

Maine



Rivers

**OUR MISSION IS TO PROTECT,
RESTORE AND ENHANCE THE
ECOLOGICAL HEALTH OF
MAINE'S RIVER SYSTEMS**

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February 28, 2022

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 Standards

Dear Senator Brenner, Representative Tucker and members of the Committee on Environment and Natural Resources,

We write to you today urging you to vote against LD 1979. We are dismayed that this bill has been drafted and presented to you. We are deeply concerned about the intended and unintended consequences of its provisions. This bill seeks to put Maine's resource agencies, those tasked with protecting our waters and fisheries, in a back seat; removing their technical expertise from efforts to sustain the water quality and fish-passage successes achieved over many decades.

For more than two decades Maine has achieved remarkable habitat and fisheries restoration successes. News of these efforts in the Penobscot and Kennebec watersheds has echoed throughout the world, but only after years of work by state and federal agencies, with Tribes, fishing organizations, communities and nonprofit organizations. These successes have not come at the expense of our pulp and paper industry, as some proponents of this bill would have you believe. Maine faces many issues to continue to restore our waters; this is not the time to give up on our work or weaken our agencies.

It is a sad situation that we face today. Brookfield Renewable, the owner of the most hydropower dams in Maine, is a primary supporter of LD 1979. Brookfield has been advocating through various channels to be relieved of their responsibilities for meeting their fish passage and water quality obligations. Today we are here because they have chosen to foment discord and confusion via the Sappi Somerset Mill. Brookfield owns the Shawmut Dam, Sappi's Somerset Mill relies on the impoundment created by the dam. Rather than fixing their own problems, Brookfield prefers to offload their problems. We note that Governor Mills has put this issue to rest months ago, in a statement released in August stating that the Sappi mill "isn't going anywhere"

(https://www.centralmaine.com/2021/08/26/gov-mills-the-sappi-mill-isnt-going-anywhere/#coral_talk_stream).

Maine's natural resource agencies play critical roles in setting standards for our waters to maintain hard won gains, often through long and complex procedures. In particular, the Maine Department

of Environmental Protection plays a critical role in ensuring that all hydropower projects meet the State's water quality standards which is particular importance for endangered species. However, LD 1979 puts at risk Maine's ability to independently enforce the Clean Water Act, and the application of the State's carefully constructed water quality standards, by giving a federal agency, the Federal Energy Regulatory Commission (FERC), the final say on what standards hydropower dams must meet. This would be a reckless abandonment of DEP's authority over the water quality of Maine's rivers and streams that the U.S. Environmental Protection Agency (EPA) has entrusted to the state. The Environmental Protection Agency did not delegate that authority to FERC and this Committee should preserve the DEP authority by rejecting LD 1979.

Yet another reason for rejecting LD 1979 is the proposed provision requiring the Department of Agriculture, Conservation and Forestry to prepare river management plans for every major river in the state. This is not a realistic path forward as that department entirely lacks the expertise and resources to successfully complete such tasks.

At the end of the day, we reject the notion that this bill must be passed to enshrine special consideration for hydropower interests.

Thank you for rejecting this bill.

Sincerely,

A handwritten signature in dark ink, reading "Landis Hudson". The signature is written in a cursive, flowing style.

Landis Hudson
Executive Director