way the water moves from the ocean to the sky
 2 under the ground, back into the ocean providing life
 3 to everything it touches. From the bacteria, phyto
 4 and so plankton to the fish, muscles, and birds,
 5 otters and mink that eat them, this life cycle is
 6 stopped by the 70 foot Ellsworth Dam in the Union
 7 River. The first time in 16 years I've ever seen a
 8 fresh water otter in the lake it was right during
 9 alewife time right by the Little Meadow Brook. Mamma
 10 was teaching her baby how to catch alewives. Baby
 11 was up in the woods there going over to the brook,
 12 mamma is out watching saying what are you doing with
 13 your dog watching my baby? But that's the first time
 14 I've seen that. Just imagine the few number of
 15 alewives that we had up there. If we're lucky we get
 16 350,000. If we had like a million go up there --
 17 like other testimony has been we'd probably have a
 18 good chance of 4 million alewives coming back down.
 19 That would be wonderful.

20 The Ellsworth Dam was completed in 1908.
 21 That's 111 years, 111 years of no fish passage
 22 because no fishways were ever built. They could have
 23 built fishways in 1908, there was the technology, or
 24 any year since then, but the dam owners haven't. The
 25 present trap and truck method can move some fish to

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1 the river to the sea and they're 3 feet long don't
 2 make it through the turbines very long. The ones you
 3 see out on the sand bars in the river have got slices
 4 just like they're going to a barbecue. It's not
 5 good. Number two, the maximum vertical 4 foot
 6 drawdown from 1 or 2.4 to 98.4 feet mean sea level in
 7 Graham Lake. Personally, I'd like to see 4 feet
 8 drop, rise and drop. And that will settle most all
 9 of the problems related to the erosion,
 10 decertification and turbidity to have a 4 foot drop.
 11 And three, turning off the hydroelectric turbines
 12 when the fish and eel passage is expected. If you
 13 don't do any studies, if you don't really look at it,
 14 you'll never really know when the fish are going to
 15 be there, but if you know when the fish are going to
 16 be there like a certain moon, a certain amount of
 17 water, you turn the turbines off maybe a lot of the
 18 fish could make it back to the ocean. And these just
 19 aren't ocean sort of fish, they help the lakes, the
 20 rivers, the whole -- the traps and ocean thing, they
 21 bring nutrients up to the lakes and they take
 22 chemistry that we don't want in the lake and the
 23 phosphorous back down. It's a great thing.

24 So if you're a dam owner, I really think you
 25 should maybe take care of the wildlife and if you

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1 can't take care of the wildlife that's up in the dams
2 and the rivers and things that get dammed up and you
3 don't believe, maybe you don't really belong in the
4 dam business.

5 MR. BERGERON: Thank you.

6 AUDIENCE MEMBER: Mark, Kathy, others from
7 the DEP, thanks for coming down from Augusta on such
8 a nice day. Thanks to everyone for coming out on
9 such a nice day. It's nice to see so many people
10 care about this.

11 My name is Brett Ciccotelli. I'm a
12 fisheries biologist with the Downeast Salmon
13 Federation and I welcome you to review our survey of
14 fish kills. I'm going to be brief. I went down to
15 Graham Lake Dam about an hour-and-a-half before this
16 meeting, so it was like 3:30, and the water is really
17 high right now. There is a lot of water going
18 underneath the power house and the turbines and I
19 stood on the banks and I watched dead river herring
20 go by today, so they're still probably being killed.
21 They're also lots of scales, eyeballs and I grabbed a
22 little baby alewife's jaw out of the water, which is
23 in my pocket, which is dead alewives if you want
24 them. I also have a lot more samples from the last
25 several years preserved and you guys are welcome to

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1 AUDIENCE MEMBER: My name is Mark Whiting.
2 I am a resident of Ellsworth and I am one of the
3 founding members of the Friends of Graham Lake.

4 I did the turbidity study for Graham Lake
5 and the Union River. Vast studies show that the
6 highest and lowest levels in Graham Lake produce the
7 most turbidity in the river. My recommendation was
8 to control turbidity in the Union River by reducing
9 the extreme water level fluctuations in Graham Lake.
10 I did the study because it was apparent that no one
11 else was prepared to do so. This study was necessary
12 because we have to understand an ecosystem in order
13 to manage it. For instance, we need to know the
14 causes of turbidity in order to fix it. It is not my
15 job to do these studies, by the way. I am retired
16 and I would prefer to be doing something else.

17 DEP should be able to work with Brookfield
18 or whoever the applicant is and finding solutions,
19 but the only discussion that I've seen about water
20 quality issues have been things that DEP has
21 standards for and there has been no discussion on
22 things that DEP has no standards for. And so the way
23 I see it is that the problem here is that the clean
24 water certification process for DEP has no standards
25 for clean water and that's been that way forever.

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1 review them. These alewives, they migrate in
2 predictable patterns yet there was no Brookfield
3 personnel at the dam, there was no truck there, no
4 humans around and ultimately shut down. So I just
5 want to make that point too that we need to make sure
6 that this is really looked at because it seems like
7 when the fish are dying they're not there.

8 We'll submit documentation from the Downeast
9 Salmon Federation on fish kills and I'm happy to be a
10 resource here for you guys as you process the
11 application. I also want to point out these fish if
12 we're going to, you know, safely put them in the
13 river we need to give them a good home. We need
14 Graham Lake and the river to have improved water
15 quality so that they -- the salmon, the shad, the
16 eels always have a place where they can grow up and
17 leave from and be part of, you know, both our
18 economy, fishery economy, but also part of our local
19 ecology.

20 So thanks for coming down again and for
21 doing this and thanks for everybody coming from the
22 Union River and Graham Lake. Thank you.

23 MR. BERGERON: Thank you. Charlie Kelley,
24 Bill Barna, Diane Perry and Mark Whiting are the next
25 speakers please.

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1 For as long as there has been a DEP there have been
2 no standards for turbidity and that is just crazy.

