February 27, 2026

VIA E-FILING

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Brunswick Hydroelectric Project (FERC No. 2284). Free the Andro coalition Comments on the Initial Study Report Meeting Summary and the Downstream Passage Alternatives Meeting.

Dear Secretary Reese:

Free the Andro is using these comments to follow and build on the comments filed by the Merrymeeting Bay Chapter of Trout Unlimited on the Notice of Intent (NOI)/Pre-application Document for the Brunswick Project (Docket: P-2248) on February 19, 2024 and comments filed on the Revised Study Plan: Brunswick Hydroelectric Project (FERC No. 2284 on December 14, 2024. Since the earlier filings, Merrymeeting Bay Trout Unlimited has joined with other founding members: Maine Rivers, American Rivers, Restore the North Woods, and Friends of Merrymeeting Bay along with their individual members to form the Free the Andro coalition (FTA). FTA respectfully submits these comments on the Brookfield Initial Study Report (ISR) Meeting Summary filed January 30, 2026 and its subsequent Downstream Alternatives Meeting Summary provided to agencies and interested parties on February 9, 2026 in conformance with the Commission's Criteria for Modification of Approved Study (18 C.F.R. § 5.15(d))

**Introduction and Basis for Action:**

The Brunswick Dam is the first dam inland from the Atlantic Ocean located on the Androscoggin River at a site also known as Brunswick Falls. The Androscoggin is Maine's third largest river with a length of 178 miles, draining a watershed of 3,450 square miles. The Brunswick Dam's location is at the head of tide and the key barrier relative to the health of diadromous species that access the river as part of their life cycle, including the Atlantic Salmon which are listed under the Endangered Species Act.

The dam is now being considered for relicensing by the Federal Energy Regulatory Commission (FERC). It has been 47 years since the current license was issued in 1979. This process represents a rare opportunity to take aggressive steps at a critical juncture in the history of the river's use for human welfare and the natural riverine communities it supports.

The FTA was formed with the mission to seek removal of obstacles to upstream and downstream passage of sea-run fish (diadromous species) in the Androscoggin River at the site of the Brunswick Dam. The groups' primary goal is to achieve changes in the FERC license terms that will allow remnant populations of diadromous fish to again ascend the falls to reach their historical spawning grounds and complete their respective life cycles with effective volitional upstream and downstream passage. The FTA has been actively participating in the relicensing process to work with all interested parties to review and apply the best available science and engineering applications to fix the problems created by the dam to restore truly effective volitional diadromous fish passage.

A key tenet supporting our action as stakeholders in this process is that the use of a publicly held, common resource like the Androscoggin River to produce hydro-electric power for sale by for-profit entities on open markets is a privilege and not a right. Per the Federal Power Act, key the elements of the river's human and ecological uses must be balanced by FERC when it is considering license renewal. Specifically, FERC is an independent federal agency with a mission to regulate and oversee energy industries in the economic, environmental, and safety interests of the American public. This mandate requires FERC to consider public input which is key to making changes in how the dam is operated and fish passage improved.

Further As codified in Section 10(a)(1) of the Federal Power Act, a hydropower project must serve the public interest, not just the Licensee's interest in power generation. Per the "Androscoggin River Watershed Comprehensive Plan for Diadromous Fishes" published by NOAA Fisheries Greater Atlantic Regional Fisheries Office in 2020[1]:

*"The Androscoggin River produces 257 MW of electrical generation. The associated dams and project operations are a significant contributor to the severe depletion or extirpation of the diadromous fishery to levels unsustainable without the intervention of resource agencies. This lack of balance between energy and fishery resources – a public trust resource - suggests that the development of the Androscoggin River does not meet a comprehensive development standard." Page 71.*

Members of the FTA joined the two meetings noted and have the following comments on each:

**1) Initial Study Report Meeting Summary for 1/15/26 Meeting filed with FERC on 1/30/26:**

Per the Section entitled "Upstream Downstream Fish Passage Studies, subsection Task 1 Summary: Phase 1-Alternatives Analysis" it is stated that BWPH developed upstream and downstream screening matrices as follows:

- Identified ~12 initial alternatives for each passage route.
- Narrowed each list to ~4 potentially applicable alternatives.
- Matrices include descriptions, evaluation criteria, costs, operations, and conceptual sketches.
- Stakeholder meeting scheduled for January 27, 2026, to review and finalize alternatives.
- Phase 1 Alternatives Analysis Report to be completed in Q1 2026.

[1] NOAA Fisheries. 2020. Androscoggin River Watershed Comprehensive Plan for Diadromous Fishes. Greater Atlantic Region Policy Series 20-01. NOAA Fisheries Greater Atlantic Regional Fisheries Office - www.greateratlantic.fisheries.noaa.gov/policyseries/. 136 pp.

Please note that there is a factual error in that the follow-on meeting held on January 27 included only a discussion of matrices for downstream fish passage. It was agreed that an additional meeting to discuss upstream passage would be scheduled. As of this writing that meeting has not occurred. It is now scheduled for March 5, 2026. Therefore, stakeholders have not had the opportunity to review or discuss any upstream fish passage alternatives being considered or not being considered.

**2) February 9, 2026, Brookfield Summary of Downstream Alternatives for Meeting held on 1/27/26:**

As noted in subsequent summary provided by Brookfield on the January 27th downstream fish passage alternatives a representative from NOAA Fisheries, Donald Dow, stated that a dam removal alternative should be added to the analyses matrix, so that it can be used as a comparative analysis for effectiveness and cost.

