

August 17, 2026

Ms. Debbie-Anne A. Reese, Esq.
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426



Via online submission to: <http://www.ferc.gov>

Subject: Comments on the July 27, 2026 Whitewater and Minimum Flow Excursion and the Recurring Pattern of Trip Events at McKay Station, Ripogenus Project (FERC No. P-2572)

Dear Secretary Reese:

Introduction and Background.

On behalf of its six chapters and more than 1,500 members, Maine Council of Trout Unlimited (“Maine TU”) files these comments regarding the July 27, 2026 whitewater and minimum flow excursion at McKay Station on the Ripogenus Project, and the pattern of recurring equipment failures that produced it. Brookfield’s report to the Commission states that at 16:02 hrs on July 27, 2026, McKay Station tripped offline due to a fault on the Project’s transmission line caused by a broken cross-arm approximately one-half mile from the station. (Accession No. 20260731-5197; GLHA, Compliance Excursion Report — Whitewater Recreation and Minimum Flow Excursion, Ripogenus Project, filed July 31, 2026, p. 2)

Brookfield reports that flows fell below the required Monday whitewater minimum of 2,200 cfs for one hourly period and below the 1,000 cfs minimum that follows the daily whitewater flow window for one additional hourly period, with hourly average flows of 648 cfs and 610 cfs respectively. (Id.)

Independent, contemporaneous observation on the river recorded flows as low as approximately 450 cfs at 4:30 p.m., with normal flow not restored until between 6:30 and 7:00 p.m. — an outage of at least two hours. (Maine TU Council description of this event, as provided to MDEP and MDIFW, July 30, 2026; Attachment A hereto) Brookfield’s report puts the duration at 2 hours, 4 minutes, with crest gates opened at Ripogenus Dam at 18:06 hrs to restore flow. (Accession No. 20260731-5197, p. 2) The downed line also ignited a fire beneath it, extinguished by Maine Forest Service and local fire crews that evening. (Id.)

Brookfield’s reported duration for this event — 2 hours, 4 minutes — measures the time between the trip and the opening of the crest gates at 18:06 hrs, not the time until flow was fully restored. (Accession No. 20260731-5197, p. 2) Brookfield’s flow chart shows Project flow still well below its eventual baseline at 18:06 hrs and continuing to rise for some time afterward, consistent with the gradual ramp-up expected as a gate opens and the resulting release reaches the river. As a result, the chart does not reach a new stable baseline until later. That is consistent with independent, contemporaneous observation that normal flow was not restored until between 6:30 and 7:00 p.m. (See Attachment A) Maine TU respectfully submits that the true duration of this event’s impact on the river is more accurately reflected by combining Brookfield’s chart with this independent observation than by the reported 2-hour, 4-minute figure alone, which measures only the time to when remedial action began.

This is the third trip event in four years to affect fish and instream flows below McKay Station: July 7, 2023, when a lightning strike tripped all of Brookfield’s hydro stations on the river; June 17, 2025, when

a cross-arm failure on the transmission line also ignited a fire beneath it; and now July 27, 2026, when a second cross-arm failure on that same line again ignited a fire. Maine TU respectfully submits that this history warrants the Commission's attention as a pattern of unit outages and equipment failures, not solely as an isolated excursion report.

Pattern of Recurring, Foreseeable Equipment Failures.

This pattern is not new, and the Commission has previously directed Brookfield to address it. After the July 7, 2023 trip event and resulting fish kills, FERC directed Brookfield to "consult with the FWS, Maine DIFW, Maine DEP, and Maine LURC to identify measures aimed at reducing the instances of fish and macroinvertebrate strandings downstream of McKay Station during down ramping events, such as unit outages, until the current relicensing process is concluded." (Accession No. 20230822-3052) Maine TU's January 25, 2024 comments observed that Brookfield's subsequent proposal "did little more than preserve the status quo." (Accession No. 20240125-5091)

