



## **Testimony in Support of to LD 1964, “An Act To Update Certain Water Quality Standards and To Reclassify Certain Waters of the State.”**

Jeff Reardon, Maine Brook Trout Project Director, February 28, 2022

### **Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources:**

My name is Jeff Reardon. I am the Maine Brook Trout Director for Trout Unlimited, and I am testifying on behalf of Trout Unlimited’s Maine Council in support to LD 1964. We strongly support all the proposed water quality classification upgrades proposed by the Maine DEP. The Clean Water Act and Maine’s water quality law requires that the DEP monitor the water quality status of Maine waters and periodically propose changes to reflect improved water quality and maintain it against future threats. We also support several proposed changes to the water quality standards: (1) to raise the minimum standard for pH from 6.0 to 6.5; and (2) to include language in the narrative standards for Class B, Class C, Class SB and Class SC waters to require them to support indigenous aquatic species.

We request one amendment to the bill, to include an upgrade from Class C to Class B for the section of the Presumpscot River from Saccarappa Falls to tidewater. Along with local advocates, we believe this section currently meets Class B standards and should be upgraded now, with the segment immediately above it.

Proposed change in numeric standards. We strongly support the proposed changes to raise the minimum PH standard from 6 to 6.5. This change responds to guidance from the US EPA and reflects growing understanding of the lingering and ongoing impacts of acid rain in some Maine streams. Low pH and low alkalinity continue to be of concern for Atlantic salmon and brook trout, especially in eastern Maine.

Proposed changes in narrative standards. The bill proposed to add language to the narrative standards for Class B, C, SB, and SC waters, to clarify that these waters must have water quality sufficient to support all indigenous aquatic species. Class B and SB waters must be capable of supporting all indigenous species “without detrimental changes in the resident biological community.” Class C and SC waters must be capable of supporting all indigenous aquatic species and “maintain the structure and function of the resident biological community.” These changes clarify the intent of the water quality standards to ensure that Maine waters support native species.

Proposed Water Quality Upgrades. TU supports the full package of water quality upgrades. In some cases, such as the Presumpscot and Androscoggin River upgrades to Class B, these reward long-term efforts to clean up discharges and restore health to what were once some of the nation’s most polluted rivers. In others, they represent an understanding of changing land use patterns and upgrades to waters where the surrounding lands are now managed for conservation. We will not comment on every proposal, but several of these are significant for native brook trout and

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endangered salmon, and we want to call them out:

- Recognition of all streams within the Katahdin Woods and Waters National Monument as outstanding national resource waters and upgrading many of them to Class AA. The East Branch of the Penobscot and its many tributaries are important waters for recovery of endangered salmon.
- Upgrading many tributaries to the Sandy River to Class AA reflects both their importance to Atlantic salmon recovery and increased land conservation in the Sandy River headwaters.
- The upgrade of the Little Narraguagus River to Class AA, and of tributaries to the West Branch Pleasant River to Class A also helps protect habitat for endangered salmon.
- The upgrade from Class A on the West Branch Penobscot from just below McKay Station to Ambajejus Lake protects Maine's best riverine landlocked salmon fishery and the northeast's best whitewater boating from any future proposed dams. Upgrades on tributaries to Class AA also protect a significant stronghold brook trout population in the region that spans from Baxter State Park to the Nahmakanta Public Reserved Lands.
- Upgrading Nahmakanta Stream to Class AA reflects its value at habitat for brook trout and landlocked salmon, and the conservation of the lands that now surround it.
- Proposals to upgrade tributaries to the Nezinscot River and Donnell Pond and multiple other small tributaries around the state to Class A help protect small stream brook trout populations that are vulnerable to climate change.

Finally, we ask the Committee to consider amending the proposal to upgrade the eight-mile segment of the Presumpscot River from Saccarappa Falls to tidewater in the section upgraded from Class C to Class B. Our understanding is that recent monitoring demonstrates that this segment always meets the state's 75% saturation threshold, and that only a single data point failed to meet the 7.0 ppm standard. This "failure", representing less than 15 minutes of a two-month-long record, was a reading of 6.98. This difference is almost certainly within the margin of error of the instrument. We understand DEP's desire to be conservative in approving upgrades, but a single anomalous reading should not prevent recognition of the progress made on the Presumpscot.

We urge the Committee to amend LD 1964 to include the Presumpscot and vote to pass the bill.

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