

# PENOBSCOT NATION

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## DEPARTMENT OF NATURAL RESOURCES

CHARLES LORING JR, DIRECTOR  
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**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"**

March 1, 2022

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

My name is Charles Loring, I am a resident of Corinth, and a member of the Penobscot Nation. I am speaking to you today as the Director of Natural Resources for the Penobscot Nation. I am offering testimony neither for nor against LD 1979.

We have several concerns with LD 1979. Our first concern is with Section 1 of the bill. The Department of Agriculture, Conservation and Forestry (DACF) has already been tasked with delivering comprehensive river resource management plans with the assistance of several other state agencies since the State Planning Office was dissolved in 2012. In the past 10 years there has not been even one plan developed for any river. If plans were to be developed for every major river with a licensed hydropower project, it would require a great deal of effort and increase in staffing to meet the demand for DACF. Not to mention that there are other state agencies better suited for performing this type of work.

We also have concerns with section 2 of the bill, which would prevent resource agencies from recommending more strict fish passage standards than the Federal Energy Regulatory Commission's (FERC) fish passage recommendations for endangered species. If this bill were to pass, it would also prevent Maine Department of Environmental Protection (MEDEP) from being able to deny licensing to dams that do not meet the state water quality standards if FERC did not offer strict enough standards themselves.

The accumulated actions of these 2 sections would threaten MEDEP's ability to administer its authority under Section 401 of the Clean Water Act and we would rather see that lie with DEP rather than FERC. It is not fair to our state to allow FERCs unlimited authority over passage standards where we have agencies with greater fish passage expertise. In these cases the standards should be evaluated on a case-by-case basis not by one piece of legislation.

We are very concerned that this bill appears to be written to address issues at one specific dam, but it has far reaching implications across the entire state including the Penobscot River. Perhaps, what is most concerning to our community is that if this bill passed, is the thought of Maine DEP's Clean Water Act Section 401 authorization being taken away and FERC is handed control of the projects on the West Branch of the Penobscot River that are currently undergoing relicensing. Also, the dam removals on the Penobscot would likely not have occurred without the intervention of state resource agencies, which led to the purchase and removal of the dams through mutual agreements. The Penobscot River Restoration Project is

highly regarded across the world as a huge restoration success story. In the case of the Great Works Dam adjacent to the Old Town Mill, currently being operated by Nine Dragons, a new water intake was provided to the facility by the Penobscot River Restoration Trust at no cost and allowing the mill to continue to operate.

In closing, if this bill were to pass in its current form many voices across our state would be silenced and an outside entity [FERC] would be making decisions for our state determining what adequate fish passage would be, with no regional knowledge. Constructive dialogue between various agencies is important so that more balanced federal relicensing can occur.

Thank you for the opportunity to share my comments with you.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Charles Loring', with a stylized, cursive script.

Charles Loring