The June 17, 2025 trip event indicated the underlying issue remained unresolved. At 2:24 p.m. that day, a cross-arm failure caused a generator trip at McKay Station. Brookfield reported "a low hourly flow of 350 cfs" — below the 400 cfs Article 402 outage-flow floor — over a duration of 1 hour, 41 minutes. (Accession No. 20250626-5131, pp. 1–2) In response, Maine TU's January 16, 2026 letter to the Commission requested three measures: (1) installation, at Brookfield's expense, of an independent USGS-standard flow/temperature gage in the Telos Bridge reach; (2) in its absence, a continuous release of 400 cfs through a deep gate to buffer future trip events; and (3) restoration of a resident dam keeper at Ripogenus Dam to reduce outage duration. (Accession No. 20260116-5019, pp. 1–2)

Maine TU also separately requested, in its June 30, 2025 comments on Brookfield's AIR responses, that Brookfield make the power lines connecting McKay Station to Millinocket redundant, eliminating the single point of failure involved in that event. (Accession No. 20250630-5044, p. 2) More than six months have passed since Maine TU's January 16, 2026 letter, and none of these four measures — the gage, the buffering flow, the dam keeper, or redundant power lines — has been implemented. On July 27, 2026, a third trip event occurred, again involving a cross-arm failure on the same transmission line, the second such failure in just over a year. Brookfield's report attributes the cause to "age-related internal deterioration within the [cross-arm] member, which was not externally visible and thus was not identified during the last transmission line inspection." (Accession No. 20260731-5197, p. 2) The report also discloses that Brookfield has been engaged, since 2016, in a multi-year project to replace poles, cross-arms, and insulators on the Project's transmission line. (Id.) Given that history and disclosure, Maine TU respectfully submits that this event reflects a known and foreseeable equipment vulnerability rather than a circumstance beyond the licensee's control, and that the pattern of three trip events in four years, the most recent of which introduced preventable wildfire risk and fisheries damage to the region, warrants immediate Commission action.

Brookfield's Public Statements on Line Investment Are Not Corroborated by Observable Conditions.

The July 27, 2026 event drew significant media attention, and Brookfield's public response has centered on its investment in the transmission line rather than on the operational vulnerabilities described above. Responding to press inquiries, Great Lakes Hydro America stated that "nearly \$3 million has been invested over the past decade in inspecting, maintaining and rehabilitating the transmission line associated with McKay Station, with millions more planned in the coming years to improve system reliability and reduce the likelihood of future outages." (Bangor Daily News, "Thousands of fish may

have died in Penobscot River dam shutdown,” July 30, 2026.) This is consistent with Brookfield’s excursion report for this event, which discloses that the pole, cross-arm, and insulator replacement project referenced above has been underway since 2016. (Accession No. 20260731-5197, p. 2.)

Much of this transmission line, from McKay Station to Millinocket, is visible from the Golden Road. Maine TU’s observations along this route identify only two visible indications of the work Brookfield describes: the replaced cross-arm at the July 27, 2026 failure site itself, and a series of newer, darker-colored insulators located approximately halfway between McKay Station and Millinocket. No other visible evidence of pole, cross-arm, or insulator replacement has been observed along the balance of the line.

Maine TU does not doubt that some work has occurred. But a decade-long project, and an investment Brookfield now describes in the millions, should be observable at a scale broader than two locations along a line that runs for miles — particularly given that the two cross-arm failures this record documents, thirteen months apart, both occurred on the same line. Brookfield has not identified, in its excursion report or its public statements, the specific locations and dates of work completed to date, the crews or schedule assigned to remaining work, or a target completion date for the segments most directly implicated in this pattern of failures. Absent that information, the public record does not support Brookfield’s implicit suggestion that this event reflects a program already addressing the underlying vulnerability, rather than a vulnerability that remains substantially unaddressed after a decade.

Nor does Brookfield’s emphasis on line-hardening address the more immediate causes already in this record. As detailed above, Maine TU has since January 2026 requested a resident dam keeper at Ripogenus Dam and a continuous buffering release through a deep gate — both measures that would reduce the duration and severity of a trip event regardless of its cause, and neither of which depends on completing a multi-year transmission line replacement. Brookfield’s public statements following this event do not address either measure. Maine TU intends to address this point more fully in the forthcoming Joint Comments on the Final License Application that it will file along with other stakeholders in this proceeding, due August 28, 2026.

Independent Documentation of Impacts.