3 Now, you mentioned earlier that you think
4 you have kind of a back door solution to that that
5 you can kind of address it backwards or something,
6 well, I don't believe it for one and for another
7 thing the best way to handle the problem is to
8 administer it and regulate it directly.

9 From the very beginning of the Brookfield
10 licensing process in 2015, some time ago, it was
11 clear that there are three environmental problems
12 with these dams. Turbidity was one of the really
13 obvious ones, extreme water level fluctuations in
14 Graham Lake was another and the poor fish passage at
15 the dams. So turbidity is one of the really big
16 issues that's been visible from the very first for
17 years now and DEP needs to have the capacity to
18 identify the problem, convey this problem to
19 Brookfield, the applicant, along with the standards,
20 applicable standards, you need to give it to them and
21 then you and the applicant need to devise a turbidity
22 management plan. I can't do this for you.

23 Clean water is one of the most fundamental
24 tasks for any environmental agency. We created
25 environmental agencies such as DEP and EPA because of

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1 dirty air and dirty water. The primary tool for
2 protecting clean water is turbidity standards. DEP
3 basically has to do all of the pollutants. If you
4 have favorite pollutants, I mean, that's fine, but as
5 an agency DEP has to do all of the pollutants. You
6 need to be able to handle anything that comes at you
7 and that's just basic competence. It's also about
8 citizen trust in the state government. After eight
9 years of chaos in Augusta we have a new governor and
10 I think we have a chance to get things right again.
11 This would be a good time for DEP to go through
12 rulemaking and show us that government is back on the
13 job. Go and develop turbidity rules, measure
14 turbidity directly and regulate it directly.

15 Thank you. That's what I have.

16 (Applause.)

17 MR. BERGERON: Thank you.

18 AUDIENCE MEMBER: (Diane Perry.) That is a
19 tough act to follow. I haven't done the studies, but
20 I tried to interpret all of the data. I'm not really
21 great at numbers --

22 MR. BERGERON: Can you introduce yourself,
23 please?

24 AUDIENCE MEMBER: I am sorry. Yup. I am --
25 my name is Diane Perry.

1 after Brookfield had taken ownership of the Union
2 River Dam and they drained the lake. Who would
3 believe that a lake could be treated like bathtub?
4 There is other analogies, but they basically
5 flushed -- they pulled the plug to generate power.
6 This is being done by the corporation that claims by
7 its website that it operates with highest ethical
8 standards. They also state they strive to facilitate
9 whitewater rafting and kayaking, but I am telling you
10 the conditions of the past few years has seriously
11 hindered our recreation abilities.

12 They've also affected our property values.

13 We rented our house a few years -- a few times to
14 help pay for the high property taxes because we live
15 on a water property and we had phone calls that
16 people said, are you sure you're renting that, we
17 heard there is no water in that lake? We stopped
18 doing that. But the condition -- I'm sorry, I'm
19 going back here.

20 So it's true, my family came and we bought
21 the house quickly and we all began to enjoy the
22 recreation. My grandchildren love to fish. We
23 canoe, we kayak, lately, we've got these fancy things
24 called paddle boards, and we swim. Oh, and I should
25 mention at age 70 I'm ice skating. But the chances

1 MR. BERGERON: Thank you.

2 AUDIENCE MEMBER: (Diane Perry.) Sorry
3 about that. And I live in Mariaville. I am a
4 full-time resident and property owner on Graham Lake
5 and I'm also one of the co-founders of the Friends of
6 Graham Lake Association. That organization was
7 started by a few of us, but we soon realized there
8 were many of you who were concerned about the
9 condition of Graham Lake so now we have over 100
10 people.

11 I have been asked today to address
12 specifically recreation issues. My husband and I
13 moved to this area to live on a lake, to enjoy the
14 recreational opportunities and to be surrounded by
15 the natural beauty that this watershed has to offer.
16 When we bought the house a few years ago we were told
17 the water levels of the lake varies a bit. I knew
18 I'd get a chuckle. Would we have bought the house if
19 we knew what it would look like at an elevation of 98
20 feet or less? No. But no one could describe what we
21 were going to see and how bad the situation would be
22 in 2017 and 2018. These were the worst years in
23 anybody's memory. And we talked to a lot of people,
24 everybody said they'd never seen anything like this
25 before. And it just so happens that this was just

1 to recreate are often limited because of the
2 arbitrary water levels and of course the issues that
3 we've heard about the fish of course are an issue
4 with what we catch and the turbidity. The turbidity
5 is the condition of resedimentation that makes the
6 water what I call it's like chocolate milk.
7 Swimability is hampered when the wind blows and the
8 wave action affects our already shallow lake we get
9 extreme turbidity.

10 Though Brookfield is suggesting a variance
11 of 5.7 feet most riparian landowners want to see a
12 fluctuation of between 3 and 3.5. They are
13 questioning what -- I'm sorry, the question that
14 needs to be answered is what will be the allowable
15 highs and the allowable lows before we decide what
16 the variance will be. I am sure you understand what
17 I mean.

18 We're here today to ask Maine's DEP to do
19 its job. After all, that translates to Department of
20 Environmental Protection. Please see to it that a
21 reasonable -- that reasonable regulations are
22 mandated for the health and the safety and the clean
23 water we want. This should be a healthy watershed in
24 the future. I want to go home today and tell my
25 grandkids that we're doing something. They know they

1 live in an environment with a climate crisis and I
2 don't want them asking me 20 years from now why
3 didn't you do anything? Thank you to everybody
4 that's doing something. We've written letters, we've
5 given you many, many photographs. I think these say
6 thousand of words.

7 (Ms. Perry holding up a photograph.)

8 MR. BERGERON: Ms. Perry, if you could
9 address us, please. Thank you.

10 AUDIENCE MEMBER: (Diane Perry.) I'll
11 address these to you too. Thank you so much for
12 coming.

13 MR. BERGERON: Thank you.

14 (Applause.)

