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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE PROPOSED RECLASSIFICATION
OF CERTAIN MAINE WATERS

Public Meeting At The Cross insurance Center

MODERATOR: JAMES PARKER

Reported by Robin J. Dostie, a Notary Public and
court reporter in and for the State of Maine, on
September 20, 2018, at the Cross Insurance Center,
515 Main Street, Bangor, Maine, commencing at 2:00
p.m.

DEP STAFF IN ATTENDANCE:

ALVIN AHLERS	JONATHAN MAPES
SUSAN LESSARD	SCOTT BOAK
RUTH ANN BURKE	BRIAN KAVANAH
DON WITHERILL	SUSANNE MEIDEL
ROB MOHLAR	GREGG WOOD

1 TRANSCRIPT OF PROCEEDINGS

2 MR. PARKER: First of all, I apologize we're
3 running late, but the last hearing went quite a bit
4 longer than we thought, but I guess that's a lot
5 quicker than the -- I've been in the Legislature and
6 you know how that works.

7 Good afternoon. The Board of Environmental
8 Protection is holding a public hearing this afternoon
9 on proposed changes to the Water Quality
10 Classification of Certain Waters pursuant to the
11 Maine Administrative Procedure Act, 5 MRS 8001-11115
12 and the State's Water Classification Program, 38, MRS
13 464-470.

14 I'm Jim Parker. I am the Chairman of the
15 Board of Environmental Protection and I will be
16 presiding -- the presiding officer for today's
17 meeting. Other Board members here today are to my
18 right is Alvin Ahlers; three to my left is Jonathan
19 Mapes; next to him is Sue Lessard. Mrs. Lessard is
20 in attendance for quorum purposes only due to the
21 conflict of interest provision of the Maine Statute
22 titled 38 MRSA Section 341(c)(8). Other persons here
23 at the head table is Scott Boak to my right, he is
24 the Assistant Attorney General; Cindy Bertocci to my
25 left is the Board's Executive Analyst; around the

1 corner is Ruth Ann Burke, she's the Board's
2 Administrative Assistant; Susanne Meidel, a Biologist
3 from the DEP's Division of Environmental Assessment,
4 she's to the right of me way over; Brian Kavanah,
5 he's next to her, he's the acting Co-Director of the
6 DEP Bureau of Water Quality. Also in attendance is
7 the Commissioner, Paul Mercer.

8 Also Present at today's hearing are the
9 following staff from the Department of Environmental
10 Protection and they're around here at different
11 places. Okay. We have Don Witherill, he is the
12 acting Co-Bureau Director; Bob Mohlar, he's an
13 Engineer; and Gregg Wood, the Engineer and Licensing
14 Manager for DEP.

15 The hearing is being recorded by Robin
16 Dostie of Dostie Reporting. And I caution that when
17 you stand up to speak, speak clearly and reasonably
18 slowly, which is something I have a problem doing,
19 because she is trying to put this all down on paper
20 for us.

21 Notice of today's hearing was published on
22 August 1, 2018 in the Bangor Daily News, the Houlton
23 Pioneer Times, the Kennebec Journal, the Sun Journal
24 and in the Portland Press Herald and all those were
25 on August 2, 2018. Notice was also sent by email on

1 August 2, 2018 to individuals who were known or
2 expected to have an interest in these proceedings.

3 For persons intending to testify, there is
4 some sign-up sheets up back. There are pink ones and
5 yellow ones. The yellow one pertains to the
6 Penobscot River and the pink one pertains to the
7 various other water bodies we're discussing today.

8 Robin, I'll have a copy of this for you too,
9 so if you'd like that.

10 If you plan to speak and have not already
11 signed-up, please do so. There are still some
12 sign-up sheets up there. Following an introduction
13 by Department staff, I will be calling for testimony
14 in the order that individuals have signed up
15 beginning with the other water bodies, the pink
16 sheets.

17 To assist in recording your testimony, I ask
18 that persons who are testifying to stand at the
19 podium, state your name and residence and the name of
20 the organization you represent, if any. When
21 testifying, please specify the waterbody you are
22 commenting on so that we may have a clear record.
23 Speakers are asked to remain at the podium for
24 questions following their testimony. I will invite
25 questions first from the Board members and then from

1 Board and Department staff.

2 If you intend to submit written comments
3 today, please give one copy to Susanne Meidel for
4 inclusion in the record. Written comments on the
5 reclassification proposal may be submitted following
6 the hearing until 5 p.m. on Tuesday, October 9, 2018.
7 All written comments submitted following the hearing
8 should be addressed to Susanne Meidel, Maine
9 Department of Environmental Protection, 17 State
10 House Station, Augusta, Maine or to
11 susanne.k.meidel@maine.gov.

12 Based on today's testimony and written
13 comments submitted before the comment deadline, DEP
14 staff will prepare a final recommendation for
15 consideration by the Board at a future Board meeting.
16 I anticipate that the Board will hold a deliberative
17 session on the proposals in November followed by a
18 vote at a December meeting. Notice of Board meetings
19 and meeting materials are posted on the Board's web
20 page, that's www.maine.gov.dep/bep approximately one
21 week in advance of any meetings.

22 Based on the complete record, the Board will
23 vote to approve, deny or amend the reclassification
24 proposal. The Board's recommendation will then be
25 forwarded to the Legislature for its consideration

1 during the Legislative session, which begins in
2 January 2019. The Legislature will make the final
3 decision on the recommended changes in water
4 classification.

5 At this time, I ask all persons who intend
6 to be -- intend to testify to please stand to be
7 sworn in. So would you all stand? Almost everybody.
8 Raise your right hand. Do you swear to tell the
9 whole truth and nothing but the truth?

10 (Audience collective responds I do.)

11 MR. PARKER: Thank you. Given the number of
12 persons planning to testify, I'd like to try to limit
13 your testimony to 3 to 5 minutes if possible because
14 I want to give everybody at least a good opportunity
15 to make their thoughts known.

16 Are there any questions on proceedings?

17 Before we begin, I want to emphasize that
18 the purpose of today's hearing is to receive comments
19 on proposed change in water classification.
20 Persons's with questions regarding potential impacts
21 of a proposed change on an individual case are
22 encouraged to submit those comments and questions in
23 writing by the close of the comment period.

24 We will now begin with a presentation by
25 Department staff member Susanne Meidel.

1 MS. MEIDEL: Thank you, Chairman Parker. I
2 will start with a brief overview of the
3 reclassification process, which is governed by Maine
4 Statute and the Clean Water Act. So far, the
5 following steps have occurred: The Department
6 solicited proposals between August and November 2017.
7 We then evaluated all proposals and developed a draft
8 reclassification package, which was available for
9 public comment for about six weeks from April through
10 June 2018. During that time, we held two public
11 meetings -- information meetings in Augusta and
12 Millinocket. We then reviewed all comments received
13 and prepared revised recommendations for which the
14 Board is now soliciting public comment. Chairman
15 Parker in his opening statements explained the
16 remaining steps of the process.

17 In terms of the Department's
18 recommendations, they are based on input from the
19 public and the Department itself. For each proposal,
20 we evaluated multiple factors, the current
21 classification attainment status of the waterbodies;
22 data availability and interpretation; impact on
23 licensed dischargers and hydropower facilities; land
24 use in the watershed; presence of conservation land;
25 value of the waterbody as an endangered species

1 habitat, for example for Atlantic salmon; and the
2 classification of adjacent waterbodies. Many of
3 these factors were evaluated based on data that the
4 Department had available.