Brookfield’s report notes that no field survey was conducted downstream of McKay Station during this event, and relies instead on an inference from an October 2022 simulated station trip and fish stranding study. (Accession No. 20260731-5197, p. 2) Maine TU’s documentation, developed concurrently, provides more specific information about the impacts of this event.

Dead fish were found and photographed at Little A Rapids — a reach with an established baseline from the Project’s Stranding and Ramping Studies. (See Attachment A). Using the surveyed 300-foot reach as a representative unit of the roughly 48,000 feet of comparable riffle habitat between McKay Station and the head of Nesowadnehunk Deadwater (about 161 comparable units), Maine TU developed a preliminary, reach-based extrapolation: an estimated 3,860 landlocked salmon parr mortalities — with a reasonable upper limit, not a confirmed count, of roughly 7,700 if stressed-but-released fish assumed unlikely to survive are included — along with roughly 480 brook trout parr, 965 dace, 320 suckers, and

640 sculpins. Using 2025 Angler Survey catch and value data, Maine TU projects a resulting loss of roughly 140 angler-trips through 2032, valued at approximately \$51,000 in combined consumer surplus and economic impact. (Id.) Maine TU emphasizes that this is a preliminary, illustrative estimate of scale, not a certified count, and will provide the full methodology and underlying data to the Commission on request.

Maine TU respectfully submits that this underscores the value of independent, continuous flow monitoring. The only flow record for this event — the hourly averages of 648 cfs and 610 cfs on which Brookfield’s compliance conclusion rests — comes from Brookfield’s SCADA system, at the same reach where independent, contemporaneous observation recorded flows as low as approximately 450 cfs. An independent gage at Telos Bridge would provide the Commission and the public with an objective record for this event and any future one.

Maine TU also has questions about the underlying flow data in Brookfield’s report. The report includes what appears to be a computer-generated graphic of Project flow for this event — an image, not raw or independently verifiable data, and reproduced as an attachment (“Attachment B”) to these comments. That graphic appears to show flow falling sharply toward zero — well below the 400 cfs Article 402 outage floor — immediately after the trip, before stabilizing at a lower plateau within roughly half an hour. It then appears to show a second, steeper rise beginning around 6:00 p.m., coinciding with the crest-gate release at Ripogenus Dam described in Brookfield’s narrative. The line segments in that graphic are notably smooth and regular, without the irregularity typically visible in continuously logged sensor data. Maine TU is not in a position to determine whether this reflects the underlying measurement itself, a smoothing or summarization step applied before the graphic was generated, or something else, but the lack of explanation casts doubt on the integrity of the graphic. Brookfield’s report does not explain whether this graphic reflects a continuous river-flow measurement, a calculation derived from station output, or some combination of station output and dam-gate releases combined into a single total, nor does it provide the underlying data in verifiable form. Maine TU respectfully requests that the Commission direct Brookfield to clarify the source and method of this data and to provide the underlying data itself, not merely a graphic representation of it.

Maine TU further notes that Article 402 compliance is assessed on an hourly-average basis. An hourly average calculated across a period that includes both a brief, deep excursion and a longer partial-recovery plateau can remain above the 400 cfs floor even where the instantaneous minimum fell well below it — the pattern the graphic accompanying Brookfield’s report appears to show. This is a further, independent reason for continuous, real-time, independently verified flow monitoring at Telos Bridge: an hourly-average compliance standard cannot, by itself, capture the severity of a brief but significant flow interruption of exactly this kind.

This event also bears on compliance with Article 403 of the Ripogenus Project license, which required Brookfield to submit plans for monitoring minimum flows, including “the location and methods to be used for recording data on minimum flows, and a plan for maintaining accurate records of these data for inspection and filing with the Commission and resource agencies.” The record Brookfield has provided for this event — an unexplained graphic, of undisclosed derivation, with no underlying data supplied in verifiable form, and a reported duration that measures only the time to remedial action rather than the time to full restoration — does not meet that standard. Maine TU respectfully submits that this event demonstrates a continuing Article 403 violation, independent of the Article 402 flow violations addressed above, and that the near-term measures requested below are necessary to bring Brookfield’s flow monitoring and recordkeeping into compliance with Article 403.