15 AUDIENCE MEMBER: I'd like to introduce
16 myself. My name is William Barna, better known as
17 Bill Barna. I am a 20 year Army veteran and I'd like
18 to give you a little bit of history -- a short
19 history about myself and how I came to Maine.

20 I've traveled around the world being in the
21 military. I am an avid sportsman, outdoorsman and
22 fisherman especially. I've fished probably almost
23 every continent on this planet and in many countries
24 and by far one of my favorite places to fish, if not
25 the most favorite place, is here in the State of

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1 boat out into the water. I went from being 40 feet
2 from the water to being right now approximately 60
3 feet and the reason for that is -- and that's on a
4 high water mark. The reason for that is going back
5 to the turbidity and everything else when the water
6 levels in the lake drop, especially these past few
7 years, the bogs and everything breaking down. I have
8 currently a bog that broke off of Hardwood Hill
9 Island I would say about 20 feet in circular diameter
10 that came across the lake and came over into my cove
11 and its settled itself there. Those bogs should not
12 be breaking down.

13 The other thing is the bottom of the lake is
14 being exposed. The past few years it was literally
15 at the northwestern portion where I am directly below
16 Hardwood there was literally no water. I could walk
17 all the way out to the center of the lake. Where do
18 you think all of these fish, all of these muscles,
19 fresh water clams, all of the birds, the wildlife,
20 everything go? Do they just magically relocate and
21 then come back? As a fisherman, I've seen the big
22 difference in the quality of the fish, the size of
23 the fish and the health of the fish. I was just out
24 there this morning with my wife fishing again in a
25 little cove from the Tannery Brook outlet and I could

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1 Maine especially in Graham Lake. I came to Graham
2 Lake approximately eight years ago. It was always a
3 childhood dream of mine to own a lake home in Maine
4 and that dream came true eight years ago. I
5 purchased an old run down cabin in Mariaville and
6 over the eight years I've worked on it as much as I
7 could with my friends, with help with people I've
8 hired to make it into a beautiful little retirement
9 home for my wife and a place for my children and my
10 grandchildren hopefully some day to come and visit
11 and enjoy.

12 When I came here Graham Lake, again, I was
13 told the same thing as the lady just spoke shortly
14 before me, the water goes down a little bit
15 especially in the fall time. Okay, I can live with
16 that. I came up here. The first two years were
17 great. I'd come up, every time I come up to work on
18 the cabin I always took a few days to go fishing and
19 the fishing was pretty good. As a matter of fact, at
20 some point it was phenomenal. It was the best bass
21 fishing I ever experienced in my life, but lately
22 it's gotten worse. The past two years when I've come
23 up here in the summertime my wife and I have not been
24 able to take our little aluminum boat out, our little
25 14 foot grommet, because there is no way to get the

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1 see the difference in the past three years what has
2 happened with these extreme dropdowns of water.
3 Literally I went from catching my limit within an
4 hour to not being able to catch my limit at all.
5 Today, I was fortunate enough to catch one small
6 mouth and one large mouth bass and one small chain
7 pickerel. Before that would have been a horrible day
8 on Graham Lake for me. Today that was a great day.

9 I feel that it's unfair to everybody that
10 lives on Graham Lake. I feel it's unfair to the
11 people of the State of Maine and most importantly
12 it's unfair to all of the wildlife and creatures of
13 what's being done to Graham Lake. It's a travesty
14 and there is no way that the DEP should be allowing
15 this. I have dealt with other DEPs in other states
16 to include my home state, the State of Connecticut,
17 which Maine very soon will be my home state, all
18 right, I've never ever seen this happen anywhere in
19 my life like it's happening at Graham Lake and I hope
20 that you can help us out. Thank you.

21 (Applause.)

22 MR. BERGERON: Thank you. Is there a
23 Charlie Kelley?

24 AUDIENCE MEMBER: My name is Charlie Kelley,
25 a long-time real estate broker. I've been selling

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1 property on Graham Lake for 35 years. And I have
2 never even begin to see all or the old timers what
3 the lake has looked like the last three or four or
4 five summers. There really is no lake. It is mud
5 flats. I've got two islands for sale in Graham Lake.
6 I cannot even get the boat to the water to go show
7 those islands. There is 100 feet of mud flats from
8 the end of the boat ramp to even try to reach the
9 water. This doesn't seem to be improving. It's
10 taking a terrible toll on the wildlife, the fish and
11 other mammals.

12 I have also been fishing the Union River for
13 about 45 to 50 years and the Union River was a real
14 good river. We had a great variety of fish there.
15 We went all the way from a few runs of brown trout to
16 Atlantic salmon to stripers on and on and on. That's
17 basically gone. I think a great deal of it has to do
18 with the low water in Graham Lake because a lot of
19 the fish cannot get up into those small brooks to
20 spawn where the water is so terribly low during the
21 spawning periods. But we have a great deal in our
22 hands having the Union River and Graham Lake here,
23 but it is a problem to the property owners of Graham
24 Lake to be paying these high taxes for what? For mud
25 flats. Thank you.

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1 other people and we've dragged dead eels out of
2 there. So for economic development the elver fishery
3 alone is worth more than the electricity produced in
4 the integrated dam -- integrated electrical facility.
5 That's one -- just one part of it. The alewives,
6 people have made the case that, well, you know, the
7 City of Ellsworth gets \$125,000 worth of elvers when
8 they have 315,000 alewife passage. That's small
9 potatoes. Let's multiply that by times 8. The value
10 of that elver fishery in last year's bait value can
11 be a million dollars. \$1 million easily. And that's
12 a conservative number of 8, so maybe we can use more
13 than that, so already we're at the price of what
14 they're using in electricity if we're looking in the
15 future. And those were two -- those were only two
16 fisheries.

17 The people have talked about the value of
18 the camps and their cottages and the homes around the
19 lake and their value. The City of Ellsworth, the
20 City of Mariaville, Waltham, all those communities
21 could see the value of the homes increase if they
22 could look down and see some nice clear water. I
23 know when I live -- I live on the watershed in the
24 summertime. I have a camp on Molasses Pond. It
25 drains into the Union River watershed. We're

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1 MR. BERGERON: Thank you.
2 (Applause.)

