

## Agreement Reached to Remove Edwards Dam

On May 26, 1998 along the banks of the Kennebec in Augusta, Maine, the Council joined in a celebration that we have been working toward for the past decade: an historic settlement agreement that will result in removal of the Edwards Dam next summer.



It was a triumphant day for the Kennebec Coalition – comprised of the Natural Resources Council of Maine, American Rivers, Atlantic Salmon Federation, and Trout Unlimited – as well for individuals at the grassroots level and within several state and federal agencies who have shared our vision of removal of the Edwards Dam and restoration of the fisheries habitat of the Kennebec River.

Governor Angus King served as the master of ceremonies as former Governor John McKernan, Interior Secretary Bruce Babbitt, Augusta Mayor John Bridge, Maine's entire congressional delegation, the Council's Executive Director Brownie Carson, one of the owners of the Edwards Dam, and several other officials each took a turn before the television cameras and microphones to extol the virtues of the settlement agreement and the value of removing the Edwards Dam.

Never before had there been such a massive and unanimous show of support for the environmental benefits of removing the Edwards Dam – a cause that the Council and other river protection advocates have been advancing, often against tremendous opposition, for more than a decade.

Fisheries biologists have estimated that populations of Atlantic sturgeon, the endangered shortnose sturgeon, striped bass, shad, alewives and other fish which spawn in fresh water but live primarily in the ocean will flourish as a result of getting access to 17 miles of prime breeding habitat between the current site of the Edwards dam and Waterville.

As a result of the historic and innovative accord which the Council helped craft over the past several months, the 160-year-old Edwards Dam in Augusta Maine will be transferred on January 1, 1999, from its current owners to the State of Maine. Dam removal is expected to occur between July and September 1999, which will initiate an unprecedented 10-year fisheries restoration effort in the Kennebec.

"After a decade-long legal crusade to remove the Edwards Dam, this is a fantastic day for celebration," said Brownie Carson, speaking on behalf of the Kennebec Coalition. "This is a great day for the Kennebec River, the fish, Maine's recreation economy and everyone who appreciates a free-flowing river."

## **November Ruling Set the Stage**

Exactly six months ago, in an unprecedented ruling, the Federal Energy Regulatory Commission (FERC) on November 25, 1997, voted not to reissue the operating license for the Edwards Dam and ordered that the dam be removed. This was the first time in history that FERC said "no" to a dam operator that was actively seeking a new license.

"FERC's decision never would have happened were it not for the persistence of the Kennebec Coalition and the exhaustive analyses that we provided in our legal filings to FERC," said Carson.

While the November FERC ruling was a pivotal development, it left unresolved the issues of when the dam would be removed and who would pay for its removal. Complicating matters further, in December 1997 the owners of the Edwards Dam and several national hydropower interests formally appealed the FERC decision. At the time, it looked like this matter was destined for a multi-year court battle.

## **Negotiations Lead to Breakthrough**

During the past several months, however, intense and difficult negotiations slowly but surely brought together all of the pieces for an agreement that will fund removal of the Edwards Dam and a major fisheries restoration project with \$7.25 million from private sources (see details below).

Brownie Carson, Rebecca Widders on behalf of American Rivers, Charles Gauvin on behalf of Trout Unlimited (TU), Bruce Bowman on behalf of the Kennebec Chapter of TU, and John Albright on behalf of the Atlantic Salmon Federation joined with other key parties in signing the historic accord.

Secretary of Interior Babbitt used the occasion to emphasize the broader, national significance of this decision. "The environmental benefits of dismantling this dam far outweigh any future usefulness. Its [the Edwards Dam's] removal is a conservation milestone and was achieved through a remarkable partnership that can become a model for the nation."

Babbitt referred to the outcome on the Edwards Dam as "a challenge to dam owners and operators [nationwide] to defend themselves – to demonstrate by hard facts, not by sentiment or myth, that the continued operation of a dam is in the public interest, economically and environmentally." Babbitt predicted that the precedent set by the Edwards Dam likely will lead to other outdated and environmentally-damaging dams being removed elsewhere in the nation.

It was a day of celebration that will only be rivaled by the days next summer when the Edwards Dam is officially breached and when the 160-year-old obstruction to the fisheries of the Kennebec is removed for good.

## **Summary of the Kennebec Restoration Settlement Agreement**

Edwards Manufacturing will transfer the entire dam facility to the State. All parties will seek government permits to remove the dam in 1999. A fund of \$7.25 million will be committed to an historic fisheries restoration effort in the Kennebec River. Part of these funds – all from private sources – will be used for dam removal.

The dollars will be deposited in a specially-established Kennebec River Restoration Fund that will be managed by the National Fish and Wildlife Foundation.

Bath Iron Works will deposit \$2.5 million to be managed by the National Fish and Wildlife Foundation and used to pay for removal of the dam. Removal of Edwards Dam is the central component of the environmental mitigation plan that is required by state and federal agencies in connection with BIW's planned 17-acre expansion of its manufacturing facility into the Kennebec River.

Members of the Kennebec Hydro Developers Group will deposit \$4.75 million into the Kennebec River Restoration Fund in exchange for delays in the required installation of fish passage systems at seven hydropower facilities on the Kennebec River and its tributaries, upstream from Augusta. Due to the delay on the Edwards dam decision, the parties to the settlement have agreed to allow delayed fish passage construction upstream. The new deadlines in the agreement for the upstream dams will range from 2002 – 2014.

The City of Augusta and State of Maine have joined in a new partnership aimed at redevelopment of Augusta's riverfront.