Requested Next Steps.

Maine TU requests that the Commission act first to address the compliance and monitoring gaps this event has again exposed under the existing license, and then pursue a comprehensive solution in the pending relicensing proceeding.

Near-Term Actions — Existing License.

As long as the Project continues to operate under the existing license terms, the conditions that produced this event will remain in place unless the Commission acts. Chief among these conditions is the absence of any independent flow record. The only account of this event comes from Brookfield's SCADA-derived hourly averages, assessed against a compliance standard that this event suggests can mask a much more severe instantaneous minimum. Maine TU therefore requests that the Commission:

- 1.** Direct installation, at Brookfield's expense, of a USGS-standard flow/temperature gage in the Telos Bridge reach below Ripogenus Dam; and
- 2.** Determine whether two failures on the same transmission line within thirteen months — June 17, 2025 and July 27, 2026 — together with a third trip event in four years, reflect a known and foreseeable equipment vulnerability rather than a circumstance beyond the licensee's control, and treat any resulting license flow violations accordingly;
- 3.** Require Brookfield, in any response to these comments, to provide a field-based assessment of the biological impacts of the July 27, 2026 event, and to clarify the source and method of the flow data underlying its reported hourly averages, including providing that data in verifiable form rather than only as a graphic;
- 4.** Direct Brookfield, pending completion of that gage, to maintain a continuous minimum release of not less than 400 cfs through a deep gate to buffer future trip events, and to restore a resident dam keeper at Ripogenus Dam;
- 5.** Require Brookfield to file, within 30 days, an itemized accounting — by location and date — of all transmission-line inspection, maintenance, and rehabilitation work completed since 2016 between McKay Station and Millinocket, together with a schedule and target completion date for any remaining work; and task the Division of Dam Safety and Inspections' New York Regional Office with conducting a field inspection of the line to verify that accounting against actual conditions;

Of the measures requested above, Maine TU considers independent flow monitoring at Telos Bridge the most urgent. It is the one measure that would give the Commission and the public an objective, continuous record of river conditions during this and any future trip event, regardless of the specific equipment failure that causes it, and it would not depend on Brookfield's after-the-fact reporting.

Longer-Term Action — Terms and Conditions in the New License.

Whatever near-term measures the Commission orders, the relicensing proceeding now underway provides the appropriate vehicle for a durable solution. Three trip events in four years, two of them involving the same failure mode on a transmission line Brookfield has described as undergoing replacement since 2016, indicate that the existing license's compliance framework relies primarily on after-the-fact reporting by the licensee, assessed against an hourly-average standard that this event suggests may not reliably capture brief but significant flow interruptions. The nearly \$3 million Brookfield reports having invested over that decade — publicly characterized as inspection, maintenance, and rehabilitation rather than replacement — is difficult to reconcile with a genuine,

decade-long line replacement, and the record does not establish that anything beyond ongoing monitoring and repair has occurred. Maine TU therefore also requests that the Commission:

6. Direct Brookfield, in the pending relicensing proceeding, to incorporate the following as express conditions of the new license: (a) an automated bypass valve or automated deep gate at McKay Station, engineered to immediately and automatically release a combined 1,700 cfs during any station outage, eliminating the multi-hour manual-response gap that contributed to all three trip events; (b) a dam keeper stationed at or near Ripogenus Dam as an interim measure only, with authority to open deep gates within 30 minutes of a trip alarm, remaining in place until the automated system is certified installed and a 90-day monitoring period confirms reliable operation; (c) a continuous 200–400 cfs cold-water minimum flow into the Upper Gorge, which independently reduces the severity of any future trip event by eliminating the near-total flow loss the current 400 cfs outage minimum otherwise permits; (d) a 30-minute stakeholder notification requirement, a written outage report within 10 days, and a mandatory biological survey within 48 hours of flow restoration.

Maine TU has, recently, written to the Maine Department of Environmental Protection and the Maine Department of Inland Fisheries and Wildlife asking those agencies to document this event in the compliance record and to support the measures requested here, and intends to incorporate these same requests into the forthcoming Joint FLA Comments it will file along with other stakeholders in this relicensing proceeding. Maine TU respectfully submits that both phases of this relief are appropriate: the near-term actions address the compliance and monitoring gaps this event has again exposed under the license as it exists today, and the relicensing provides the opportunity for a durable, comprehensive solution.

