

Maine Biz

Suit against Kennebec River dam owners to proceed

2/10/2012

A U.S. District Court judge ruled yesterday that a lawsuit brought by conservation groups against Brookfield Power U.S. Asset Management LLC and its affiliate, Hydro Kennebec LLC, can proceed. The groups claim the dam owners violated the federal Endangered Species Act by killing Atlantic salmon.

Judge George Singal denied the companies' motion to dismiss the case or put it on hold to allow federal agencies to deal with the issue, according to a press release from the environmental groups. Friends of Merrymeeting Bay and Environment Maine sued both companies in 2011, claiming the dam on the Kennebec River kills salmon and harms habitat for salmon spawning and migration. The groups also claim the companies are violating the federal Clean Water Act. The companies refuted the claims and argued the case should be put on hold because federal agencies are expected to address the problem.

The groups have filed similar lawsuits against NextEra Energy Resources, Miller Hydro Group and Topsham Hydro Partners related to six additional dams on the Kennebec and Androscoggin rivers. A judge last July allowed several of those suits to proceed. However, in September, a judge **denied the groups' efforts** to halt reconstruction work at the Worumbo Dam in Lisbon Falls because the work is deemed necessary for public safety. Trials in all cases are expected to begin July 2.

© 2012 MaineBiz (Maine's business news source)