5 In general, waterbodies in areas with
6 minimal human activity, especially if these waters
7 already attain a higher classification, have a lower
8 data requirement than waterbodies in populated areas
9 and with permitted activities. Also in general, when
10 there is uncertainty whether a higher classification
11 can be attained or when there is a potential impact
12 from an upgrade, data requirements for the evaluation
13 of a proposal are high. The Department exercises
14 great prudence in evaluating such proposals and
15 relies on water quality models and ambient monitoring
16 data to provide the best possible assessment of
17 upgrade potential and effects. When considering
18 whether a higher classification is attainable in a
19 waterbody, the Department evaluates whether there is
20 a reasonable expectation that the higher
21 classification can be attained with implementation of
22 cost-effective and reasonable controls within a
23 reasonable timeframe. In other words, the Department
24 balances environmental opportunities against societal
25 costs, and financial and technological capacity.

1 As for the proposals included in the current
2 reclassification package, there are thirteen river or
3 stream proposals that are recommended for an upgrade;
4 one river segment that is recommended for an
5 amendment to the statutory language; one river
6 segment that is recommended for the correction of a
7 classification error; and three river or stream
8 segments that are not proposed -- that are not
9 recommended by the Department for an upgrade.

10 I will now provide brief descriptions on
11 waterbodies of significant interest starting with
12 waterbodies recommended by the Department for action.
13 In the upper Penobscot River watershed, which
14 includes the mainstem Penobscot River and some
15 tributaries there are four segments in question.
16 There is the Millinocket Stream in Millinocket, and
17 then it's just the lowest 2.4 miles of Millinocket
18 Stream which is the segment from the West Branch
19 Canal on down to the confluence with the West Branch
20 Penobscot River, that segment is proposed to go from
21 a Class C to a Class B. There are redevelopment
22 efforts occurring at the former mill site that
23 discharged in the past to this segment and these
24 redevelopment efforts may result in new discharges in
25 any of or all of this historic outfalls that the mill

1 used to have. An upgrade to Class C -- I'm sorry,
2 from Class C to Class B would continue to allow
3 discharges to this segment albeit potentially with
4 stricter limits than allowed under current Class C
5 conditions.

6 The lower West Branch Penobscot River is
7 also proposed to be upgraded from Class C to Class B
8 from the outlet of Quakish Lake down to the
9 confluence with the East Branch Penobscot River,
10 which a stretch about 14 miles. The redevelopment
11 efforts at the now defunct mill in Millinocket, which
12 used to discharge to Millinocket Stream could also
13 influence the West Branch Penobscot River because it
14 is just above the confluence between the Millinocket
15 Stream and the West Branch. The West Branch
16 Penobscot River segment below the outlet of Quakish
17 Lake is currently not attaining aquatic life
18 standards due to reduced flow, which occurs
19 between -- because water is routed from Quakish Lake
20 to -- through Ferguson Lake to Millinocket Stream to
21 supply a hydropower facility at the outlet of
22 Ferguson Lake. This hydropower facility is due for
23 water quality certification in 2024 and the
24 non-attainment of this one segment of the West Branch
25 Penobscot River will need to be addressed at that

1 time. In terms of certification for hydropower
2 facilities, Class C and Class B aquatic life
3 standards are generally the same.

4 In the same watershed we also have the lower
5 East Branch Penobscot River, that is about a 1 mile
6 segment, from the confluence with the Mattaceunk
7 impoundment to the confluence with the West Branch
8 Penobscot River and that proposal is for a correction
9 of a classification error. Much of the West
10 Branch -- sorry, East Branch was upgraded from Class
11 B to Class AA in 1989 when the Mattaceunk impoundment
12 in this lower 1.6 mile stretch was already in place,
13 which meant that the Class AA narrative criterion
14 that the habitat must be free-flowing and natural was
15 not attained because of the impoundment. This was a
16 drafting error by the Department and we are proposing
17 to correct this error and return the segment to the
18 original Class B classification.

19 Finally, in this watershed is also the upper
20 mainstem Penobscot River from the confluence of the
21 East and West Branch down to the confluence with the
22 Mattawamkeag River and that segment is also proposed
23 to go from Class C to Class B like Millinocket Stream
24 and the West Branch Penobscot. There are currently
25 no discharge to this segment, but there could be an

1 effect on this segment if a new large discharge
2 occurred in Millinocket Stream.

3 Switching watersheds but still in the
4 Penobscot River watershed to the east -- to the
5 northeast of the area I just talked about is the West
6 Branch Mattawamkeag River in Island Falls, which is
7 proposed to be upgraded from Class B to Class A from
8 the Interstate 95 crossing to the confluence with
9 Mattawamkeag Lake and that segment is about 13 miles
10 long. There are no current discharges to this
11 segment, however local officials are working to
12 revive the local economy and may attract new
13 development that might result in new discharges to
14 the river. An upgrade to Class A would not prohibit
15 future discharges outright, however any discharged
16 effluent would have to be equal to or better than the
17 existing water quality of the existing -- of the
18 receiving waters, i.e., of the West Branch
19 Mattawamkeag River.

20 In terms of proposals that we are not
21 recommending for action at this time, the lower
22 Androscoggin River from Worumbo Dam in Lisbon Falls
23 down to Merrymeeting Bay, about a 14 mile segment,
24 was proposed to be upgraded from Class C to Class B.
25 And historically there has been widespread public

1 support for improving the water quality of the lower
2 Androscoggin River and raising its classification.
3 And the upgrade proposal that was submitted in 2017
4 included letters of support for the upgrade from 2008
5 and 2010 and received -- we received one letter of
6 support for the upgrade in 2017. Water quality data
7 from 2009 to 2016 were submitted to the Department
8 with the proposal and showed general attainment of
9 water quality standards but also some non-attainment.
10 The Department's own monitoring data and modeling
11 results also show some attainment and some
12 non-attainment of water quality standards. There are
13 multiple factors that contribute to non-attainment,
14 including factors that are not easily fixable, so
15 there is no reasonable expectation that Class B
16 standards are attainable in this segment with the
17 implementation of cost-effective and reasonable
18 controls within a reasonable timeframe. And as a
19 result, the Department is not recommending an upgrade
20 at this point. And that concludes my presentation.

21 MR. PARKER: Thank you.

22 MS. MEIDEL: Thank you.

23 MR. PARKER: I think we're all set to start
24 the testimony. Okay. We're going to start testimony
25 now. The first one is Algirdas Nakas, I believe.

1 She is representing herself. She is from
2 Millinocket. First of all, I apologize.

3 AUDIENCE MEMBER: (Algirdas Nakas.) That's
4 okay. I don't really mind. I'm not conscious about
5 my sexuality. I'll keep my comments brief. My name
6 is Al Nakas. I'm from Millinocket. I represent
7 myself and those in the public that don't want to
8 voice their concerns for whatever reason that --
9 maybe they don't have time, they're too busy to come
10 to a meeting like this. But I moved to Maine a
11 year-and-a-half ago. I was a teacher in Connecticut
12 and an art director and I moved to Maine for
13 environmental quality and the quality of life in
14 Millinocket especially with the mill closed.

15 Millinocket Stream I understand used to be
16 pure sludge. I don't want it to be regressed back to
17 that stage. The proposed industry in Millinocket
18 right now deals with laminated plastic wood products.
19 It's just another way of saying I want to dump poison
20 into the stream. It's, you know, your environment.
21 We don't care about your environment, we care about
22 taxes and supporting schools and paving the roads,
23 it's all a good thing, but there is other industries
24 and there is also other ways to dispose of
25 environmental waste. They have filtering systems.