3 MR. BERGERON: The next names on the list
4 are Alan Kane, Mary Blackstone, Don Surey and George,
5 I'm sorry, I can't read your last name, George.
6 Getchell maybe.

7 AUDIENCE MEMBER: Good evening, folks. My
8 name is Alan Kane. I'm better known as Chubba. I
9 think the people here that have spoken before me have
10 made a good case for the environmental -- the
11 Department of Environmental Protection to do their
12 job and protect the fishery, protect the environment
13 and look at the ecological issues. I am not going to
14 talk about the ecological issues and the
15 environmental issues because people have pounded that
16 to death, but I'd like to talk about some
17 responsibility issues that I think we should address.

18 This -- this procedure we're going through,
19 we're endangering the economic development in Hancock
20 County by endangering the fisheries. Brookfield gets
21 maybe, and this is, you know, due to their grave and
22 sometimes contrite figures, getting less than 2 days
23 of electricity out of this generator plant. Our
24 elver fishermen right in downtown Ellsworth get
25 multiples of that. And I've been down there with

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1 fortunate to have nice clear water up there. It
2 would be nice if they had something in there which if
3 they dropped their glasses in a foot of water they
4 can find them, but a lot of times they can't. So we
5 need -- we need to start looking at the
6 responsibility issues and the community value of this
7 for the rest- -- not just the restoration process,
8 but just to keep -- just to maintain it alone because
9 the economic value of the fisheries and the cottages
10 far exceeds having an irresponsible Brookfield.

11 Another thing I'd like to say is that our
12 teamwork with Brookfield and a lot of folks here when
13 we work on fisheries, we're a fishery plant and
14 fisheries need us. Now they put their application in
15 and those communities have gone away, we'd like to
16 restore those and talk about these issues, but -- but
17 if we're going to be responsible citizens of a
18 community we need to be accountable and Brookfield
19 needs to be accountable. We -- we took some
20 measures, we'd like to work with them to make this
21 work, but they have to work with us. They've got to
22 be responsible citizens -- responsible community
23 person as well. I do know that those elver fishermen
24 that -- some of the elver fisherman, some of the
25 people that harvest the alewives, they donate to the

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1 YMCA in the local community, they donate to the
 2 Chamber of Commerce, they donate to local
 3 restaurants, they spend a lot of money in them.
 4 Brookfield has just got a handful of employees here
 5 and I've asked around and asked about donations to
 6 the small groups and they're very eager to say that
 7 Brookfield doesn't donate to much of anything. So we
 8 have to look -- we have to look at this in -- take a
 9 step back and look at the economic value and in order
 10 to keep that economic value it's up to you folks
 11 because we can't do this. We can explain this to
 12 you. We can tell you the value of this, but we can't
 13 change it. That's up to you folks. We'd like to
 14 work with you, we can give you data and a lot of the
 15 wildlife groups, I work with the Downeast Salmon
 16 Federation and the Salmon Association, Charlie Kelley
 17 is part of that, and we'd like to do what's right
 18 here and that means there is going to be -- it's
 19 going to be more value for all of us. Thank you.

20 MR. BERGERON: Thank you.

21 (Applause.)

22 AUDIENCE MEMBER: I am Mary Blackstone and I
 23 live in Ellsworth and I am a member of the Green Plan
 24 Steering Committee for the City of Ellsworth. This
 25 is an initiative that is charged with developing a

1 Union River and access to the Union River downtown
 2 Ellsworth what are people going to see. They're
 3 going to see muddy water. Somebody talked about
 4 Graham Lake looking like chocolate milk. At times
 5 particularly after the last heavy storm that just --
 6 that we just had the waters indeed all the way
 7 downtown looked like chocolate milk. The turbidity
 8 is hardly an attractive feature and most importantly
 9 it tells us something about the quality of the
 10 habitat that the fish, which are also an important
 11 feature of the river and the birds that depend on
 12 those fish are deeply connected with, what are people
 13 going to see when they access the river downstream.
 14 Are there going to be fish there for them to see?
 15 Well, possibly if they see it soon enough they'll see
 16 lots of chowdered fish floating down the river out to
 17 sea.

18 As far as the future of Ellsworth as a green
 19 community is concerned returning our attention to the
 20 riverfront is a major concern and returning the
 21 quality of that riverfront is essential. That starts
 22 upstream at Graham Lake. It's important it's
 23 mentioned here that the Union River before it hits
 24 Graham Lake is a pristine protected lake. Once it
 25 hits Graham Lake it's below standards. So obviously

1 written document that will lead Ellsworth to become a
 2 model green community. We have a number of areas
 3 that we are concerned with in the plan, one of them
 4 is water. So I am busily taking notes tonight
 5 because I'm really aware of the problems that the
 6 people on Graham Lake have with respect to the
 7 habitat and of recreational facilities that are
 8 available there, but a lot has been said about that
 9 already. I'd like to focus on the issues that relate
 10 to water downstream and our particular concern for
 11 our green plan.

12 Over the last 20 years the City of Ellsworth
 13 has done repeated surveys and fishing processes in
 14 the context of numerous planning documents. In
 15 those -- in all of those consultative processes
 16 citizens of the City of Ellsworth have repeatedly
 17 said that their very top priority, this is 90
 18 something percent in the survey, indicating that
 19 returning the city's attention and focus to the
 20 watersheds in the City of Ellsworth is their top
 21 priority that we must do that.

22 So part of this green plan document will
 23 address the process of doing that and the importance
 24 of doing it as soon as possible. One of the concerns
 25 however is that the city return attention to the

1 what happens at Graham Lake and the turbines at the
 2 Union River Dam have a major impact on our
 3 aspirations as a community here in Ellsworth to be a
 4 green community.

