March 26, 2025

Ms. Shannon Ames, Executive Director
Low Impact Hydropower Institute
329 Massachusetts Avenue, Suite 2
Lexington, MA 02420

TROUT UNLIMITED
MAINE COUNCIL

Transmitted via e-mail to comments@lowimpacthydro.org

Subject: **Skeleton Project Comments**

Dear Ms. Ames:

On behalf of its six chapters with over 1700 members, Maine Council of Trout Unlimited ("TU") submits these comments on the Brookfield White Pine Hydro ("Brookfield") application for Low Impact Hydro Institute (LIHI) Certification distributed March 6, 2025. It has been over twenty-seven years since Federal Energy Regulatory Commission (FERC) relicensed the project and we assert that for that reason increased scrutiny should be applied to this application.

The Skelton Project is causing continuing adverse ecological impact to the watershed. This is because of both its impoundment and the cumulative effects of all six Saco River hydro projects in the less-than-40-mile reach between the Cataract Project at head-of-tide and the Hiram Project in the foothills of the White Mountains. Despite decades of stocking by the Saco Salmon Restoration Alliance and Hatchery, and improvements to fish passage downstream, only one Atlantic salmon and thirty-three American shad were counted at Skeleton Dam in 2024.[1] These numbers are far below the carrying capacity of the river for both species. Additionally, the project is included in the 2007 Settlement agreement for the Saco.

The next Brookfield hydro project upstream is the Bar Mills Dam where fish passage is required by 2025. Brookfield has included the offer to partially breach the dam to provide a zone of passage for anadromous fish as part of its License Surrender documentation, but it will be impossible for the breaching to be accomplished this year. Additionally, the Cataract Project has just entered the FERC relicensing process that will evaluate fish passage effectiveness at this head-of-tide dam. LIHI Certification of the Skelton Project is largely dependent on the 2007 Settlement[2] that focuses on fish passage. The Settlement includes "fish passage recommendations and management measures agreed to by the Parties."

With each passing year, the futility of the Settlement becomes more apparent because of the problems associated with trying to pass Atlantic salmon, America eels, American shad, blueback herring and alewives over so many Brookfield dams in the less than 40 miles of the Saco River

[1] Trap Count Statistics accessed at https://www.maine.gov/dmr/fisheries/sea-run-fisheries/programs-and-projects/trap-count-statistics accessed on March 11, 2025.
[2] The current version is Amendment No. 2 to Saco River Fisheries Assessment Agreement (Amendment) dated February 2019.

between tidewater and Hiram Dam. The settlement continues to be characterized by the lack of fish passage and failure to meet agreed milestones on time. Examples are as previously stated above as well as the delays incorporated by the adoption of the amendment in 2019 and earlier revisions. If the overall goals of the LIHI Certification Program mean anything, certification to the Skelton Project should be denied until settlement milestones have been demonstrated to be met at Skelton and the Cataract and Bar Mills projects immediately downstream and upstream. These goals are: "to recognize and support hydropower projects that prioritize environmental, recreational, historical, and cultural resource protection, using science-based criteria and public input." Brookfield has clearly failed to act to recognize and support hydropower projects that prioritize environmental, recreational, historical, and cultural resource protection in the Saco River Watershed - only to delay restoration and maximize the value of the resource as an asset in its energy portfolio. If the project is certified, LIHI will not have worked to achieve its goals but only to 'greenwash' the obviously and inherently destructive nature of current Saco River hydro operations by designating them as low impact.

Brookfield's application for the Skelton Project has not demonstrated meeting three of the certification criteria.

> 3.1 Ecological Flows. There is no USGS Flow Gage at or below the Skelton Project to accurately gage actual flows. Brookfield should provide LIHI hourly data for the past five years that confirms that the various minimum flow requirements are being met. Project certification should rest on data that clearly demonstrates compliance.
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> 3.3 Upstream Fish Passage. Page 53 "Due to the extremely limited numbers of Atlantic salmon returning to the Saco River, no Atlantic salmon, kelt, or smolt studies are planned at this time." This is unconscionable. The Saco River has a well-documented historic Atlantic salmon run. MDMR Trap Count Statistics accessed above continue to show no recovery of the species despite years of stocking by the Saco Salmon Restoration Alliance and Hatchery.
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> Last month, Brookfield filed their 2025 Adult Alosine Passage Effectiveness Study Plan for the Lower Saco River Projects.[3] We recommend that LIHI not certify the Skelton Project unless the results of this study show safe, timely and effective fish passage.
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> 3.4 Downstream Fish Passage. The same comment as 3.3 applies.