1 There is ways to contain the waste, not dump it into
2 public use waterways and to public environment. And
3 so I am sorry for sounding a little bit strong about
4 this, but that's why I'm in Maine because of the
5 purity that's still left. Even Connecticut has been
6 degraded severely in the time I lived there for 30
7 years.

8 So I just don't want degradation. Right now
9 environmental laws are under attack by the current
10 administration. I'm surprised there still is a Clean
11 Water Act at all, but I support the Clean Water Act
12 and I support environmental regulation and I don't
13 mind paying higher taxes for that reason. And I
14 don't mind putting stickers on my bags to dispose of
15 my trash or whatever it is to try to slow down
16 climate change and the disasters are now happening in
17 the world. Ask any low lying property owner if they
18 can still insure their property. So anyway, that's
19 all I have to say. I hope I made it under three
20 minutes. I think I did. I set my timer.

21 MR. PARKER: You did well. No problem. Are
22 there any questions from the Board members? From
23 staff? Thank you. Next is Nick Bennett with the
24 Natural Resources Council.

25 AUDIENCE MEMBER: (Nick Bennett.) Good

1 afternoon, Chairman Parker. I want to speak both to
2 the Penobscot and the other waterbodies, so I was a
3 little confused --

4 MR. PARKER: Are you on both lists?

5 AUDIENCE MEMBER: (Nick Bennett.) I'm on
6 both lists.

7 MR. PARKER: We'll let you speak again on
8 the other list, how is that?

9 AUDIENCE MEMBER: (Nick Bennett.) Okay. So
10 you want me to speak on -- just once or -- and wait
11 now or do you want me to speak twice?

12 MR. PARKER: You can do both. We'll be
13 efficient while you're up there, but I was going to
14 keep the Penobscot stuff separate, so.

15 AUDIENCE MEMBER: (Nick Bennett.) Okay. So
16 I'll come back up and...

17 MR. PARKER: All right. Why don't you do
18 that.

19 AUDIENCE MEMBER: (Nick Bennett.) And I'll
20 be quick about the other stuff. Thank you, Chairman
21 Parker, members of the Board. My name is Nick
22 Bennett. I'm the staff scientist for the Natural
23 Resources Council of Maine. I'm testifying in
24 support of DEP's package that's in front of you. As
25 I said, a lot of my testimony is about the Penobscot,

1 but I will leave that for now.

2 A couple of things that I think are notable
3 in the rest of DEP's package, one is the tributaries
4 of Webb Lake in Weld. These are tributaries that are
5 largely on public land now in the Tumbledown
6 watershed. Tumbledown maybe is the most hiked
7 mountain in Maine. Maybe there are mountains that
8 rival that in Acadia, but it receives very heavy use
9 from hikers, that area receives also very heavy use
10 from hunters and fishermen and those tributaries to
11 Webb Lake are first class brook trout streams. They
12 are largely forested, no discharges, so we think an
13 upgrade -- and, again, a lot of the watershed is
14 already in public land, so we think an upgrade is
15 warranted for those streams.

16 Another waterbody I wish to comment on is
17 Fish Stream in Patten. This is also a very
18 high-quality habitat. There used to be a discharge
19 on the stream, there no longer is. A lot of this
20 stream goes through Crystal Bog, which is a preserve
21 owned by the Nature Conservancy and it's also
22 recognized as a very outstanding natural feature in
23 Maine both nationally and by the Maine Natural Areas
24 Program, so we think that's a very worthwhile upgrade
25 that DEP is proposing and we support it strongly.

1 And also I would just mention Back Brook in
2 Limington, which is quite a good trout stream and
3 also has the potential for Atlantic salmon
4 restoration. It's in the Saco watershed, so we
5 strongly support those and the rest of the upgrades.
6 And I'd be happy to take any questions and I'll come
7 back for the Penobscot.

8 MR. PARKER: Any questions? We'll see you
9 again in a few minutes.

10 AUDIENCE MEMBER: (Nick Bennett.) Okay.
11 Thank you very much.

12 MR. PARKER: Peter Crockett.

13 MS. MEIDEL: Mr. Crockett needed to leave
14 and he provided his testimony to me.

15 MR. PARKER: He did. Okay. Moving right
16 along. Frank Porter.

17 AUDIENCE MEMBER: (Frank Porter.) I signed
18 the wrong sheet, sir. I was supposed to be on the
19 yellow one. I'm on the yellow one.

20 MR. PARKER: You're on the yellow one too?

21 AUDIENCE MEMBER: (Frank Porter.) Yup.

22 MR. PARKER: Clarissa Porter. You're on the
23 yellow one too?

24 AUDIENCE MEMBER: (Clarissa Porter.) Yup.

25 MR. PARKER: Laura Farnsworth.

1 AUDIENCE MEMBER: (Laura Farnsworth.) I did
2 want to speak, but I want to speak about the branch
3 of Mattawamkeag that goes to Island Falls.

4 MS. BERTOCCI: She's on the other list too.

5 MR. PARKER: How about Greg Ponte?

6 AUDIENCE MEMBER: (Greg Ponte.) Both.

7 MR. PARKER: You're on both lists. Okay.
8 I'll cross these off in just a second and I'll go to
9 the other list. Matt Scott.

10 AUDIENCE MEMBER: (Matt Scott.) Good
11 afternoon. Mr. Chairman, members of the Board. I
12 guess I'm on the other list too, but I'm going to
13 speak to the overall classification system, if you
14 might.

15 I'd like to thank the Board, especially Sue
16 Lessard. I served with her on this Board many years
17 ago. Well, not many years ago, but a few years back.
18 And good to see you, Commissioner Mercer.

19 Members of the staff, Brian Kavanah, Cindy
20 Bertocci, you're a staff, I'm here to talk to you as
21 an oral history presentation this afternoon on this
22 whole issue of water quality. And I'm a retired
23 biologist by profession and education. My whole
24 experience started a number of years ago. I realize
25 I'm talking as an 80 year old curmudgeon here, but in

1 1958 when I was a graduate student I was working with
2 the Fishery Division and Atlantic Salmon Commission
3 on the Downeast rivers as an undergraduate student.
4 And seeing all of the rivers and the water quality
5 and what they were doing, I thought this is where I
6 ought to start my work and my career and I did.

7 Now, working through the years as a fishery
8 biologist in the '70s things were really pretty bad.
9 I then took an appointment through an interview by
10 Bill Adams and Rayburn McDonald to go to work for the
11 DEP and became the chief biologist for the Department
12 in developing work and water quality classification.
13 Now, classification has been going on with the Water
14 Improvement Commission for decades before the
15 Department's name was changed. When I came to work
16 it was the Environmental Improvement Commission and
17 then two years after that it was made the Department
18 of Environmental Protection under Governor Curtis.

19 So working all those years gave me the
20 opportunity to see what these fish kills that were
21 taking place on the Penobscot, the Kennebec and the
22 Androscoggin and there were massive fish kills
23 annually. You could predict that there was going to
24 be a fish kill in the month of August when the water
25 temperatures were high and the dissolved oxygen was

1 low. We had many, many industries on our rivers back
2 then. We had paper mills, we had tanning operations,
3 leather operations, we had woolen mills. None of
4 these were treated at the time by the way. Pretty
5 much, you know, primary raw discharges. And so it
6 created a lot of what we call biological oxygen
7 demand in the water quality and the water never
8 really recovered from one mill operation to the next.
9 It went all the way to Merrymeeting Bay in the
10 confluence of the Androscoggin and the Kennebec. And
11 so my job was each August to investigate fish kills
12 and enumerate the amount of the damage that was
13 occurring in those watersheds.