5 So while a lot has been heard from the folks
 6 who live on Graham Lake here tonight, I want to speak
 7 as somebody who does not live on Graham Lake but
 8 somebody who is a very long-time resident. I've
 9 lived all my life in Ellsworth and I've watched this
 10 river be like this all my life and it's got to stop
 11 because you're about to make a decision that will not
 12 just affect the people in this room, but you're going
 13 to affect the children who are not yet born who will
 14 grow up raising families to see what I've seen in the
 15 Union River and they'll start families which in turn
 16 will see the same thing within that 30 year license.
 17 It has to stop. It must stop with you. Thank you.

18 MR. BERGERON: Thank you.

19 (Applause.)

20 MR. BERGERON: Thank you. Is there a Don
 21 Surey or a George, again, I can't read George's last
 22 name. The next names then would be Martin Vachon and
 23 Todd Little-Siebold.

24 AUDIENCE MEMBER: I am Martin Vachon. I
 25 live in Mariaville on Graham Lake. As part of the

1 hydroelectric river system it was designed over 100
 2 years ago and the rules persist -- how it's
 3 persistent and is operated is still running the same.
 4 Some areas and maybe Ellsworth is isolated from the
 5 grid and Ellsworth's lakes were all dependent on this
 6 generating system. And when the river ran low in the
 7 summer that's what Graham Lake was for to enhance the
 8 river flow to keep the lights on. And I understand
 9 they call themselves a season off-peak river
 10 system -- generating system. An advanced system
 11 would take off daily peaks and just an
 12 hour-and-a-half or a two hour run of the water like
 13 if we maintained Graham at a high level and kept it
 14 there and generated off it and we could have a very
 15 easy fish ladder that would run 24/7, but the main
 16 flow would only run that during the peak hour or two
 17 hours and that way we could take cold off-line
 18 through the river system that's instant on when it
 19 turns on. Cold 48-hour start-up time and if this
 20 burns 24/7 the same, but this is fairly peak and if
 21 we're running our water 24/7 we're just dumping it
 22 really. It's really ineffective. If we hold onto
 23 that water and just took those expensive high peaks
 24 off maybe we could succeed in taking cold off-line.
 25 I believe due to the depletion of fish life

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1 AUDIENCE MEMBER: Good evening. My name is
 2 Todd Little-Siebold. I'm a resident of Ellsworth,
 3 professor of history at the College of the Atlantic
 4 and an avid fisherman. I live on the main stem of
 5 the Union River below Leonard Lake and most of my
 6 comments are really going to talk about the quality
 7 of the water below Leonard Lake because I think it's
 8 one of the aspects that's really been under
 9 emphasized in these conversations.

10 First off, I want to -- I can't resist a
 11 little history lesson. There have been fights over
 12 the quality of the river particularly around
 13 fisheries and fish passage and water quality in the
 14 river really since the earliest days of settlement in
 15 Ellsworth and, as you know, state law required safe
 16 fish passage when the state was established in 1820.
 17 And upstream and downstream fish passage I would ask
 18 the DEP consider really honoring the original intent
 19 of state law even when the state is founded was to
 20 ensure that the state protected the public interests
 21 in the quality of the river. What we have is a
 22 situation here where essentially Brookfield has been
 23 allowed to privatize the quality of the river and the
 24 fisheries. The original dam extinguished fish runs
 25 and sturgeon, shad, other sea-run brook trout, other

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1 a lot of it is water quality and what's in the
 2 atmosphere and coming down in the water. I believe
 3 the DEP should take a strong interest and the
 4 capabilities of allowing green for us, the short
 5 needle conifer and moss for its ability to clean
 6 everything. And, again, if we had a more efficient
 7 system, up-to-date river system, our fish ladders
 8 could be like the water slides, people could use it,
 9 whatever, you know, we'd have a half mile long one
 10 down to Ellsworth. So I guess that's it, efficiency
 11 and water quality.

12 MR. BERGERON: Thank you.

13 AUDIENCE MEMBER: My name is George
 14 Leinbaugh. I'm a resident of Mariaville. My issue
 15 is with the turbidity, which has been fully well
 16 addressed, so I just want to recommend that you
 17 adhere to the FERC regulations for the drawdown for
 18 Graham Lake. Thank you.

19 THE REPORTER: Sir, could you spell your
 20 last name for me?

21 AUDIENCE MEMBER: (George Leinbaugh.)
 22 L-E-I-N-B-A-U-G-H.

23 THE REPORTER: Thank you.

24 AUDIENCE MEMBER: (George Leinbaugh.) And
 25 I'm a member of the Downeast Salmon Federation.

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1 fisheries and I think this is a historic opportunity
 2 for the DEP to guarantee that the water quality
 3 really takes a global view of what that means in
 4 terms of the biotic communities.

5 It's strange to me in some ways that there
 6 is public interest that you all are guardians of what
 7 comes down to question of Class A, Class B, Class C.
 8 Your mandate says that the operations may not
 9 adversely impact aquatic life. When I'm fishing out
 10 on the Union -- lower stem of Union River and I see
 11 dead eels and dead alewives, I see alewives --
 12 juvenile alewives come over the dam and they're
 13 stunned by coming over that dam. So it seems to be
 14 quite apparent that with the current operations they
 15 cannot swim, so they're just sort of swimming in
 16 circles because they've fallen 65 feet. So safe,
 17 effective, volitional upstream and downstream fish
 18 passage was provided for initially at the very outset
 19 when these dams were built and it seems like it's
 20 time for the State of Maine to step up and assure
 21 that is guaranteed this time around.

