February 26, 2026

Chair and Members of the Environment and Natural Resources Committee (ENR) 111
Sewall Street,
Cross Building, Room 216
Augusta, Maine 04333

Subject: ENR Hearing LD 2187 - Reclassification of Chandler Bay

Dear ENR:

I am writing to express that I do not support Bill LD 2187 as it does not recommend Chandler Bay for an upgrade from SB class to an SA class marine water body. I respectfully request that the ENR recommend Chandler Bay for an upgrade to SA class water quality.

Chandler Bay in Washington County, Maine, was originally classified as a **Class SB water body** by default under Maine law. According to the Maine Revised Statutes Title 38, §469, all estuarine and marine waters in Washington County that were not otherwise specifically classified were automatically assigned **Class SB** status. This indicates that Chandler Bay received its SB classification at the time the statute was enacted or became effective, which corresponds to the establishment of Maine's water classification system.

From historical context provided in the Web results, Maine has maintained a water classification system **since the 1950s**, and SB waters were assigned as part of this framework. Therefore, **Chandler Bay was classified as a Class SB water body by default sometime after the 1950s**, in line with the original statutory assignment under Title 38, §469. At the time, eight (8) towns in Washington County were deemed as having SA water bodies while Jonesport's Chandler Bay, which borders many SA water bodies, remained as SB without further consideration.

Whether Maine's classification of Chandler Bay ever produced testing results or scientific data to support the SB class finding is unknown. From 2022 -2025 detailed water quality testing was conducted on Chandler Bay by the Darling Marine Center (DMC). The DMC, through its Marine Water Quality Laboratory (MWQL), has been the primary accredited facility to analyze ambient water quality samples collected from Chandler Bay, Maine in the last four (4) years. This monitoring effort was critical because, prior to recent initiatives, very little if any comprehensive background water quality data existed for the bay.

The DMC Reports specifically looked at Baseline Nutrient Findings in Chandler Bay**.** The ambient water quality monitoring conducted in Chandler Bay (from May through October in monitoring years 2022 - 2025), with laboratory analysis performed by the DMC, established a pre-development baseline for key nutrients. The findings confirm that the bay's current nutrient regime is typical of a **high-quality, unpolluted marine environment.**

DMC produced 4 years of consistent scientific data on Chandler Bay. Results were submitted to the DEP and to the Town of Jonesport on a scheduled basis to meet shoreland zone permit requirements for a local project requiring a discharge permit into Chandler Bay. DMC's water quality test result data demonstrated that Chandler Bay met all SB to SA reclassification criteria.

The monitoring program, with lab analysis conducted by the DMC, established baseline levels for key indicators of estuarine health, including:

- Nutrient Levels: Total Nitrogen (TN), Total Phosphorus (TP), Nitrate plus Nitrite (NOx), and Ammonia.
- Physical Parameters: Dissolved Oxygen (DO), Salinity, Water Temperature, and pH.
- Clarity: Secchi disk water clarity measurements and Chlorophyll-a levels.
- Ecological Significance: The high-water quality findings support the view that Chandler Bay is in a pristine state, meeting the criteria for outstanding ecological importance.

The DMC's Marine Water Quality Laboratory (MWQL) provided the essential, quality-assured analytical services for the ambient monitoring program. This scientific backing is crucial for establishing reliable baseline data, assessing potential future impacts, and supporting state-level environmental reclassification initiatives. The water reclassification effort needs to take scientific data provided by reputable laboratories into serious consideration, especially with regard to Chandler Bay. Chandler has been lacking testing data for decades.

Chandler Bay has consistently exhibited very high-water quality. The parameters measured by DMC were found to exceed Class SA waterbody standards. In fact, maximum chlorophyll-a levels detected by DMC were approximately 1/4 of established limits, a prime indicator in high water classes.

Class SA represents the highest standard for Maine's estuarine and marine waters, designated for waters of outstanding ecological, social, scenic, economic, or recreational importance. Legislative statutes and guidelines governing the protection and reclassification of water quality are in place for a reason. No State entity should allow a discharge permit to override existing water quality laws. Yet, the DECD issued a letter of determination allowing for an exception to water quality standards for the good of economic development and jobs while a discharge permit was simultaneously being reviewed by the DEP. Why would any state entity responsible to protect the environment allow this exception?