14 We all live in a watershed. I don't care if
15 it's a lake shed or you're in a watershed, no matter
16 where your footprint is in the State of Maine. The
17 Water Improvement Commission and the public hearings
18 that were being held back in the '60s -- '50s and
19 '60s that I attended was on the Sebasticook and the
20 Kennebec in particular because the Sebasticook River
21 was so polluted it got a nickname called the Nasty
22 Sebasty and it was really bad. In going to the
23 hearings in Corinna and Dexter and Newport and
24 Pittsfield and Corinna, we saw all of the intricacies
25 of water quality and how damaging it was to the

1 environment and to the fish of course that was the
2 bottom line.

3 So when I went to work for the DEP, I
4 figured carrying my fishery biology knowledge with me
5 was going to help and it did and we started this
6 water classification concept using biological data.
7 And Dave Courtemanch was working for me that time
8 and, in fact, he succeeded me when I retired from the
9 DEP. But the point I want to make is we were
10 developing these standards, these biological
11 standards back in the early '70s and we had to carry
12 them through and the only way that we could see the
13 inter-relationships here and the knowledge that
14 needed to be gathered was to do some research work
15 through -- with Charlie Robenie and Cassie Gifford at
16 the University of Maine. And I remember on the
17 Board, and perhaps Sue Lessard will remember this, we
18 brought -- DEP brought the standards for the
19 biological standards into the -- before the Board,
20 Dave Courtemanch and Susan Davies, and those
21 models -- those criteria that were developed are
22 what's being used today in the standards is
23 developed. And to me, I think that this whole issue
24 relating to the Clean Water Act and what Senator
25 Muskie did for us in getting things to be better, the

1 Androscoggin River was the last one that I saw things
2 where we were dragging our feet. We weren't really
3 getting improvements in the Androscoggin that I
4 thought we should be getting. We are now today and
5 I'm pleased to see that there is an upgrade proposed
6 in this classification on the Androscoggin.

7 The remaining comments the staff had made
8 and the proposed changes and corrections I support.
9 But the whole idea that I see as a retiree now and
10 looking back in history in times of 40 to 50 years of
11 information is that we see an improvement and I don't
12 really want us to go backwards. We've come a long
13 ways. Now, I realize that many of the industries
14 that were on these river systems no longer exists and
15 I'm also -- I never thought I'd be standing here
16 today in Bangor, Maine and saying that there are no
17 more paper mills on the Penobscot River. That's kind
18 of unheard of because at one time on the Androscoggin
19 River we had 27 paper mills. We no longer have that
20 many there now, but there is a few left.

21 So the -- society is looking for changes and
22 I see that in all of my presentations that I do. I
23 just completed 11 presentations on lake water quality
24 in Maine to different associations from Aroostook
25 County to York County this past year and I continue

1 to do that. I'm kind of on the lecture circuit you
2 might say, pro bono, by the way. I don't want you to
3 think I'm being paid for all these lectures, all
4 right. But my point is they're historical lectures
5 on lake water quality and river classification system
6 as well.

7 So I'd like to close by saying that we're
8 going to see changes and changes are inevitable
9 whether you're talking climate change or you're
10 talking population change. When I came to work there
11 was 626,000 people in the State of Maine in 1960.
12 Today there is 1.3 million people in the State of
13 Maine. And if you look at Charlie Gordon's data from
14 USM, by the year 2050 we could possibly see close to
15 2 million people. They're coming to Maine. Maine is
16 an older, aging state per capita than any state in
17 the country and all of these are integrated in my
18 PowerPoints and the lectures that I do statewide.

19 So I thank you for listening to me. I try
20 to be short, but it's pretty hard sometimes to do
21 that, but thank you, Mr. Chairman.

22 MR. PARKER: Well, thank you. I remember
23 the WIC and the EIC.

24 AUDIENCE MEMBER: (Matt Scott.) Really?

25 MR. PARKER: Yup. Bill Adams' daughter

1 worked for me for quite a long time, so I knew him
2 before he passed away.

3 AUDIENCE MEMBER: (Matt Scott.) All right.

4 MR. PARKER: Next is Kathryn Olmstead.

5 AUDIENCE MEMBER: (Greg Ponte.) I got
6 called before, but didn't understand you could do
7 either or. I signed up for both.

8 MR. PARKER: You're on both lists?

9 AUDIENCE MEMBER: (Greg Ponte.) Yes, I was
10 the name before. Greg.

11 MR. PARKER: I'll call you on the next list
12 if you --

13 AUDIENCE MEMBER: (Greg Ponte.) Okay.

14 MR. PARKER: We won't skip you.

15 AUDIENCE MEMBER: (Greg Ponte.) Okay.

16 AUDIENCE MEMBER: (Kathryn Olmstead.) I am
17 also on both lists.

18 MR. PARKER: What's that?

19 AUDIENCE MEMBER: (Kathryn Olmstead.) I am
20 also on both lists.

21 MR. PARKER: You're on the yellow list too?

22 AUDIENCE MEMBER: (Kathryn Olmstead.) I'll
23 speak to a few things though. My name is Kathryn
24 Olmstead. I'd like to introduce myself since I might
25 have to leave early. I live in Caribou, Maine

1 overlooking the Aroostook River. I am a retired
2 University of Maine journalist and professor and
3 former newspaper and magazine editor and I'm here to
4 support the proposal from the Department of
5 Environmental Protection on both the Penobscot and
6 all of the other bodies. I'll reserve comments on
7 the Penobscot for the later list, but I also --

8 MR. PARKER: Excuse me, while you're up you
9 might as well do the --

10 AUDIENCE MEMBER: (Kathryn Olmstead.) Can I
11 just do the whole thing?

12 MR. PARKER: Do the whole thing.

13 AUDIENCE MEMBER: (Kathryn Olmstead.) Well,
14 I have -- when I first moved to Maine I landed in
15 Westmanland and I see that Westmanland is on the list
16 going from a B to A with the Salmon Brook Stream, so
17 I have fond feelings about that. I also have a
18 little cottage in Hancock County, so Tunk Stream runs
19 true to me and I wanted to see that go from B to A.
20 And then of course being on the Aroostook River in
21 Caribou the Limestone Stream is very close, I want to
22 see it go from C to B. But in all, Maine has a
23 national reputation for water quality.

24 I just was listening to a program on the
25 national public radio citing our reputation and the

1 number of people who come here because of our
2 beautiful rivers and lakes and streams. That didn't
3 just happen. Maine earned this distinction through
4 years of careful monitoring and hard work. This
5 proposal reflects that kind of hard work, in
6 particular the 15 year Penobscot River Restoration
7 Project. It will assure the proposal the protection
8 that this river and these others have earned without
9 sacrificing the potential for future development on
10 its shores. This reclassification from C to B is
11 overdue. The evidence is there. Why would we want
12 to go backward for an upgrade from the lowest of the
13 four possible classifications when we've qualified
14 for the upgrade.

15 I urge the Board of Environmental Protection
16 to assure the future health of these rivers and
17 streams by approving the upgrades the DEP has
18 proposed. Maine has a reputation to uphold. Thank
19 you.

20 MR. PARKER: Any questions? Thank you.
21 We'll go to the yellow list now. Representative
22 Duchesne.

23 AUDIENCE MEMBER: Well, thank you, Mr. Chair
24 and members of the Board. My name is Bob Duchesne.
25 I'm a representative in the Maine House of

1 Representatives. For the last 12 out of the last 14
2 years I've served on the Environment and Natural
3 Resources Committee, so any time you finish up this
4 stuff it ended up in my lap and I can tell you
5 stories.