22 I just cannot understand given the language
 23 around the impact on aquatic life, if you look at the
 24 sediment -- sedimentation on -- in the entire lower
 25 stem of the river all of the species that live on

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1 rocks, the algae, the rockweed, everything is being
 2 affected by the high levels of sediments that are
 3 passing down this river. It is objectively clear,
 4 though not monitored, which is curious to me, that
 5 level of turbidity, all of the soil that my neighbors
 6 who live on Graham Lake are losing and it's going
 7 down the river is going into that biotic system,
 8 settling and smothering juvenile -- juveniles,
 9 barnacles, it's very clear if you look at the lower
 10 main stem that there is a biological impact and it's
 11 impressive. It's substantial. So I would ask that
 12 Brookfield be asked by the state to demonstrate that
 13 there is no negative impact below Leonard Lake Dam
 14 because it's quite clear when I'm walking on the
 15 rocks down there it's quite clear that the sediment
 16 level has a dramatic impact on the settling of
 17 muscle, spat, oysters and those sorts of thing.

18 The other thing that I wanted to raise and I
 19 think no one else has mentioned is that Brookfield
 20 seems to be living maybe in the 19th or 20th Century.
 21 I think a lot of what was going on in the last couple
 22 of years is really that Brookfield has no climate
 23 resilience plan, so when they ran into this drought
 24 they were like, hell, we need to make money, we're
 25 just going to drain this thing. Given the importance

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1 to ask them that.

2 The other thing I think that would be --
 3 that I would say to you as a taxpayer from Ellsworth
 4 and the State of Maine is that the Town of Ellsworth
 5 was required to put in very high level water quality
 6 protections in our waste water treatment plants and
 7 it seems to me that Brookfield is being given a pass
 8 to continue basically to pollute the water with
 9 sediment and creating turbidity that's obviously
 10 changing the biotic communities because the water --
 11 the capacity of the water to hold that once it gets
 12 into the lower stem it just dumps it and this creates
 13 navigation problems, this is why we continue to have
 14 trouble with the channel coming out of the Union
 15 River is because this hydroelectric system is just
 16 dumping sediment year after year after year, but then
 17 there is a public cost that's being imposed on our
 18 communities.

19 So just -- I would -- I would thank you for
 20 having this meeting. I think it's a great -- a great
 21 step. And I hope that the State of Maine will in its
 22 bicentennial year honor the initial intent of even
 23 colonial law, which was to make sure that private
 24 interests did not trump the public interest. Thank
 25 you.

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1 of climate change in the State of Maine's future
 2 planning environmentally, I would respectfully
 3 request that you all ask Brookfield what its climate
 4 resilience plan is if they have another two, three
 5 years of drought. Because clearly, I suspect, one of
 6 the things that they were doing was balancing the
 7 lack of planning for climate events, the significant
 8 climate events like the recent drought, with their
 9 profit. And so when push came to shove it seems
 10 quite clear that having privatized the river they set
 11 as a higher priority the dividends and value of their
 12 portfolio over the health of Graham Lake basin and
 13 the entire river system. So climate resilience would
 14 be one aspect that I would ask you to consider as
 15 they think -- as you think about giving a license
 16 over a period of time where climate impacts will
 17 clearly be a major factor. Nothing that I've seen in
 18 any of their filings show anything other than a
 19 desire to have a status quo. They're willing to
 20 accept whatever is imposed on them, but if you look
 21 at this river system especially the very shallow lake
 22 this is -- the climate change issues will have a
 23 negative impact on the biological communities unless
 24 they have some plans to address if there is another
 25 drought what will they do. I would like to ask you

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1 (Applause.)
 2 MR. BERGERON: Sorry. Go ahead.
 3 AUDIENCE MEMBER: Zack Steele, Hancock
 4 County Soil and Water Conservation District. I'm
 5 here to speak on DEP's use of its Water Quality
 6 Certification process and I'd like to address two
 7 points, firstly turbidity and secondly fish passage.
 8 Turbidity and lake water levels are related
 9 as some local research has shown. I'm here to speak
 10 in favor of the FERC 4.5 foot research in water
 11 levels compared to Brookfield's. I would like to
 12 note that DEP has not established a numeric criteria
 13 for turbidity standards and that seems to be a
 14 problem in this water recertification process that we
 15 don't have numeric measurements that we can hold
 16 Brookfield to. However, you can use biotic criteria
 17 and I encourage you to do that in the evaluation
 18 process looking at invertebrates, submerged aquatic
 19 vegetation or other biotic that -- biotic organisms
 20 that are deemed suitable by DEP scientists. And a
 21 final note on turbidity, DEP and the Soil and Water
 22 Conservation District worked closely on a number of
 23 sediment and erosion control projects including the
 24 EPA funded 319 program. We work with lakes
 25 throughout our county to reduce sediment and erosion

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1 from reaching lakes -- other lakes due to phosphorous
 2 concerns as well as working with contractors on
 3 sediment erosion control plans. So DEP acknowledges
 4 the impact of sediments on lake water quality and I
 5 encourage you to not only to walk the walk. It's a
 6 little disconcerting that we speak with the
 7 contractors and they say, well, why, you know, why do
 8 I have to follow this rule here when such and such
 9 can happen here. They -- I understand the structure
 10 of our laws, but the common sense application when
 11 you talk to individuals on the ground it makes it
 12 very hard to be seen as legitimate and credible as a
 13 regulatory agency. And a potential solution to
 14 consider for sediment erosion control would be
 15 considering establishing living shore lines and using
 16 best management practices to control some of the
 17 movement of sediment with the fluctuations of the
 18 lake water levels. So that's a possible
 19 consideration.

20 Secondly, upstream and downstream passage of
 21 fish and habitat. When we look at the distinct
 22 population sediment for Atlantic salmon in the State
 23 of Maine from the Kennebec River to the St. Croix and
 24 the Union River lies right in the center of that and
 25 it's -- nothing is happening here and I think in a

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1 know, both of those amenities. And I have witnessed,
 2 you know, pools of dead juvenile fish floating in the
 3 lake, dead clams and muscles, pools of trapped live
 4 fish, substantial erosion on our property also. I
 5 mean, it was -- since Brookfield took over it just
 6 was way more apparent than any time prior to when
 7 they had control. I've seen boats, docks, things
 8 like that high and dry. I mean, it's just from a
 9 value of quality of life on the lake it has been
 10 absolutely devastating.

