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ATLANTIC SALMON

Posted: 12:00 AM

Lawsuits threatened against dam owners  
Declared endangered species

Local environmental advocates said Thursday they had sent letters to the owners of four hydroelectric dams, threatening to sue them under the U.S. Clean Water Act unless they take action to protect Atlantic salmon in the Kennebec River.

The river's salmon, declared an endangered species last year by the federal government, are being killed as they pass through turbine blades at dams in Waterville, Winslow, Fairfield and Skowhegan, the advocates contend. They suggest the installation of protective barriers on the turbines.

"The salmon are in a desperate situation; they're subject to this gauntlet of turbines to get to the ocean," said Ed Friedman, chairman of the Bowdoinham-based Friends of Merrymeeting Bay. He sent the letter along with Douglas Watts, of Augusta. "The feds aren't doing anything in a timely fashion, so this seemed like a good way to push the situation. The burden is going to be on the dam owners to show they are not killing fish through their turbines."

The four dams that are identified are the Lockwood Dam in Waterville, Hydro Kennebec in Winslow, Shawmut Dam in Fairfield and Weston Dam in Skowhegan. Friedman and Watts identify the owner of Hydro Kennebec as Myllykoski North America and Madison Paper Industries, and NextEra Energy/FPL Energy Maine as the owner of the other three dams.

However, Russ Drechsel, president of Madison Paper Industries, said the notice inaccurately named his company and Myllykoski, which is partial owner of Madison Paper, as dam owners.

"Madison Paper and Myllykoski are not owners of any of the four dams that are mentioned," Drechsel said. He declined to further comment.

NextEra spokesman Steve Stengel couldn't be reached for comment.

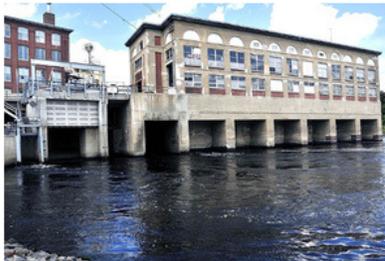
The Merrymeeting Bay group successfully petitioned to have Atlantic salmon in the Kennebec River protected under the Endangered Species Act, which happened in June 2009.

Federal law requires parties to a lawsuit to provide a 60-day notice of their intention to sue. Watts said the notice creates "an opportunity for us and the dam owners to work together, talk about the substance of this and reach a resolution, and then we don't have to go to court."

The citizen-suit provision of the Clean Water Act was intended for such a purpose by ensuring that citizens "have a right to help ensure enforcement of the law," according to Judy Berk, spokeswoman for the nonprofit Natural Resources Council of Maine.

"The court will need to decide the merits of the case, but the 60-day notice period also creates an opportunity for action by the dam owners to address the issues being raised," Berk said. "If the dams are violating their licenses, then they should immediately bring the operation of those dams into compliance in order to help protect fish populations and a healthy Kennebec River."

The Kennebec River was home to 100,000 Atlantic salmon before dams were installed in the early 19th century, Friedman and Watts said. Now that the fish is endangered, soon there may be none left, they said.



The hydro facility on the Kennebec River just below the Lockwood Dam in Waterville. Local environmental advocates said Thursday they sent letters to the owners of four hydroelectric dams, threatening to sue them under the U.S. Clean Water Act unless they take action to protect Atlantic salmon that may get caught in turbines.

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"Records show that adult Atlantic salmon and American shad migrating down the Kennebec River now have access to the turbines of your dams," states the letter to the dam owners. "Records show that you have failed to show, through site-specific studies approved by state and federal fisheries agencies, that any 'interim' measures you have deployed to guide adult salmon and shad away from your turbines actually keep adult salmon and shad from entering the turbines of your dams."

Other dam owners in recent years have installed protective barriers at their turbine intakes "at minimal cost," the letters adds.

Since a fishtrap was installed at the Lockwood Dam in 2006, adult Atlantic salmon have been transported north to the Sandy River, where they breed and migrate back to the Atlantic Ocean. The letters also states that 24 salmon were transported in 2009, and four Atlantic salmon have been trapped so far this year at the Lockwood Dam, according to data from the Maine Department of Marine Resources.

Although four salmon may seem like a small number, it's not alarming to Paul Christman, a fisheries biologist for the marine resources department. In fact, most fish in the Kennebec River are believed to be "strays" from other rivers and so it's hard to get reliable fish counts each year, Christman said.

Four years ago, there was little stocking of Atlantic salmon in the Sandy River, which may account for the low number so far this year, Christman said.

"We're not done with the season yet, so we may end up with a much better number by September or October," he said.

Still, Watts said he's concerned that without any action by the dam owners, "we are watching the final extinction of Kennebec River Atlantic salmon."

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