6 First of all, I will say that if you need
7 any help on solid waste, call me. I'm here mostly to
8 say I'm excited to see the law work. I think a lot
9 of people in the room right now are very much anxious
10 to see the Penobscot River cleaned up. We abused
11 that river for a century or more and it's nice to see
12 progress being made and I'm here to celebrate the
13 small progress that's being shown in the
14 recommendations made by the Department right now.
15 The Department did, I think, excellent scientific
16 work. I'm familiar with the scientific protocols
17 that it takes to make these recommendations and I
18 find them to be robust and they ought to be the envy
19 of other states who have the delegation of the Clean
20 Water Act authority. I think we do a very good job
21 and I'm glad to see these recommendations being made
22 by the Department.

23 I'm really just here to remind the Board
24 there is a certain division of labor. The Board
25 really just double-checks the Department's work and

1 makes its recommendation to the Legislature for the
2 actual reclassifications. Now, I've seen a lot of
3 these in the past where that may be an inconvenience
4 to certain stakeholders or to business development
5 that tends to be a problem for the Legislature.
6 That -- it's a policy political decision. It tends
7 to end up in the Environment and Natural Resources
8 Committee's lap and that's a blessing to you because
9 you shouldn't really have to worry about that. If
10 there are any controversies that develop on this or
11 any other recommendations in the future, don't worry,
12 there is a backstop and it becomes a political
13 football there. And when I think back out of the 14
14 years that I've been on that committee, I had two
15 years off for Legislative rehab, but when I think
16 back the longest hearings we ever had were on the
17 Androscoggin and outdoor wood boilers. Those set the
18 record. I've been through more Androscoggin debates
19 than I cared to. That's where that policy discussion
20 ends up. I don't think it is something that really
21 needs to concern the Board and I applaud your work
22 and I look forward to those recommendations going on
23 to the Legislature.

24 MR. PARKER: Any questions for Bob? Thank
25 you, Bob.

1 AUDIENCE MEMBER: (Bob Duchesne.) Thanks.

2 MR. PARKER: And we'll send it back to you.
3 David Thanhauser.

4 AUDIENCE MEMBER: (David Thanhauser.) Hi.
5 I have a little picture for each of you to illustrate
6 my talk.

7 I watched you this morning at your previous
8 hearing and I sympathize with the hard work you're
9 doing and thank you.

10 My name is Dave Thanhauser. I'm a retired
11 family physician and I've been living in Belfast
12 since about 1971 and I'm here to speak in favor of
13 the proposed upgrades of water quality in the
14 watershed. My wife and I had part of an organization
15 and speak for it called the Penobscot River Paddling
16 Trail. The mission of the -- the primary mission of
17 the Paddling Trail to is establish campsites from
18 Medway to Bucksport so people can camp and canoe down
19 the river or paddle down the river. It's a beautiful
20 river. It's fun to paddle. When you're on the river
21 you see eagles every day. I've seen things I've
22 never even heard of. I saw the gravel mounds of
23 fallfish, giant colonies of bryozoans that look like
24 this big, eggs masses that look like they've been
25 from 4 foot frogs. It's a trip through changing

1 geology biology, Penobscot Indian Nation history,
2 colonial history, industrial history, changing
3 solidity, changing tides all of the way.

4 The river as people have said is much
5 cleaner now than it's been. It was far cleaner in
6 the long past. What you decide today has to do with
7 its future status. I've been happy to catch and eat
8 its fish, to swim in its waters. Even now, however,
9 the tidal section of it is heavily polluted with
10 mercury from industrial sources. We should soon hear
11 what the recommendation is on how to clean it. These
12 things are long-term. They don't happen fast or
13 disappear fast.

14 I've given each of you a photograph my wife
15 took of me on the bank of the river near Lincoln.
16 And for those who of you who can't see the
17 photograph, you see me standing in front of a big
18 silver maple tree with big roots and within the roots
19 there is an old car. You can see both door handles
20 on it. The picture is kind of amusing, but it shows
21 the long tradition of just pushing things over the
22 edge where we couldn't see them and they were hidden
23 from our obvious view. I hope that we can keep
24 pushing against that tradition and clean up the river
25 or find better ways to deal with our waste. I hope

1 that the Board will advocate for the proposed
2 upgrades. Thank you.

3 MR. PARKER: Any questions? Thank you.

4 AUDIENCE MEMBER: (David Thanhauser.)
5 Thanks.

6 MR. PARKER: Daniel Kusnierz.

7 AUDIENCE MEMBER: Good afternoon, Chairman
8 Parker and Board members. My name is Daniel
9 Kusnierz. I am the Water Resources Program Manager
10 at the Penobscot Indian Nation, a position that I
11 have held for the past 25 years. I am here today on
12 behalf of the Penobscot Nation to support the stream
13 reclassification proposals that have been recommended
14 in the Penobscot River basin. Most of the Penobscot
15 basin proposals are ones that the Penobscot Nation
16 proposed to MaineDEP during its solicitation process
17 in 2017 and are based on the results of water quality
18 monitoring conducted by our program. This
19 reclassification process is long overdue. The Clean
20 Water Act requires that states and tribes review
21 their water quality standards every three years. The
22 last time that Maine conducted a comprehensive
23 reclassification review was 10 years ago in 2008.

24 The Penobscot Nation Water Resources Program
25 conducts extensive water quality monitoring

1 activities throughout the Penobscot Nation
2 territories, including the Penobscot River watershed.
3 We have been monitoring water quality since the late
4 1980s and currently have 125 stations that we monitor
5 regularly throughout the year. Through a cooperative
6 agreement we share out data with MaineDEP. Since
7 1997 over 400 miles of stream segments in the
8 Penobscot basin have been upgraded to higher
9 classifications based on water quality that our
10 program collected and submitted.

11 The proposals that we have made for the
12 lower West Branch and upper main stem of the
13 Penobscot are based on water quality data that we
14 have collected in these segments that demonstrate
15 that these segments are currently attaining the next
16 higher class. In fact, these segments have been
17 meeting Class B criteria for at least the past 10
18 years. 38 MRS 464 states when the actual quality of
19 any classified water exceeds the minimum standards of
20 the next highest classification that higher water
21 quality must be maintained and protected. The Board
22 shall recommend to the Legislature that that water be
23 reclassified in the next higher class. These
24 proposed upgrades clearly meet this threshold to be
25 recommended to the Legislature.

1 The water quality data that demonstrate
2 these improvements were collected over a long period
3 of time from many locations and during a wide variety
4 of conditions, including periods of low flow and warm
5 temperatures when we might expect to see worst case
6 scenarios. They also include periods when the East
7 Millinocket Great Northern mill was operational.
8 These data include dissolved oxygen, temperature,
9 bacteria, and aquatic insects. In fact, aquatic
10 insect monitoring shows that Class B aquatic criteria
11 were being met downstream of the mills in Millinocket
12 and East Millinocket as far back as 1995 when both
13 mills were operating.

14 One of the concerns we have heard is whether
15 upgrading the lower West Branch and upper main stem
16 Penobscot would prevent future discharges in the
17 Millinocket area and impede redevelopment. Modeling
18 by MaineDEP has shown that a discharge of similar
19 levels or even a little larger than that which was
20 licensed at the former GNP Millinocket mill would
21 still meet Class B criteria. Furthermore, any new
22 discharges at the site would be expected to have more
23 modern treatment than what existed at the old mill.