11 You know, and I don't think anybody here
 12 will argue the point 100 years ago, yes, that lake
 13 was created to create power, but over time
 14 communities have been built around this lake. The --
 15 we have to look towards the future. I know that
 16 there's -- you know, when you look at any of the
 17 other lakes, lakes are getting more and more built up
 18 and crowded. I mean, as a resource as a lake Graham
 19 Lake just offers so much. I mean, it's an amazing
 20 resource as a lake. So I don't think I'm saying
 21 anything new that you haven't heard, but I think
 22 stable water levels, fish passage will add value to
 23 people's properties, value to people's quality of
 24 life. It queues us up for the future. We know that
 25 Hancock County is growing in leaps and bounds. The

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1 big part due to that is about 100 years of avoided
 2 addressing fish passage on the Union River. So not
 3 only would I encourage DEP to consider Atlantic
 4 salmon, but also alewife and eel as diadromous fish
 5 that need aquatic connectivity between there to
 6 complete their life cycle. Thank you very much.

7 MR. BERGERON: Thank you.

8 (Applause.)

9 MR. BERGERON: And the last two names I have
 10 here on the list are Joe Minitolo and Ed Grohowski.

11 AUDIENCE MEMBER: My name is Joe Minitolo
 12 and, again, thank you for having us. This is a nice
 13 forum to be able to convey our message to you. My
 14 family has owned property on Graham Lake for numerous
 15 years. I lived on Graham Lake actually for about six
 16 years and it was during the transition to when
 17 Brookfield took over. I live up in North Mariaville.

18 I wanted to reinforce and say that I am in
 19 favor of minimum drawdowns and fish passage. And
 20 it's just since Brookfield took over the drawdowns on
 21 that lake definitely started considerably earlier and
 22 they were just way more aggressive and this affects,
 23 you know, these aggressive drawdowns were devastating
 24 to the wildlife and devastating to recreation. That
 25 was the reason to be on Graham Lake was to enjoy, you

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1 pressure on all of the lakes is going to be massive
 2 in the next 10 to 20 years. Being a 30 year license,
 3 it is imperative that we do something on this round.

4 We -- we need to provide limited water
 5 levels. We need to increase sustainable development
 6 going forward. I mean, with climate change, with
 7 pressure, with all of these different things, I mean,
 8 these are opportunities -- these are opportunities
 9 right now and we need to -- we need to face the facts
 10 here. This is devastating what's going on to Graham
 11 Lake. It can be an amazing resource or a mud puddle.
 12 The direction we're going today is a mud puddle. If
 13 we do make some changes today it can be an amazing
 14 resource. Thank you very much.

15 MR. BERGERON: Thank you.

16 (Applause.)

17 AUDIENCE MEMBER: Hi. My name is Ed
 18 Grohowski. I am speaking today on behalf of my
 19 daughter, nicole Grohowski, who is a member of the
 20 House of Representatives for the City of Ellsworth,
 21 for the District 132 representing Ellsworth and
 22 Trenton she'd like to have me say, thank you for
 23 offering this opportunity for the public to share
 24 input on the proposed 30 or 40 year Ellsworth
 25 hydroelectric project relicensing. The long-term

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1 status of these two dams is very important to many of
2 my Ellsworth constituents and those who live in towns
3 along Graham Lake. Many of these people have both
4 qualitative and quantitative information to share
5 that will be valuable for the DEP to consider as it
6 reviews and responds to the Water Quality
7 Certification application filed on March 21, 2019.

8 Through my communications with the Maine DEP
9 and the DMR, I am aware that these agencies often
10 rely on data provided by Brookfield Renewable in
11 order to determine water quality and fish passage
12 methods. I understand that these agencies are
13 limited in their ability and reasonability --
14 reasonably so to collect regular data from the Union
15 River as only one of many rivers in Maine with
16 hydroelectric infrastructure. For this reason, I
17 encourage these agencies to integrate scientifically
18 valid data collection by local groups and citizens
19 who are able to catalog conditions in a regular and
20 rigorous fashion without corporate conflict of
21 interest.

22 DMR has notified me that they have
23 identified downstream fish passage mortalities for
24 multiple species such as Atlantic salmon, river
25 herring, shad and American eels, as their highest

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1 and truck method focuses only on river herring and do
2 not -- and not the other species, which do or could
3 viably live in the branches of the upper Union River.
4 If we are going to require safe downstream passage
5 for these species it is reasonable to require
6 volitional upstream passage for them as well, in
7 short order in relation to the downstream passage.

8 Additionally, Graham Lake water level
9 drawdowns should be limited to less than Brookfield's
10 current proposal. The lake should be allowed to
11 exist as other natural and manmade lakes to do in
12 this state -- as they do in this state offering
13 recreational, real estate, water quality values to
14 residents and visitors alike.

15 Right now, we have an opportunity to
16 consider the future of these dams and how they can be
17 relicensed to improve water quality, recreational
18 value, and fish passage while also providing
19 renewable hydro to the grid. Again, myself, Edward,
20 and my daughter, Nicole, I thank the DEP for offering
21 this opportunity for public input on this important
22 relicensing process that will shape one of our most
23 valuable assets in Ellsworth for decades to come.
24 Thank you very much.

25 MR. BERGERON: Thank you.

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1 priority to address a new license. Passage testing
2 will be required for all species and DMR is
3 recommending protective measures specific for each
4 species to FERC, for example, nighttime shutdowns for
5 eels during out migration. These changes from the
6 current license will be a big improvement and will
7 hopefully eliminate the current regular fish kills at
8 the Leonard Lake Dam. It is also unclear to me to
9 what extent DMR has monitored these fish kills. So I
10 ask the DEP consider fish kill data collected by the
11 Downeast Salmon Federation and others when
12 determining the current extent of the problem and
13 what margin of mortality will be allowable or
14 punishable going forward. Regarding fish kills, it
15 should not be acceptable to us to hear as I did from
16 DMR that, and I quote, the current license has very
17 few requirements regarding safe fish passage and we
18 unfortunately have little we can do regulatorily to
19 deal with this issue until the new license is in
20 place, unquote. This relicensing process is our
21 opportunity to make sure that we protect our fish
22 species and our livelihoods that depend on them such
23 as the lobster industry.

