

Town of Brunswick, Maine



TOWN COUNCIL

Androscoggin River Fish Passage Resolution

Whereas, on February 9, 1979 the Federal Energy Regulatory Commission (FERC) issued a license for operation of the Brunswick Hydroelectric Project (FERC Docket No. 2284; "the Project") and that license expires on February 28, 2029 and FERC is now considering issuing a new license pursuant to Section 15(b)(1) of the Federal Power Act, 16 U.S.C. as requested in a Notice of Intent to file an application for a new license and submission of a Pre-Application Document for the Project by the current licensee Brookfield White Pine Hydro LLC (BWP) a subsidiary of Brookfield Renewable (together as "Brookfield"); and

Whereas, the project is located at the head-of-tide in the Androscoggin River, it is the first barrier encountered by upstream migratory fish and was designed to facilitate migratory fish passage with an upstream passage facility completed in 1983 which is 570 feet long, and consists of 42 individual pools with a one-foot drop between each pool and a downstream passage consisting of an 18-inch pipe located between two turbine intakes; and

Whereas, multiple State and Federal Agencies including Maine's Department of Marine Resources, and the National Oceanographic and Atmospheric Administration as well as multiple academic researchers conclude that this fish passage as designed and currently operated is not allowing migratory fish passage in the manner for which it was planned; and

Whereas, licenses issued by FERC have a term of 30 to 50 years and the requirements set forth in such a license, including operation and/or monitoring of upstream and downstream migratory fish passages will impact the river's biological communities as well as multiple human generations in the surrounding area and well beyond; and

Whereas, 11 species of migratory fish including Alewives, Blueback Herring, American Shad, Atlantic Salmon, Short-nosed Sturgeon, Atlantic Sturgeon, Rainbow Smelt Striped Bass, Tomcod, Sea Lamprey and the American Eel are known to depend on the Androscoggin River to successfully complete their life-cycles both above and below this dam; and

Whereas, impaired fish passage due to the project and other upstream dams have significantly contributed to a decline in migratory fish populations when compared to historic numbers, including the Atlantic Salmon which is listed as endangered under the Endangered Species Act 16 U.S.C. 1531-1544; and

Whereas, restoring healthy populations of migratory fish to historical numbers will contribute to the ongoing environmental, economic and recreational health of the river and the human communities that will benefit from these improvements, including the residents of the Town of Brunswick; and

Whereas, the administrative staff of the Town of Brunswick has submitted requests to FERC to consider additional recreational infrastructure improvements related to the Project's license renewal and has stated its support for improved fish passage as part of this process; and

Whereas, the Rivers and Coastal Waters Committee, Shellfish Committee, Conservation Commission and Recreation Commission have reviewed the text of this resolution and recommend Council adoption,

Now therefore, be it resolved that this Town Council is committed to actions to support improvements in migratory fish passage at the project as part of the FERC relicensing process; therefore we urge the FERC to require unfettered passage for the eleven species currently using the river; and

Be it further resolved this Town Council is committed to educating Brunswick residents about the consequences of poor fish passage and the benefit of improved passage designs that will help migratory species return to historical levels; and

Be it further resolved that this Town Council urges FERC to fulfill its mission to regulate and oversee energy industries in the economic, environmental, and safety interests of the American public.

Adopted by the Town Council of Brunswick, Maine this 3rd day of February, 2025

Sande Updegraph, Chair - Town Council