24 The only segment in the Penobscot proposals
25 that is currently not attaining all Class B criteria

1 is the area commonly referred to as the Back Channel
2 between the outlet of the Stone Dam at Quakish Lake
3 and its confluence with Millinocket Stream. This is
4 the original channel of the West Branch Penobscot
5 River, which was dewatered and rerouted to the West
6 Branch Canal through the GNP Millinocket mill. This
7 segment is currently not meeting Class B or Class C
8 aquatic life criteria because there is very little
9 water in the channel. The non-attainment is not a
10 water quality issue but rather one of water quantity
11 or lack of sufficient water. MaineDEP has indicated
12 that getting water in this segment will be addressed
13 in the next hydro relicensing of the Penobscot Mills
14 project scheduled for 2026. MaineDEP has determined
15 that the segment will attain Class B aquatic life
16 criteria by putting water in the channel under
17 current rules and policy that would provide a wetted
18 width of 75 percent of the channel width.

19 The recovery of Penobscot River over the
20 past 10 to 15 years is remarkable. Our Water
21 Resource Program staff who are on the river nearly
22 every day have witnessed great change. Areas of the
23 river that once smelled badly, had sheets of foam,
24 and were so dark that you could not see the bottom
25 are now clean and clear. Blooms of algae or

1 cyanobacteria that extended all the way from Dolby
2 Pond to the coast are no longer present. Huge
3 investments in money and efforts through
4 collaborations by federal, state, tribal, industry,
5 and conservation groups have and continue to remove
6 barriers to fish migration. Numerous species of
7 native sea run fish that were eliminated from
8 entering the river are now returning to their
9 historical spawning areas and restoring the aquatic
10 ecosystems. This year in 2018, 2.27 million river
11 herring, almost 4,000 American chad, 2,000 sea
12 lamprey, and 752 Atlantic salmon, which are enlisted
13 endangered, passed the Milford/Orono dams. The
14 proposal to extend the free-flowing -- or the
15 proposal to extend the free-flowing designation from
16 the former Veazie dam to Milford ensures that this
17 segment will remain barrier-free.

18 By supporting all of these Penobscot River
19 proposals you are safeguarding improvements to
20 prevent water quality from backsliding to conditions
21 that we do not want to go back to. By doing so, you
22 are helping to provide the water quality and habitat
23 conditions needed for restoring these fish and water
24 quality.

25 Thank you for the opportunity to comment and

1 we'll be submitting written comments as well.

2 MR. PARKER: Do you have any questions?

3 AUDIENCE MEMBER: (Algirdas Nakas.) I have
4 a question.

5 MR. PARKER: Thank you. We're not taking
6 questions from the floor.

7 AUDIENCE MEMBER: (Algirdas Nakas.) Oh,
8 you're not. I'm sorry.

9 MR. PARKER: Thank you. Kirk Francis.

10 AUDIENCE MEMBER: (Kirk Francis.) Good
11 afternoon, Chairman. At the expense of not sounding
12 as smart as that guy, that's the danger of having the
13 staff that helps you write your comments go before
14 you. But I do appreciate the opportunity to be here
15 today to talk about a very important and sacred issue
16 to the Penobscot people. --

17 Just for the record, my name is Kirk
18 Francis. I am in my fifth term as the elected Chief
19 at Penobscot Indian Nation and very proud to serve in
20 that role. I am here today to voice the Penobscot
21 Nation's support for the proposals that have been put
22 forth that relate to the Penobscot River. Most of
23 these Penobscot River proposals have been proposed by
24 the Penobscot Nation and are based on data from our
25 Tribal Water Quality Monitoring Program. Many of

1 those folks are here today and do tremendous work in
2 this area. As a riverine people, the Penobscot Tribe
3 depends upon the resources of the Penobscot River for
4 food, medicine, ceremonies and it is a huge part of
5 our cultural identity and survival as a people.

6 The river is simply the life blood of the
7 Tribe. It is our responsibility to look after and
8 care for it so it can take care of us. We take this
9 responsibility very seriously and have developed and
10 invested in our natural resource programs to carry
11 out this work. We can attest that historically
12 industry and others have not been so respectful to
13 the river and their use of it. Dams have blocked
14 passage of fish to carry out their life cycles, log
15 drives have littered the bottom of the river with
16 logs, water pollution from discharges have caused
17 much damage to the water quality of the river
18 historically and prevents us from eating fish for
19 sustenance purpose that our people have depended on
20 for thousand of years.

21 The good news is that major water quality
22 and fish passage improvements have occurred over the
23 past several years. Extensive monitoring by the
24 Penobscot Nation Water Resource Program, which Dan
25 just spoke to, shows that Class B criteria are now

1 being met throughout the river. Large collaborative
2 projects as also mentioned between tribal, state,
3 federal and private partners and huge financial
4 investments have been taking place in the Penobscot
5 River to restore runs of migratory fish. These are
6 fish species that have been largely eliminated from
7 the watershed. The Penobscot River Restoration
8 Project and other fish passage projects going on
9 throughout the watershed including several on tribal
10 lands have resulted in the return for millions of sea
11 run fish, alewives, blueback herring, American shad,
12 striped bass, sea lamprey and Atlantic shad to their
13 native waters. My people are now seeing fish species
14 that our ancestors historically fished for and that
15 we have not seen in our reservation for over 100
16 years. Our people are starting to fish for some of
17 these fish once again. Our hope is that we will have
18 a large enough population of these fish or all
19 species to be fished again soon.

20 I urge you to support these proposed
21 upgrades so that these improvements can be protected.
22 We understand and are sensitive to the need for
23 economic development in communities here in Maine.
24 We too have our own challenges in regards to jobs.
25 However, we believe that economic development should

1 not be done at the expense of degrading our
2 environment and there needs to be a balance.
3 Instead, we should recognize the importance of and
4 the tremendous value of clean water and what it has
5 to not only the Penobscot Tribe, but to all people in
6 Maine. A healthy river that supports the fish,
7 wildlife and ecosystem is good for our economy.
8 These proposed upgrades still would allow for new
9 economic and industrial development at a level that
10 is respectful to the river.

11 So in closing, we urge you to support these
12 proposals and I want to thank you for the opportunity
13 to be here.

14 MR. PARKER: Any questions for Kirk?

15 AUDIENCE MEMBER: (Kirk Francis.) Thank
16 you.

17 MR. PARKER: Thank you. Stephen Miller.

18 AUDIENCE MEMBER: Thank you. My name is
19 Steve Miller. I'm the Executive Director of
20 Islesboro Islands Trust. For more than 30 years
21 Islesboro Islands Trust has worked in the Penobscot
22 watershed to advance land conservation, ecosystem
23 education and environmental advocacy. Using
24 education advocacy our water quality monitoring
25 research and other means our organization's history

1 demonstrates particular interest in the quality and
2 integrity of water throughout the watershed.

3 Islesboro Islands Trust enthusiastically
4 supports the recommended upgrades to the water
5 classification under the restoration. The verified
6 improvements of water quality for significant
7 portions of rivers in the Penobscot watershed make
8 evident to us the purpose, success and forward
9 movement of the federal policy outlined in the Clean
10 Water Act. We on Islesboro live close to what we
11 call the end of the pipe. In the Penobscot River --
12 in that, the Penobscot River and Gulf of Maine waters
13 mix and surround the island I live on. What comes
14 down the Penobscot affects Islesboro. Improvements
15 in Penobscot River water quality represent
16 improvements in the quality of the water around the
17 island that I call home.

