



Testimony Supporting LD 676

An Act to Reclassify Part of the Androscoggin River to Class B

Steve Heinz, Maine TU Council FERC Coordinator
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Senator Brenner, Representative Tucker, and members of the Joint Standing Committee On Environment and Natural Resources:

My name is Steve Heinz, and I am providing this written testimony on behalf of Trout Unlimited (TU), a national conservation organization whose mission is to conserve, protect and restore North America's trout and salmon and their watersheds. TU has 6 chapters and more than 2,000 members in Maine.

TU strongly supports **LD 676: Reclassify Part of the Androscoggin River to Class B**, and we thank Sen. Ned Claxton of Androscoggin for proposing it.

Trout Unlimited became involved with this issue late in 2019 through the Grow L+ A Working Group. Here we learned that reclassifying this section of the Androscoggin River had been proposed to the Maine Department of Environmental Protection for some time, but had not been approved. TU tries to avoid legislation that takes a Maine department to task, but we feel that the MDEP process has had enough time to consider this issue. Data gathered by the cities of Lewiston and Auburn, and the Friends of Merrymeeting Bay has demonstrated that this river section meets the requirements for reclassification to Class B, and it is high time to protect the gains that have been made there. Upgrading the water quality classification would help preserve these standards and encourage greater recreational use and enjoyment of the resource by both our membership and Maine's general public.

Maine TU has been active in its support of efforts by the Maine Department of Marine Resources, the Maine Department of Inland Fisheries and Wildlife, the National Maine Fisheries Service, and the U.S. Fish and Wildlife Service to restore anadromous fish runs to the lower Androscoggin, Sabattus River, and Little Androscoggin River. Upgrading the classification of the lower Androscoggin would serve to enhance the effectiveness of this effort, contribute to the health of resident fish, and improve the health of the ecology of the greater watershed. Of special note is that the lower Androscoggin is designated critical Atlantic salmon habit. It is completely incongruous that waters of this importance should carry

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Maine's lowest water quality classification, particularly after 50 years have passed since it served as the motivation for Senator Ed Muskie's Clean Water Act.

Objections to the bill center on fears that if plants upstream were to discharge at the maximum licensed capacity, the lower Androscoggin would not meet Class B standards. There have been improvements to technology since those licenses were issued, and the watershed would suffer if it returned to earlier conditions. What is more, addition of oxygen required to maintain DO levels in the Great Island Pond upstream could be adjusted to ensure that this key component of water quality is properly maintained.

Maine statutes specify: "*Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.*" Class C waters lack the requirement that the habitat is characterized as unimpaired.

The Clean Water Act (CWA) and Maine's anti-degradation policy also require that "*[w]hen 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 that water be reclassified in the next higher classification.*" (38 M.R.S. § 464.4.F.4; see also 40 C.F.R. § 131.20(i)) Whether or not the BEP exercises its non-discretionary duty to recommend an upgrade, we hope this committee will support a reclassification to Class B.

Many of us remember what the lower Androscoggin was like before the passage of the Clean Water Act. The cities of Lewiston and Auburn have invested over \$50,000,000 since 2010 to improve the water quality, and that is what has made the difference. Please protect their investment and give Atlantic salmon restoration in the watershed its best chance of success. Please forward LD 676 with the recommendation of ought to pass.