



**Frenchman Bay
Conservancy**

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Commissioner Melanie Loyzim
State of Maine, Department of Environmental Protection
17 State House Station
Augusta, ME 04333

May 27, 2026

Dear Commissioner Loyzim,

Frenchman Bay Conservancy (FBC) submits the following comments in response to Maine Department of Environmental Protection's (MDEP) recent water quality certification denial regarding the operation of the Union River dams in Ellsworth by Black Bear Hydro Partners LLC. FBC encourages the MDEP to ensure that the dam owner establishes upstream and downstream volitional fish passage, stabilizes Graham Lake water levels, improves dissolved oxygen to meet aquatic habitat standards, and ends the repeated killing of migratory fish.

FBC is a 39 year old land trust with a mission to protect and care for our local lands and waters for the benefit of communities and nature. FBC is a large landowner in the Union River watershed, conserving thousands of acres of land in Ellsworth, Mariaville, Amherst, Aurora, and surrounding communities.

Black Bear Hydro Partner's current dam operation adversely impacts the entire Union River watershed, jeopardizing the wildlife habitat recognized by the State of Maine's Beginning With Habitat program. River herring species including Alewife and American Shad are both present in the Union River and are both negatively impacted by the current dam operation. These species play vital roles in the ecosystem, including system-wide nutrient transfer and forage for a wide variety of predator species. The high turbidity and low dissolved oxygen levels created by the current dam operation in the lower Union River creates a hostile environment for native species up and down the food chain, from macroinvertebrates to Atlantic Salmon. Current dam operation has caused a staggering quantity of sediment from the shores of Graham Lake to be continuously eroded and transferred downstream, resulting in substantial loss of property and property value by landowners.

The Ellsworth dams have been operating on an expired license for nearly ten years. Promised improvements in fish passage and water quality have failed to materialize, with significant consequences for natural and human communities. FBC requests the following:

- Expedited improvements to ensure upstream and downstream volitional fish passage for Atlantic Salmon, various river herring species including American Shad and Alewife, American Eel, and other fish species that require migration between freshwater and saltwater,
- Stabilization of Graham Lake water levels for the benefit of its residents and natural communities,

- Improvements in water quality, including reduced turbidity and enhanced dissolved oxygen to meet established standards and protect critical habitat for native species, and
- Cessation of the well-documented annual fish kills caused by the Ellsworth/ Leonard Lake dam.

FBC further requests that the State of Maine and Black Bear Hydro, LLC establish an honest dialog and planning process with the surrounding communities regarding the future operation of these dams and the watershed in which they operate, with the goal of ensuring compliance with all water quality and fish passage standards as quickly as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Dority". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron Dority
Executive Director