18 As I'm sure you know, the Maine Legislature
19 enacted our Water Quality Resource Management law
20 because, and I quote here, of great public interest
21 and concern in the state in promoting the general
22 welfare, in preventing disease, in promoting health,
23 in providing habitat for fish, shellfish and
24 wildlife, as a source of recreational opportunity and
25 as a resource for commerce and industry and these are

1 especially important to us on Islesboro and in our
2 region. Title 38 Section 464 says further and
3 declared that it is the state's objective to restore
4 and maintain the chemical, physical and biological
5 integrity of the state's waters and to preserve
6 certain pristine state waters. So through surveys,
7 careful monitoring procedures that employ best
8 scientific practices, the integrity of the waters in
9 the Penobscot and its tributaries has shown
10 remarkable improvement.

11 So I'm here on behalf of Islesboro Islands
12 Trust to celebrate the unmistakable success of this
13 legislation and to support the Department of
14 Environmental Protection's July 5, 2018 proposed
15 reclassification and to urge you to support that
16 recommendation as well. Thank you.

17 MR. PARKER: Any questions? Thank you.
18 Susan Lauchlan from the Penobscot list. Susan?

19 AUDIENCE MEMBER: Susan Lauchlan.

20 MR. PARKER: What's that?

21 AUDIENCE MEMBER: I'm Susan Lauchlan.

22 MR. PARKER: I guess that's right. I just
23 couldn't read it and pronounce it right. Susan, the
24 podium is yours.

25 AUDIENCE MEMBER: Thank you. My name is

1 Susan Lauchlan and I'm a Mainer. I live in Waldo on
2 the outskirts of Belfast and Penobscot Bay. I come
3 from a family of generational Belfastians. And I'm
4 mainly here to simply speak up in strong support for
5 the reclassification of the Penobscot River from
6 Class C to Class B as submitted by the Penobscot
7 Nation. I understand there has been no upgrades to
8 Maine water standards and classifications since 2009,
9 say maybe one. So I hope that you will recommend
10 these proposed upgrades to the Maine Legislature.
11 Thank you.

12 MR. PARKER: Questions? Thank you, Susan.
13 Now, we'll hear from the other Nick Bennett.

14 AUDIENCE MEMBER: Thank you again, Chairman
15 Parker, members of the Board. My name is Nick
16 Bennett. I'm the staff scientist for the Natural
17 Resources Council of Maine and I look just like the
18 guy who was here 20 minutes ago.

19 So I want to strongly support the proposed
20 upgrades for the Penobscot and also thank all of the
21 folks who contributed water quality data and the
22 intellectual actual and scientific underpinnings for
23 these proposals both at the Department and in the
24 Nation -- the Penobscot Nation. These proposals are
25 really important. That's something that in the two

1 decades of my working at the Natural Resources
2 Council of Maine, I don't think I ever really dreamed
3 of seeing and they really are a sign of great
4 progress in a river that is coming back to life
5 dramatically after centuries of using it very
6 roughly. And I think it's important to emphasize
7 that the amount of investment that went on in the
8 Penobscot restoration project which was the -- which
9 encompassed the removal of two dams on the main stem
10 and also improvement of fish passage at other dams.
11 It's about a \$60 million project. Thousands of
12 people worked on that project. It's just an
13 unprecedented investment for that watershed in recent
14 history. And these upgrades -- both the upgrades in
15 the upstream part of the Penobscot where fish are now
16 getting from the ocean to where they haven't been in
17 generations people are catching shad in upper regions
18 of the river where they haven't been seen in 150
19 years. These upgrades really respect that investment
20 along with all of the people who live downstream of
21 those sections, the people who use those upstream
22 sections, the Tribe. There really hasn't been
23 anything comparable in terms of investment in this
24 part of the river or this state to the -- to water
25 quality and fish passages in the Penobscot

1 restoration project. And so upgrading what's
2 upstream of where those improvements and fish passage
3 has occurred plus moving the protection of the
4 free-flowing characteristic from the Bangor area up
5 to Milford just makes sense and we would urge you to
6 pass that recommendation on to the Legislature.
7 Remember that that free-flowing protection is already
8 in place for Bangor, so this is just moving it up
9 from the Bangor area to the Milford area.

10 A couple of other things. I really want to
11 emphasize that Class B is not a no discharge
12 classification. Upgrading from Class C to Class B
13 is, A, recognizing improvements that have happened in
14 the watershed, the segments of the West Branch in the
15 Millinocket area and the main stem from Medway to the
16 Mattawamkeag to the confluence of the Mattawamkeag
17 meet Class B standards and they have for many years
18 and so it's time for their classifications in law to
19 reflect their classifications in reality. And,
20 again, those sections met Class B for a long time
21 while both of the mills in both East Millinocket and
22 Millinocket were discharging. And DEP has done
23 modeling that shows that you can have something like
24 a 4,000 pound per day of biochemical oxygen demand
25 discharge from the Millinocket area to the river and

1 still meet Class B standards downstream of that.
2 Biochemical oxygen demand, which we often call BOD,
3 is a measure of organic matter that removes oxygen
4 from water when bacteria consume it. And it's one of
5 the most common surrogates or measurements used in
6 water quality regulation and also water quality
7 science. 4,000 pounds of BOD is a lot of BOD. It
8 allows for a big discharge. Not as big as the
9 discharges from those two mills as they were in the
10 1950s and, frankly, that's a good thing.

11 But to put the 4,000 pound per day of BOD in
12 perspective, I attached a graph to the testimony I
13 handed out earlier and all of you have a copy of
14 that. What I did was go to EPAs ECHO database, which
15 is their online database for water quality
16 information that's submitted as part of complying
17 with Clean Water Act permits or in the case of Maine
18 with the Maine equivalent of Clean Water Act permits
19 since we're a designated state for the Clean Water
20 Act. And what I've done is shown you here what the
21 discharges of BOD are for the Verso Jay mill and you
22 can see that over the last three -- and I apologize
23 this goes just off the edge of the paper, I
24 discovered that at about five minutes before I had to
25 leave my office this morning, so I didn't reprint it

1 out. But if you take a look at this, the Verso Jay
2 mill, which I gather many of you probably have seen,
3 is a big facility with a significant discharge has
4 never discharged more than 3,000 pounds per day of
5 BOD in the last three years. And what DEP has said
6 is you can have 4,000 pounds per day of BOD in the
7 Millinocket area and still meet Class B standards.
8 That's a big discharge. I don't anticipate that the
9 kinds of industries that are going to come into that
10 area are going to have anything like that discharge.
11 Cross laminated timbers is not going to have that
12 kind of discharge and pulp mills don't have those
13 kind of discharges anymore. You know, we are -- we
14 have quite old pulp mills in Maine and my
15 recollection is that no one has built a new pulp mill
16 in the United States -- a virgin pulp mill since
17 1980. If they do build one, it's going to be pretty
18 clean. So I think that DEP has done its homework
19 here and has shown that this river is ready for Class
20 B and Class B will be respectful of new industry as
21 long as new industry is also respectful of the river.

22 I would also emphasize that the Board's
23 savior is not the final one on water quality
24 standards and water quality classifications. Maine
25 is a number -- is one of a number of states, the

1 minority of states, where the Legislature makes final
2 decisions on water quality classifications, I think
3 that's the right place for those decisions to be
4 made. I think all of the recommendations in this
5 package are of statewide significance and they
6 deserve a hearing before the Legislature and so I
7 respectfully ask that you recommend the upgrades to
8 the Legislature for both the Penobscot and the other
9 waterbodies. I'd be happy to take any questions.