Also as noted, Chip Spies of Free the Andro expressed a desire to examine the dam removal alternative as well and also stated that it would be important to have an analysis of a nature-like fishway on river left. Chip Spies stated that he has seen some rough designs and would like to understand if it's technically feasible. Kirk Smith of Gomez and Sullivan suggested that the discussion of a nature-like fishway be tabled for the upstream passage alternatives discussion.

The FTA wants the record to reflect that both dam removal and analyses of nature like fishway designs should be considered for technical feasibility. Otherwise, the matrices for both Upstream and Downstream design analyses will be missing important components. Further, at one point during the January 27th meeting a downstream fishway design consultant mentioned that Brookfield did not want a certain design considered. It was then noted by a representative of the Maine Department of Marine Resources, that a licensee cannot make unilateral decisions to preclude analyses based on internal assumptions about feasibility.

FTA concurs that the fishways alternatives analysis must consider more options to determine technical feasibility. This is not unreasonable or outside the scope of the current suggested study plan because all parties understand that these will ultimately lead into later discussions about costs and benefits as also included in the Revised Study Plan (RSP) as filed December 2, 2024. Having these alternatives considered will take into consideration a full range of designs, including dam removal and nature-like fish passage that can be compared when cost and benefits are analyzed. This separation of alternative fishway technical feasibility and cost analyses is something FTA commented on and supported with its February 19, 2024, filing. In good faith this needs to be followed as described in the RSP.

We stated the same in our December 14, 2025, comments and clarified what we understood and appreciated about the RSP revisions at the time as follows:

*Comments on Revised Study Plan form FTA 12/14/2024 filing:*

*"After review of the RSP, the Coalition welcomes certain changes that have been made in response to its comments and those of others.*

*Specifically, the new inclusion of 2D hydraulic modeling to the spillway area as discussed in Section 5.2 of the RSP and depicted in Figure 5.2.1.5-2. This change and Brookfield's comments in Table 1.2-1: PSP Comment Responsiveness Summary under USFWS-1 are helpful. Brookfield's commentary in that section references back to the PSP comments filed by MMBTU on the need for some baseline data from that area to credibly consider multiple Alternative Fishway designs, including Nature-Like Fishways (NLF). We appreciate Brookfield's willingness to include these study elements at the behest of MMBTU and the US Fish and Wildlife Service*

*(USFWS) and its affirmative statements about including Nature-like-Fishway designs when alternative fishway analyses are undertaken.*

*Further, in section 5.2.2 entitled 'Upstream and Downstream Fish Passage Alternatives Study", the fourth bullet in the introduction states:*

> *'Implementation of a phased alternatives analysis whereby Phase I provides a comprehensive report of potential measures for upstream and downstream passage at the Project without discussion of costs or implied preferences.'*

*This is another welcome clarification of the study methodology being proposed. It is in response to requests by the National Marine Fisheries Service (NMFS), the Maine Department of Marine Resources (MDMR) and the USFWS to use methodology adopted for alternative fishway analysis at the upstream Worumbo Dam site as part of its relicensing process (FERC Docket 3428). Separating analysis of best alternatives for passage efficacy from cost comparisons creates a more objective initial review of the options when looking at what is best for the migratory fishes as a public resource."*

Please require that all parties remain on track with what is described in the RSP.

Regarding other designs included in the downstream fishway analysis, the FTA agrees with comments from NOAA Fisheries and others that effective downstream fish passage using Natel's Fish Safe designs for improved turbine runners would be a very powerful solution for effective, low mortality downstream fish passage if they meet theoretical design criteria for passage. However, it is noted in the matrix provided that these designs are experimental and would require further feasibility analyses by Natel. FTA notes that other "experimental and untested" alternatives were considered and rejected on those grounds. Therefore, if the Natel alternatives are pursued, FTA would like to see strongly stated support from participating federal and state agencies based on their respective assessment about the likelihood that this type of downstream passage will be effective. Given the unique nature of every dam location, we believe any option pursued would be an experiment. So, while we are certainly open to innovation, it should have attached license contingencies that require goal setting for fish passage, monitoring of efficacy, and further adaptation if passage goals are not met.

A FERC license is a privilege and not a right. In this case, it allows users of a public resource, like the Androscoggin, to produce profits for private industry. The dam is owned by a subsidiary of Brookfield Renewable Partners which is a publicly traded Canadian-based, multinational company that generates electricity for sale on the open market. It has been broadly reported that Brookfield and its subsidiaries own more than 80 percent of the hydro-electric production capacity in Maine[2]. This heavily weighted presence by one owner needs to be considered because of the potential for its operations to impact not only Brunswick but nearly every other major river in Maine. Recognizing and enforcing the fact that the right to operate hydroelectric facilities by privately held entities is a privilege and that the river systems they use are a public and not a private resource is imperative. Proper management of diadromous fish passage at the first dam on this river inland from the ocean and a demonstrated impasse to federally protected species like the Atlantic Salmon and keystone ecological species like Alewives is also an imperative.

[2] Carpenter, Murray, "Brookfield: The Dam King of Maine", The Maine Monitor, June 2, 2024 (https://themainemonitor.org ).

**Again, it is the intent of the Free the Andro coalition work with the licensee, FERC, authorized regulatory agencies, and other stakeholders in consultation to arrive at a well-researched and stakeholder supported solution that removes diadromous fish passage problems at the Brunswick Dam site.**

FTA appreciates the opportunity to comment on the relicensing of the Brunswick Project so key to the restoration of the Androscoggin River.

Questions concerning this submission be directed to Chip Spies, President, Free the Andro. He can be reached at chipspies@gmail.com.

Respectfully submitted,

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