Chandler Bay serves a multitude of communities by supporting a rich lobster fishing industry and other marine industries such as clamming, worms, scallops, mussels, periwinkles, razor clam, and seaweed/local aquaculture. The Bay is a recreational area for tourism, borders the intercoastal waterway, has several protected islands and beach areas, and most importantly serves as one of the few environments left for endangered eelgrass and the Atlantic Salmon.

We need to trust in the findings of the DMC. Chandler Bay deserves to be protected and its water quality upgraded from its current SB default to its justified SA status.

I have a few questions that pertain to water quality and degradation that I would like the ENR to consider during the work session

1. Did the University of Southern Maine, or the Margaret Chase Smith study ever take into account the impact of degrading the water of a coastal fishing community whose livelihood depends on its water quality?

2. Why would the DECD rely on an economic impact study that was paid for by the permittee? Shouldn't that have been truely independent and shouldn't it be made public?

2. How did a 10 year moratorium on taxes paid to the State, when the facility would negatively impact the local fishing community due to degrading the waters of that bay 3 times above what is usually allowed, "pencil out" as being beneficial to the State of Maine? It certainly isn't to the majority of the people of Jonesport, Beals, Machiasport and Roque Bluffs.

Thank you for your attention to this matter.

Sincerely

Carrie Peabody
Jonesport, Maine 04649

Attachment A - Baseline Nutrient Findings by DMC for Chandler Bay

The ambient water quality monitoring conducted in Chandler Bay (in May through October between 2022 and 2025), produced laboratory analysis performed by the Darling Marine Center (DMC) which established a pre-development baseline for key nutrients.

The findings confirm that the bay's current nutrient regime is typical of a high-quality, unpolluted marine environment.

Chlorophyll a (Indicator of Algal Biomass)

Chlorophyll a concentrations are a key metric, as high levels indicate excessive nutrient loading (eutrophication) which can lead to algal blooms and low dissolved oxygen.

Parameter	Darling Center Findings (Qualitative)	Implication
Maximum Chlorophyll a	Maximum levels detected were approximately **one-quarter (\sim 25\%) of established state limits**.	The bay has very low phytoplankton biomass, indicating **no excessive nutrient pollution** (eutrophication is absent).

- **Context:** While the exact numerical threshold for Class SA waters is complex, the finding that chlorophyll a peaks are consistently far below the failure point is the strongest indication of the bay's pristine status. The data provided the scientific basis to argue that the water quality *exceeded* the aspirational standards for Class SA (the highest water classification in Maine).

Total Nitrogen (TN) and Component Nutrients

Total Nitrogen is a measure of all nitrogen compounds (like nitrate, nitrite, and ammonia) that can act as fertilizer for algae. The DMC's analysis of TN and its components established the baseline nutrient concentration *before* any large-scale activity in the area.

Parameter	Monitoring Focus	Implication
Total Nitrogen (TN)	Baseline levels were established via measurement of Total Kjeldahl Nitrogen (TKN) and Nitrate + Nitrite (NOx).	Ambient TN levels are characteristic of a high-quality Class SB/SA estuarine system, which is crucial for protecting habitats like eelgrass beds.
Nutrient Trends	The monitoring assessed the spatial and temporal variability of nutrient fluxes in the bay.	Data showed the bay was consistently meeting or exceeding water quality standards, suggesting that existing human activities in the watershed were not causing excessive nutrient loading.

Summary of DMC's Data Interpretation

The DMC's role in processing the samples provided the rigorous, quality-assured data that led to the conclusion that Chandler Bay's waters are exceptionally clean and low in nutrient and algal biomass indicators. This data formed the core scientific argument that the bay deserves the highest environmental classification due to its "pristine nature" and **existing water quality throughout the 2025 season exceeded SA waterbody standards.**

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University Of Maine Ambient Water Quality Monitoring Plan- Mar 16 2023 1:00 PM

Maine Revised Statutes- Title 38, §469

Chandler Bay Water Quality Re-Classification Proposal- 27 June 2024

DECD Letter of Determination- DECD Statement on Economic Impact Kingfish.pdf

Carrie Peabody
Jonesport
LD 2187

Please replace my testimony submitted for the public hearing on ld 2187 yesterday. It has come to my attention that web links to important documents within my submission were corrupted. I have made some adjustments to my paper to correct this. And I would appreciate it if you could resubmit my testimony for the public record so that it may be addressed during the upcoming work session.

Please contact me with any questions or concerns.

The file name has not changed.So I would simply like it to be replaced in the public record. I did change the date on my paper.So it is evident , it is a revision.

Thank you