

Maine Council of Trout Unlimited Testimony



In Support of LD 2187 — Ought to Pass as Amended with the Androscoggin River Upgrade
February 25, 2026

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

My name is Stephen Heinz. I reside in Cumberland and coordinate Federal Energy Regulatory Commission (FERC) matters for the Maine Council of Trout Unlimited. Maine TU represents six chapters and more than 1,500 members dedicated to conserving, protecting, and restoring Maine's cold-water fisheries and watersheds.

Maine TU members fish, boat, guide, and recreate throughout the Androscoggin River watershed, and the organization has been deeply involved in hydropower relicensing and river restoration efforts across the basin for many years.

I also submit this testimony in my personal capacity as an angler who regularly fishes the Androscoggin River from Brunswick to Turner and wades the river at Gilead. The Androscoggin is one of Maine's great fishing rivers, and its recovery over my lifetime has been remarkable.

I am submitting testimony in support of LD 2187 only if amended to include the proposed reclassification of the Androscoggin River segment from Worumbo Dam in Lisbon Falls to Gulf Island Pond Dam in Auburn from Class C to Class B.

The Legislature Must Correct an Error

The Legislature now has the responsibility to correct a decision that failed to follow both the plain language of Maine statute and the uncontested water quality record before the Department and Board of Environmental Protection. Maine law is explicit. Under **38 M.R.S.A. § 464(4)(F)(4)**:

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, and the waters must be recommended for reclassification.

Extensive sampling demonstrates that this segment of the Androscoggin River meets **Class B dissolved oxygen and bacteria standards** under real-world operating conditions — including during drought conditions.

The legal trigger for reclassification has therefore already been met.

This is not a policy preference — it is a statutory requirement.

Classification Must Follow Actual Water Quality

Maine's water classification system is intentionally **goal-based and ratcheting**. The Clean Water Act and Maine law work together to ensure that when water quality improves, protections rise with it.

Failure to upgrade a river that already meets higher standards leaves unnecessary legal space for future degradation while still technically complying with a lower classification.

That outcome directly conflicts with:

- Maine's anti-degradation statute
- Federal Clean Water Act requirements
- Fifty years of public investment restoring the Androscoggin River

The Androscoggin was once a national symbol of pollution. Today it represents one of Maine's greatest environmental recovery stories. Classification should reflect that success — not lag decades behind it. Reclassification does not create new environmental conditions; it simply recognizes and protects conditions that already exist. The upgrade locks in success rather than imposing new expectations.

DEP's Rationale Was Improper

The Department's recommendation against reclassification relied on considerations that are not part of the statutory framework governing water classification decisions, including hypothetical worst-case discharge modeling, industrial capacity concerns, and upstream loading assumptions. Water classification decisions must be based on **actual water quality and designated use attainment**, not speculative maximum discharge scenarios.

Multiple independent legal analyses have concluded that these external considerations are inconsistent with governing law.

Simply put, when waters meet Class B standards, Maine law directs that they receive Class B protection.

Why This Matters Now

This decision is especially urgent because multiple hydropower projects within the Androscoggin watershed are currently undergoing federal relicensing. As the Committee knows, FERC licenses typically last 30 to 50 years.

If classification upgrades are delayed while relicensing proceeds, Maine risks locking a major river reach into outdated water quality standards for half a century — undermining future restoration progress and limiting adaptive management options. Decisions made in this legislative session will therefore shape river management conditions for an entire generation.

Legislative action now ensures that long-term federal licenses align with Maine's actual environmental conditions and policy goals.

Benefits of Reclassification

Upgrading the Androscoggin River will:

- Lock in decades of successful water quality recovery,
- Protect fisheries restoration investments,
- Support Atlantic salmon recovery efforts and river connectivity projects,
- Strengthen recreation-based local economies,
- Provide regulatory certainty based on real conditions rather than outdated assumptions
- Protect and enhance one of Maine's premier warmwater and emerging coldwater recreational fisheries.

Clean rivers are economic assets, ecological assets, and community assets.

Conclusion

The question before the Committee is straightforward: should Maine's water quality classifications reflect present reality or outdated history?

The science is clear.

The statute is clear.

The public benefits are clear.

On behalf of the Maine Council of Trout Unlimited — and as a Maine angler who has witnessed the Androscoggin's recovery firsthand — I respectfully urge the Committee to amend LD 2187 to include the Androscoggin River upgrade and to vote Ought to Pass as Amended.

Maine Council of Trout Unlimited joins Friends of Merrymeeting Bay and numerous conservation organizations supporting this upgrade as a necessary step to protect Maine's investment in river restoration and water quality recovery.

I appreciate this opportunity to submit testimony, and am happy to answer your questions.

Sincerely and respectfully,



Stephen G. Heinz

FERC Coordinator, Maine Council of Trout Unlimited