

# Salmon advocates sue owners of seven dams

BY DAVID SHARP  
The Associated Press

## PORTLAND

Two environmental groups are suing owners and operators of seven dams on the Kennebec and Androscoggin rivers, accusing them of dragging their feet in efforts to protect endangered wild Atlantic salmon.

Four federal lawsuits filed by Friends of Merrymeeting Bay and Environment Maine target the rivers where salmon were declared endangered in 2009 and where the fish are nearly extinct: The Maine Atlantic Salmon Commission last year found only five adult salmon returning to the Kennebec and 10 returning to the Androscoggin.

The two groups want the defendants to move swiftly to protect the dwindling number of Atlantic salmon from being killed by the dams' spinning turbines.

"Unless dam owners stop

stalling on basic salmon protection measures, the clock will strike midnight for the remaining Atlantic salmon in the Kennebec and Androscoggin rivers," Ed Friedman, chairman of Friends of Merrymeeting Bay, said Tuesday in a statement.

The Endangered Species Act authorizes citizens to sue those who harm a protected species. The lawsuits, filed Monday, target seven companies over the Weston, Shawmut, Lockwood and Hydro Kennebec dams on the Kennebec, and the Brunswick, Worumbo and Pejepsco dams on the Androscoggin.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have cited dams as one of the primary obstacles to restoring wild salmon runs.

But talks between the dam owners and the federal agencies have focused on further studies that could take years to complete instead of imme-

diating actions that could protect fish, said Joshua R. Kratka, the lead plaintiff attorney, of the National Environmental Law Center in Boston.

"No more studies need to be done. Action needs to be taken," said Kratka, who cited studies showing that dam turbines claim the lives of up to 30 percent of fish swimming downstream.

The National Marine Fisheries Service and U.S. Fish and Wildlife Service are working with dam owners to follow procedures set out by the Endangered Species Act, and there's no shortcut, said Mary Colligan, the National Marine Fisheries Service's assistant regional administrator for protected resources.

"We share the interest of the plaintiffs in obtaining protection for the species as quickly as a possible, but we do have to go through a process to analyze all of the impacts and reach conclusions that are scientifically

supported," Colligan said by phone from her office in Massachusetts.

The federal agencies recognized when they expanded Maine's endangered species listing to the Kennebec, Androscoggin and Penobscot rivers in 2009 that there would be significant challenges because the rivers are home to so many existing mills and hydroelectric dams.

The Penobscot River has been a success story in terms of salmon restoration, but that's not the case for the Kennebec and Androscoggin, said Emily Figdor of Environment Maine.

"We see the species literally on the brink of extinction on the Kennebec and Androscoggin, and the dam owners are just sitting on their hands," Figdor said.

The plaintiffs are prepared to pursue legal remedies, but they'd prefer to negotiate directly with the dam owners to get acceptable results,

Kratka said.

"The best outcome would be for us to negotiate a resolution and a fix with these companies as soon as possible, and to begin implementing salmon protection measures this year," he said. "It's certainly technologically feasible. The question is what the attitude will be on the part of the defendants."

The seven defendants named in the lawsuits are NextEra Energy Resources Inc., NextEra Energy Maine Operating Service LLC, Brookfield Renewable Power Inc., Hydro Kennebec LLC, Merimil Limited Partnership, Miller Hydro Group; and Topsham Hydro Partners Limited Partnership.

Massachusetts-based Brookfield Renewable had no immediate comment on the lawsuit, a spokeswoman said. NextEra didn't immediately return a phone message. The others couldn't be reached immediately for comment.

# Senate OKs DEP nominee

BY GLENN ADAMS  
The Associated Press

## AUGUSTA

The Maine Senate brushed aside concerns of a conflict of interest and on Tuesday confirmed the nomination of land-use consulting firm owner Darryl Brown to head the state Department of Environmental Protection.

Only six of the 35 senators voted to override a committee recommendation to confirm Brown, far short of the two-thirds majority needed.

Some Democratic senators said that Brown, Republican Gov. Paul LePage's nominee for DEP commissioner, should sell his Livermore Falls land-development consulting company or place it in a blind trust in order to remove any appearance of a conflict of interest. No one disputed the qualifications of Brown, a soil scientist and