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LD 2187

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LD 2187 Testimony 2/25/26

Please Vote Ought to Pass with Lower Androscoggin Classification Upgrade
Amendment

Senator Tepler, Representative Doudera, and members of the Joint Standing
Committee on Environment and Natural Resources,

I'm testifying in support of LD 2187 provided it contains a classification upgrade
amendment covering the upper lower Androscoggin River between Worumbo dam in
Lisbon Falls and Gulf Island Pond dam in Auburn. We all want clean rivers and
ensuring classifications keep up with actual water quality is the only way state and
federal antidegradation statutes (no backsliding in quality) are effectuated.

Intensive sampling along a ten-site longitudinal profile on this section of the
Androscoggin by Friends of Merrymeeting Bay has demonstrated, Class B conditions
met 100% of the time, much of it under drought conditions where dissolved oxygen
would be lowest. For compliance with antidegradation laws, these improvements need
to be locked in by reclassification from C to B. Perhaps more importantly than
statutory language, locking in actual improved conditions benefits all of us, providing
a healthy environment and economy and overall, improving quality of life in Maine.
When the actual quality of the water exceeds that of its classification, this leaves room
to pollute while still meeting the lower existing classification. This is the situation on
the upper lower Androscoggin River from Worumbo dam in Lisbon Falls to Gulf
Island Pond dam in Auburn. Not only that but classification must be based on actual
water quality, not DEP models designed for discharge permitting:

“When the actual quality of any classified water exceeds the minimum standards of
the next highest classification, that higher water quality must be maintained and
protected. The board shall recommend to the Legislature that water be reclassified in
the next higher classification.” [38 M.R.S.A. § 464 (4) (F)(4)]. Actual field data,
taken during a record drought year, shows the Androscoggin segment below GIP in
attainment of Class B Dissolved Oxygen and E. coli standards triggering this statutory
mandate. The last sampling for aquatic life standards (2021) also showed compliance
with Class B. This year with some ambivalence, the BEP, rather than comply with
their statutory recommendation mandate, has passed on total responsibility for further
debate and compliance to the legislature since ultimately it is only the legislature that
classifies Maine water bodies.

The Clean Water Act also dictates a state shall revise its standards to reflect uses and
water quality actually being attained. 40 C.F.R. § 131.10.(j) See also id. §464. 4.F; 38
M.R.S.A.

As long time director (up until recently) of the University of Maine Climate Change
Institute and something of an expert on climate change for many years, I feel it
important for the legislature to understand that locking in improved water quality, is
one important way of adding resilience in our ability to accommodate and perhaps
ameliorate at a state scale, effects of a rapidly changing climate.

The lower Androscoggin is designated critical habitat for endangered Atlantic salmon
and provides highest value wildlife habitat for multiple species. In addition to aquatic
species, 70-80% of our terrestrial wildlife species inhabit river corridors and all
species using the Androscoggin and similar riparian corridors benefit as do we from
cleaner water. If these corridors are healthy, much like human arteries, then along
with wildlife, we too will benefit. And this is especially important in times of stress
like climate change.

Please amend LD 2187 to include a reclassification to Class B for the reach from
Worumbo dam to Gulf Island Pond dam and then vote Ought to Pass. All the reasons
for this should cross party lines.

Thank you for your consideration.