Very respectfully,



Stephen G. Heinz
Maine TU Council FERC Coordinator

Electronic copy to:

FERC Division of Dam Safety and Inspections, New York Regional Office: John Spain, P.E.
Maine Department of Inland Fisheries and Wildlife: John Perry, Liz Latti, and Jeff Bagley
Maine Department of Environmental Protection: Laura Paye.

Attachment A: July 27, 2026 Trip Event — West Branch below McKay Station

On the afternoon of July 27, 2026, a connection failed on a pole near the Golden Road, directly across from Holbrook Brook. There were no wind and no thunderstorm — apparently, it just failed. The failure knocked out flows below McKay Station and started a small fire under the power line. Todd Mercer and a few other people went up with backpack pumps and did fire suppression until the Forest Service arrived; a helicopter was also seen over the area, presumably to see if the fire had spread.

Flow at Big Eddy was down to around 450 cfs by 4:30 PM, well below the normal 1,700-2,400 cfs range, and Sarah Sindo says normal flow wasn't restored until between 6:30 and 7:00 PM — an outage of at least two hours. During the outage the required flow wasn't coming from the generators. Brookfield will presumably give exact times and more detail when it files its required flow deviation report.

This is very similar to the June 17, 2025 event — that one was a cross-arm failure, this one was an apparent connection failure, but otherwise the pattern is the same: dewatering, dead fish, and a forest fire. TU's letter to MDEP after the 2025 event noted that this wasn't even the first time a Brookfield cross-arm failure had started a forest fire, so this is at least the third occurrence. This time, though, it's much better documented — dead fish were found and photographed at Little A Rapids, a reach already surveyed during the Stranding and Ramping Studies, whereas the 2025 event could only be documented with a single dead perch and a stranded crayfish because nobody could safely get to the stranding areas in time.

To get a sense of scale, TU expanded the Little A count using the habitat it represents. The searched 300-foot reach was treated as one representative unit of the roughly 48,000 feet of similar riffle habitat (both banks) between McKay Station and the head of Nesowadnehunk Deadwater — about 161 comparable units. Scaling up the confirmed dead fish alone gives an estimated 3,860 landlocked salmon parr, along with roughly 480 brook trout parr, 965 dace, 320 suckers, and 640 sculpins. Observers also released a similar number of stranded but still-moving fish, assumed likely to die from delayed stress within a day or two; if those are counted too, the landlocked salmon estimate rises to roughly 7,700 — a reasonable upper limit, not a confirmed count, since it depends on an assumption about fish TU did not actually recover. Using that upper-bound figure and published salmon survival rates, TU projected the lost fishing opportunity forward through 2032: roughly 140 angler-trips, valued at about \$51,000 in combined consumer surplus and economic impact, using 2025 Angler Survey catch and value data. This is a preliminary, reach-based extrapolation, not a certified count, and should be read as illustrative of scale rather than a precise loss figure.

Fire and dead fish photographs are provided in the pages that follow.

Fire



Fire suppression with a backpack water pump.



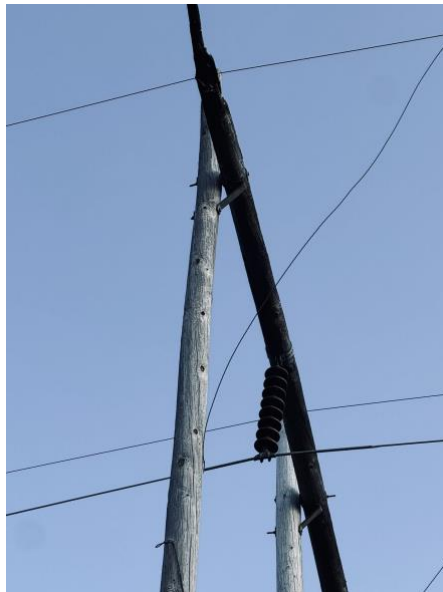
Smoke rising over the tree line from the fire site.