For these reasons, LIHI certification should be denied at this time and continued to be denied until the following conditions have been met.

> 3.1 Ecological Flows. Flows verified by USGS or other recognized flow gage at or below the project. License Article 402 (b) allows for the impoundment to be drawn down by four feet from July 1 to September 30, which is precisely the time of year when juvenile

[3] Brookfield White Pine Hydro LLC Final 2025 Adult Alosine Passage Effectiveness Study Plan re the Cataract Hydroelectric Project dated February 27, 2025.

offspring are in the Saco River. If LIHI is to certify this project, you must be able to see what the outflow releases are for the past five years. Any evidence of hydropeaking would run completely counter to the idea that the project is low impact. Sub-daily flow variability has been shown to have an adverse effect on riverine fish.[4] LIHI should consider these impacts when looking at the flow releases from Skelton. The project should not be certified if the project's flow release data indicates rapid sub-daily flow variability. LIHI must be able to confirm from the data that when inflow is greater than 400 cfs, the minimum flow release was indeed 400 cfs. Just because a 1998 license from FERC lays out these requirements should not mean that a project is therefore low impact; these baseline requirements can still allow a hydropower project to impose numerous impacts to riverine species and processes.

3.3 Upstream Fish Passage. Completion of the Adult Alosine Passage Effectiveness Study Plan for the Lower Saco River Projects, and actual counts of 8 Atlantic salmon and 8,996 American shad at Skelton over three successive years.

LIHI must delay its certification until the results of the 2025 Adult Alosine Passage Effectiveness Study Plan for the Lower Saco River Projects are made public. It has been 27 years since the project was relicensed. Brookfield's application for LIHI Certification was premature. In the absence of recent relicensing data, it makes little sense to certify the project without this information.

Additionally, despite historical abundance of Anadromous fish in the watershed, Brookfield's projects continue to prevent their restoration. The expected median adult returns at Cataract Dam have been calculated as 878 Atlantic salmon[5] and 208,996 American shad.[6] TU sees it as exceedingly reasonable that Brookfield show that at least 1% of these estimates are achieved at Cataract to demonstrate at least some indication of meaningful fish passage: 8 Atlantic salmon, 2,090 American shad.

3.4 Downstream Fish Passage. Achievement of 90% survival for important Anadromous fish species including Atlantic salmon, America eels, American shad, blueback herring and alewives as established by radiotracking studies. This condition is consistent with passage requirements at other hydro projects in Maine. Brookfield must be able to provide data indicating that this survival rate is being met at the project.

Should LIHI grant certification based on the information that Brookfield has provided, then TU requests that LIHI provide a reasonable degree of scrutiny be applied to the projects on the lower Saco River by requiring quarterly reports on compliance with the above stated criteria, or

[4] Bozeman, B. B., Pracheil, B. M., & Matson, P. G. (2024). The environmental impact of hydropower: a systematic review of the ecological effects of sub-daily flow variability on riverine fish. *Reviews in Fish Biology and Fisheries*. https://doi.org/10.1007/s11160-024-09909-4.

[5] Baum, E.T. 1997. Maine Atlantic Salmon Management Plan with Recommendations Pertaining to Staffing and Budget Matters.

[6] USFWS, MDIFW, Maine Sea Run Atlantic Salmon Commission, MDMR. 1987. Saco River Strategic Plan for Fisheries Management.

until issues regarding fish passage at Cararact, Skelton and Bar Mills have been resolved by relicensing of the Cataract Project, achievement of reasonable fish passage goals at the Skelton Project, and removal of, or establishment of a zone of passage at, the Bar Mills Project.

TU appreciates the opportunity to comment on this application.

Respectfully,

Stephen G. Heinz
Maine TU Council FERC Coordinator

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