

February 24, 2022

Committee On Environment and Natural Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

***Submitted Electronically***

**RE: LD 1979 - An Act to Sustain Good-paying Jobs in the Forest Products Industry by Ensuring Consistency between Comprehensive River Resource Management Plans and State Water Quality Standard**

Dear Chair Brenner, Chair Tucker and Distinguished Members of the Committee on Environment and Natural Resources:

I live in Cumberland Foreside. I have enjoyed fishing Maine's rivers for decades, and take an active interest in their health and restoring our native fish to their original ranges.

LD 1979 is being proposed ostensibly to ensure consistency between comprehensive river management and state water quality standards. Unfortunately, its adoption would only serve to destroy the effectiveness of the existing Maine water quality laws that function to protect and restore Maine waters.

The federal Clean Water Act will be celebrating its 50<sup>th</sup> anniversary this year. It was created largely through the efforts of Maine's Senator Ed Muskie and promised not only to clean up our waters but to restore the indigenous aquatic species native to them. While amazing progress was made restoring Maine's major rivers from the open sewers of the 1970s to the clean waterways that we enjoy today, progress restoring the native species has been agonizingly slow. 50 years after the adoption of the Clean Water Act, the underlying intent of the legislation remains fulfilled. Indigenous aquatic species have not been restored to their original ranges and continue to be denied access to critical spawning and rearing habitat by man-made structures, principally hydroelectric dams. Of greatest concern is the lack of progress resorting Atlantic salmon. Maine's four largest river systems all once supported abundant Atlantic salmon runs. On the Penobscot River this fishery is maintained primarily by stocking hatchery-raised fish. The Androscoggin River sees fewer returning Atlantic salmon than either each year, the Saco fewer still, with only a few fish a year since 2017. Inadequate fish passage measures and dams with no fish passage are the primary cause. Only the Kennebec River has growing runs of fish returning from the North Atlantic who were born in the river's headwater tributaries.

**LD 1979 purports to act to sustain good paying jobs. In reality, its intended purpose is to stop removal of the four dams on the lower Kennebec River. If passed, this proposed legislation would ensure the extinction of Atlantic salmon, a federally listed Endangered Species, in the State of Maine.** Over the past 25 years, Maine has shown it can harness its rivers for energy while at the same time "maintaining and restoring the chemical, physical and biological integrity" of our rivers as provided by Title 38 §464 of Maine law. We have done this by working

with federal agencies, owners and operators of hydropower projects, local governments, and stakeholders. LD 1979 would substantially shift the existing balance in a way that is inconsistent with Maine law, long commitment to the Clean Water Act, the health of our natural resources, and the interests of Maine people.

In our state where dam removals have occurred, the upstream businesses and municipalities, businesses have been made whole with funds raised for the river restoration efforts. This was the case on the Kennebec with the removal of the Edwards Dam, on the Penobscot by the Penobscot River Restoration Trust, and on the outlet to China Lake by the Maine Rivers organization. **Governor Mills has guaranteed that the state will act to keep the SAPPI Mill open. LD 1979 is unnecessary and will serve to stop efforts to restore our native species in their tracks not only on the Kennebec but throughout our state.**

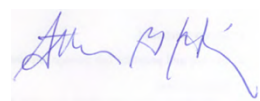
Hydropower dams are relicensed by the Federal Energy Regulatory Commission (FERC) for 30-to-50-year intervals, but their occurrence is random. Now and for the next ten years, Maine has a very large number of hydro-electric projects that will be in relicensing. Besides the lower Kennebec dams that LD 1979 is designed to address, a number of other significant projects are currently in the relicensing process including: the Aziscohos Project on the upper Androscoggin, Rumford Falls further downstream and Lewiston Falls Project, and the Worumbo and Pejepscot projects on the lower Androscoggin; on the Penobscot, the West Enfield Project and the Penobscot Mills and Ripogenus projects; and on the Saco River, the Hiram Project. Besides the fisheries issues involved with all, a number of these projects involve dewatering natural waterfalls or significant river segments. These projects were last licensed when mills were dependent on the power produced that often went directly to the mill, and environmental and aesthetic considerations were ignored in favor of the jobs the mills provided. This is now rarely with case with the power generated going to the power grid. Emphasis on development of solar and wind power that, like hydro, are renewable but (unlike hydro) are clean, green energy sources, is making hydro-electricity uneconomic due to lower energy prices. This has been reflected in a number of projects that have surrendered their FERC licenses in Maine or are in the process of doing so. These include: Howland, Great Works, Old Sparhawk Mill, Lower Mousam, Goose River, and Bar Mills. More will follow.

Dam removals and fish passage requirements continue to work slowly to restore fisheries throughout Maine. The language in LD 1979 would have made milestone projects like the Edwards Dam removal in 1999 impossible, as well as and the Penobscot River Restoration Project that was completed in 2017.

Accordingly, I urge the Committee to vote **LD 1979 “ought not to pass.”**

Thank you for the opportunity to comment.

Sincerely,



Stephen G. Heinz