A helicopter over the fire site that afternoon



Broken, scorched insulator string on the ground amid burned understory vegetation.



The affected pole span — visible split near the top of the right-hand pole.

Todd Mercer photos

Dead Fish



Dead juvenile salmonids and sculpins recovered at Little A Rapids.

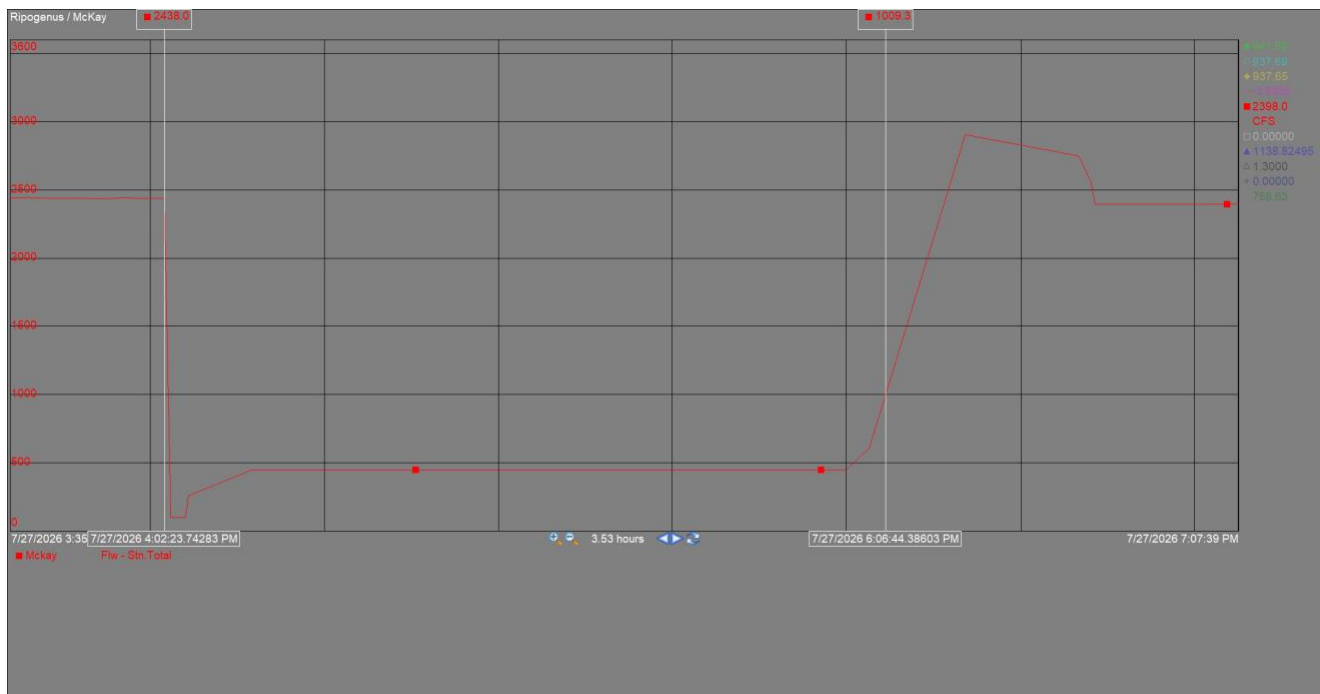


Additional dead fish from the same location, with a sculpin held for scale.

Chris Howe photos

Attachment B: Brookfield's Reported Flow Data for This Event

The following is the flow chart included with Brookfield's July 31, 2026 excursion report for this event (Accession No. 20260731-5197, p. 3), reproduced here for the Commission's reference. The chart shows Project flow ("Mckay Flw – Stn.Total") around the time of the July 27, 2026 trip event: flow falls sharply just after the trip, stabilizes at a reduced plateau, then begins rising around 6:00 p.m. as the crest-gate release described in Brookfield's narrative took effect, continuing to rise for some time after 6:06 p.m. before reaching a new stable baseline later in the chart — consistent with independent, contemporaneous observation that normal flow was not restored until between 6:30 and 7:00 p.m.



Brookfield, McKay Station flow chart, July 27, 2026 (Accession No. 20260731-5197, p. 3).