



May 24, 2025

Laura Paye, Hydropower Coordinator  
Bureau of Land Resources  
Maine Department of Environmental Protection

Re: Green Ellsworth response to May 4, 2026 Maine Department of Environmental Protection Draft Water Quality Certification (WQC) for the federal licensing and continued operation of the existing Ellsworth Hydroelectric Project (FERC P-2727).

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I am writing in my capacity as Community Liaison for Green Ellsworth. We are a grassroots community-driven sustainability organization which was formed in 2017 to create a Green Plan for the City of Ellsworth. After 35 public forums and numerous other initiatives (surveys, focus groups, interviews, data collection etc) to understand the community's vision for a more sustainable city, we released a ten-year Green Plan in 2021. Since then Green Ellsworth's multiple action teams and their nine community partners have transitioned to a focus on implementing the more than 150 recommendations in the plan.

The first chapter of the Green Plan focuses on water resources and in particular the importance of the Union River watershed to our community and Hancock County. As the western boundary of the Downeast National Heritage Area and with the Upper Union River designated as a Focus Area of Statewide Ecological Significance as well as possibly the most promising habitat for the survival of cold water fish in Maine in the context of climate change (Trout Unlimited), the full stretch of this historic salmon river has significance that extends far beyond the reaches of the river within the boundaries of our city.

On May 15-17, 2026, just ten days after the release of this draft certificate, Green Ellsworth hosted its annual Union River Watershed Summit with registration in our opening zoom session involving 80 people from communities throughout the Union River watershed—including property owners on the Leonard Lake and Graham Lake impoundments and representation from the Penobscot First Nation. The emphasis in this opening session introduced and moderated by Senator Nicole Grohoski was on outlining the current situation in the watershed, the status of the dams and experiences in other watersheds of new watershed management approaches, dam removal and modification as well as habitat restoration. This session and the all day in-person session (9:30AM-4:30PM) that followed afforded another opportunity to receive input from the watershed community and generate further discussion around the current situation with the river, the contents of the draft certificate—and most importantly—a more positive future with restored water quality, free up and downstream fish passage and a local approach to watershed management that would afford stronger environmental, cultural and economic benefits. It is important to note there was strongly positive feedback and

participation from impoundment property owners who noted that for the first time they felt that they understood what the issues were, what was at stake and what a better future might look like.

There remains strong consensus around the points raised in our October 2025 submission, which correspond closely with the points in this draft certificate. Black Bear's submission did not even attempt to address key points raised in your previous WQC, nor have they attempted to address even basic issues raised in our previous submissions such as their responsibility for maintaining adequate water access points on Leonard and Graham Lakes. There is in fact growing anger as alewives yet again gather in large numbers at the foot of the Ellsworth dam wanting to access the Union River watershed to continue their life cycle and as Ellsworth's downstream property owners brace themselves for yet another predictable June fish kill with many fish either chopped up in the turbines or plunging from the 70 foot dam to their deaths and then deposited all along the river banks as a smelly display of callous disregard for our native species and natural habitat—not to mention local residents, businesses and our tourist economy.

Given that Black Bear's license expired on December 31, 2017 and that it has been filing paper work for relicensing since December of 2015, how much longer will this process be allowed to drag out before Black Bear concedes that with this aging, comparatively low income dam it is not going to be cost efficient for it to make the changes necessary to address the water quality and fish passage expectations of the Maine Department of Environmental Protection? When will FERC stop issuing annual licenses so that Black Bear can carry on with business as usual by extracting as much income as possible from the river while continuing to degrade the natural habitat, fish stocks and property values around Graham Lake? When will FERC conclude that Black Bear is not taking the whole process of relicensing seriously and simply going through the motions without a meaningful effort to address expectations that have been made clear repeatedly by DEP?

Building on the recommendations cited at length from our 2021 Green Plan in our October 2025 response to Black Bear's application and the ongoing public input most recently received at our 2026 watershed summit, we can now envision a better, local management model for the Union River watershed as a whole and longer term goals for restoration and improvements. We support the DEP's draft WQC issued May 4, 2026, and we hope that you will place conditions on your willingness to review any further submissions from Black Bear--conditions that require them to meaningfully address fish passage. We also earnestly hope that this will spark a reconsideration of FERC's willingness to issue annual licenses and motivate Black Bear to either seriously address DEP expectations or make it possible for another, local watershed management organization to begin charting a different future for the Union River Watershed.

Mary Blackstone, Community Liaison  
Green Ellsworth  
5 Christian Ridge Road  
Ellsworth, Maine 04605  
blackstm@uregina.ca