24 Volitional upstream passage remains a large
25 concern for me and my constituents. The current trap

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1 (Applause.)

2 MR. BERGERON: Is there anybody else that
3 didn't sign up that would like to speak, if so, if
4 you could come forward now and state your name.

5 AUDIENCE MEMBER: (Christa Little-Siebold.)
6 Thank you for allowing this to happen because our
7 input is very important. They're not interest in our
8 resource, they are interested in their economic
9 advancement.

10 I am Christa Little-Siebold. I live in
11 Ellsworth and I am not a waterfront property owner or
12 anything like that, but I am like many of the people
13 here and not here a resident of the Graham Lake
14 watershed. I want to highlight the fact that we're
15 talking about a watershed and the end pretty much of
16 that watershed is the dam -- two dams. More dams
17 upstream. So the impact is huge. Whatever is
18 happening way up in the watershed and beyond affects
19 more than what is right next to that water and so I'd
20 like to ask everybody if we were to sell the Union
21 River, if we were to sell the dam what will be the
22 real estate value of that and all of the potential
23 that it has to offer. So is the price that the city
24 gets 125,000, whatever it is, is that enough? Is
25 there any other higher bidders? Is 2 million enough?

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1 And what is the price that we are all actually
 2 willing to pay for the little bit of electricity when
 3 they're opened up to have their -- because of the
 4 whole ecology that includes the ocean and as well and
 5 the effects down below. An economic study will be
 6 very important, an economic study, I think the
 7 data -- the data is out there. The evidence is out
 8 there. It's just us asking you or me asking you to
 9 really take seriously all of that, all of that
 10 information that has been produced, all those efforts
 11 that have been out there. And to think outside of
 12 the box because to me when they are draining the
 13 river that utilizes money that is related to whatever
 14 is happening up the stream. To me, when I see those
 15 trucks and I show my kids, look, there go the
 16 alewives, right, and when I'm teaching kids at school
 17 about how the alewives would run and they have no
 18 clue at all that some of their family's money through
 19 taxes is going to trucking those fish up the stream.
 20 It makes no economical sense. Because we're not
 21 taking just the 30 years, the trucking of the fish
 22 has implications that go beyond 30 years when you're
 23 talking about migration of fish and the system of all
 24 that.

25 So the decision is up to you and I really

C E R T I F I C A T E

1 I, Robin J. Dostie, a Court Reporter and
 2 Notary Public within and for the State of Maine, do
 3 hereby certify that the foregoing is a true and
 4 accurate transcript of the proceedings as taken by me
 5 by means of stenograph,

6 and I have signed:

7
 8
 9
 10
 11
 12
 13 _____
 14 Court Reporter/Notary Public

15 My Commission Expires: February 6, 2026

16
 17 DATED: August 9, 2019

1 encourage you to look at the livelihood of it as the
 2 watershed, as a whole ecosystem that affects what's
 3 above and what's beyond and -- yeah, thank you for
 4 being here.

5 MR. BERGERON: Thank you.

6 (Applause.)

7 MR. BERGERON: Is there anybody else? Last
 8 call for speakers. All right. So I want to thank
 9 you again for taking the time to come out this
 10 evening to share your comments with us. This
 11 information is useful to us as we review the Water
 12 Quality Certification application. Regarding the
 13 next steps for the project, the Department staff will
 14 continue reviewing the applicant's proposal and to
 15 see if it will comply with Maine's water quality
 16 standards. If you decide after tonight's meeting
 17 that you want to provide other written comments to
 18 us, please contact Kathy afterwards either through
 19 regular mail or her email address.

20 Enjoy your evening and please drive home
 21 safely. Thank you.

22 (Meeting concluded at 7:00 p.m.)

< Dates > August 9, 2019 71:17 February 6, 2026 71:15 July 9, 2019 1:11 March 20, 2020 3:9 March 2020 7:23 March 21, 2019 65:7 \$1 47:11 \$125,000 47:7	19th 57:20	< 5 > 5.7 26:1, 40:11 50 45:13 5:00 1:13
< 0 > 04333. 7:4	20,000 19:11 2006 11:11, 18:8 200th 15:25 2015 36:10 2017 38:22 2018. 38:22 20s 16:14 20th 57:20 24/7 53:15, 53:20, 53:21 299 1:12	< 6 > 60 43:2 65 56:16
< 1 > 1 29:2, 32:6 1,000 19:8 1/2 25:24 10 19:11, 20:17, 29:4, 64:2 100 27:25, 38:9, 45:7, 53:1, 62:1, 63:12 102.4 28:2, 28:7 104.2 28:15, 28:18 111 30:21 125,000 68:24 132 64:21 14 16:7, 42:25 15 11:5, 17:6, 17:7 16 27:24, 30:7 17 7:3 179 28:20 1820. 55:16 19,000 22:4 1907 16:13 1908 30:23 1908. 30:20 1982 14:19	< 2 > 2 46:22, 68:25 2.4 32:6 20 29:3, 29:4, 41:2, 41:17, 43:9, 50:12, 64:2 20,000 19:11 2006 11:11, 18:8 200th 15:25 2015 36:10 2017 38:22 2018. 38:22 20s 16:14 20th 57:20 24/7 53:15, 53:20, 53:21 299 1:12	< 7 > 70 29:20, 30:6, 39:25 7:00 70:23
	< 3 > 3 25:24, 32:1, 40:12 3.5. 40:12 30 17:6, 23:14, 52:16, 64:2, 64:24, 69:21, 69:22 300 27:25 315,000 47:8 319 60:24 35 45:1 350,000. 30:16 3:30 33:16	< 8 > 8 47:12 8. 47:9 8.9 3:20 80s 14:24 86/87 13:8
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