10 MR. PARKER: Any questions? Thank you,
11 Nick.

12 AUDIENCE MEMBER: (Nick Bennett.) Thank you
13 very much.

14 MR. PARKER: Dennis King.

15 AUDIENCE MEMBER: (Dennis King.) Members of
16 the Board of Environmental Protection, thank you for
17 the opportunity to address you regarding the matter
18 of upgrading sections of the Penobscot River to Class
19 B and require that the main stem below Milford remain
20 free-flowing.

21 I am a resident of Freeport, but a native of
22 Old Town, and one who has maintained a close
23 relationship with the Penobscot and other rivers in
24 Maine. Having recently retired as a hospital
25 administrator living in many different communities

1 around the state, I appreciate the progress made in
2 improving the water quality in our rivers after
3 decades of industrial use and I particularly applaud
4 you in your role in making that happen.

5 Like most people in Old Town, I grew up on,
6 near or in the river. After all, the town, and some
7 of my relatives, depended on the Penobscot for a
8 livelihood whether it was working in one of the mills
9 on its shore, processing wood brought in on huge log
10 rafts or fishing in its many deep pools before it
11 became too polluted to do so safely.

12 While in my first year at UMO in 1968, I had
13 the good fortune to be offered a summer position with
14 the Atlantic Salmon Commission as a biologist aide
15 working on the restoration of the Atlantic salmon to
16 the Narraguagus, Machias and Penobscot Rivers.
17 There, I experienced firsthand that a state/federal
18 partnership to restore and maintain gamefish is a
19 win-win for the people, fish and the environment.
20 Thus, a long process began to clean up the river by
21 eliminating dams, constructing fish passages and fish
22 ladders and eliminating major sources of industrial
23 pollution.

24 Within several years, the historical
25 significance and potential for renewal of this river

1 was being realized.

2 I cannot accurately describe to you the
3 emotional impact of holding and recording the vital
4 statistics of a fish that began its life in a
5 hatchery in Maine and somehow survived the rigorous
6 ordeal down the Penobscot River. Against all
7 considerable odds, the young salmon then swam on to
8 the North Atlantic near Greenland only to then find
9 its way back after two years to spawn back in the
10 Penobscot.

11 Soon after taking an administrator position
12 at Eastern Maine Medical Center in 1990, I learned
13 that there were therapeutic aspects to the river's
14 renewal. The construction of a multistory patient
15 tower high on the Penobscot's bank afforded patients
16 and visitors a magnificent and unobstructed view of
17 the river. It was, and still is, very common to see
18 patients and visitors gathered around the large
19 windows watching the bald eagles soaring on high and
20 looking for the next meal. This rare opportunity
21 serves as a distraction for those in recovery and
22 remains a reminder of the wonder of nature seen up
23 close.

24 Our state's commitment to clean up our
25 rivers is not only good for the fish, but the removal

1 of dams has also made our rivers more accessible to
2 tourists who raft, canoe, or motor, thus attracting
3 tourists and dollars to areas previously thought too
4 far away.

5 I encourage the DEP to act favorably to
6 upgrade the classification to Class B of the West
7 Branch of the Penobscot River from Millinocket to
8 Medway, upgrade the main stem of the river to Class B
9 from Medway to Mattawamkeag and also require the
10 Penobscot River below Milford be free-flowing to the
11 sea. Thank you very much. And I'd be glad to answer
12 any questions.

13 MR. PARKER: Questions from anybody? Thank
14 you. Catherine Schmitt.

15 AUDIENCE MEMBER: Good afternoon. My name
16 is Catherine Schmitt. I'm a resident of Bangor. I
17 spend much time in and around the Penobscot River.
18 54 years ago in Bangor there was a hearing just like
19 this one about water quality classification on the
20 Penobscot. I was glad to hear Matt Scott talk about
21 that.

22 At that time, the river was described as
23 little more than an open sewer, a wasteland. Some
24 150,000 people lived in the Penobscot watershed, but
25 the pollution load was equivalent to 5 million

1 people. Clam flats in Penobscot Bay were shut down,
2 fly fishermen headed Downeast where the rivers were
3 cleaner. The clean up would cost \$35 million just to
4 meet minimum water quality standards. 54 years ago
5 the state classified the river as Class D. As long
6 as odor did not become a nuisance the river was to
7 assimilate as much pollution as possible. At that
8 public hearing Atlantic Salmon Commission Chair
9 Horris Bond urged the officials to aim higher. Bond
10 was not a fishery scientist. He was a grain
11 salesman, he was an angler and an inventor of several
12 fly patterns, including the silver salmon and the
13 songo smelt. But he was persistent and like many
14 people in this room, he cared about the river.
15 Eventually most of the river was designated as Class
16 C except for a stretch below Millinocket. And so now
17 half a century later here we are again and the state
18 has proposed upgrades from the Class C to Class B.

19 Like Horris Bond, I urge the Board to aim
20 high to recommend these upgrades to the Legislature.
21 Existing industries including paper are more than
22 capable of meeting Class B standards that will
23 benefit human and non-human inhabitants of the entire
24 region. Many people have spent many years,
25 centuries, restoring this ecosystem. The Penobscot

1 river is resilient. The Penobscot River is cleaner
2 than it has been in more than 100 years. That is not
3 something to fear, but something to celebrate. Thank
4 you.

5 MR. PARKER: Thank you. Any questions?
6 Geoff Gratwick.

7 AUDIENCE MEMBER: Good day, Chairman Parker
8 and members of the Board. Geoff Gratwick. I live
9 here in Bangor just two miles up the road up on the
10 Kenduskeag River. I represent Bangor and Herman in
11 the state senate. I've lived in this area for 40 to
12 45 years and in the Legislature I've been on the ENR
13 Committee for only -- only twice, only two in the
14 four years and nowhere near what Bob Duchesne has,
15 but who can tell what the future holds.

16 A very -- just a very brief personal
17 perspective. I go out on the river probably either
18 here or Pushaw Lake three to several times a week. I
19 like to canoe. I like to row. I skull. And when I
20 first started out you basically could -- I could walk
21 out my boat across the water with the scum that was
22 there from the Kenduskeag Stream and coming off the
23 Penobscot River and I had to clean my boat when I got
24 home every day. Now, it's really -- it ain't
25 perfect, okay, there is still a ways to go. I have

1 to clean it once a week, but it's still -- it's so
2 much better. And the river has become a major
3 amenity for the Bangor community, as I'm sure you're
4 aware, the Folk Festival, people go there, they sit
5 in their boats, they listen to music, et cetera, and
6 it really has become a great source of pleasure for
7 this community to have a clean river.

8 I strongly urge you to have this upgrade.
9 Thank you very much.

10 MR. PARKER: Any questions? Thank you.
11 Angie Reed.

12 AUDIENCE MEMBER: (Angie Reed.) Hi. You
13 guys must be really tired at the end of this long
14 day, so I will keep it short.

15 My name is Angie Reed. Thank you for the
16 chance to speak. I am originally from New Hampshire,
17 so I have been sort of deep in the culture of live
18 free or die and so I realize as I was listening to
19 other people speak, I don't like to be told what to
20 do any more than anybody else does, so I get it that
21 regulations are frustrating, but I remember going to
22 undergraduate at the University of New Hampshire and
23 getting a degree in Water Resources Management and
24 hearing that rivers before the Clean Water Act, which
25 I love to hear some of the history that other people

1 experienced, it used to burn. I think that's a thing
2 we need to remind ourselves of, so regulations can be
3 good so I applaud you for wanting to do this.

4 And something that I heard talked about in a
5 class in aquatic ecology at graduate school at
6 Colorado State University was when stream ecologists
7 look at what's good and bad, like how do we assess
8 what's, you know, when a river is doing well. We
9 look for a reference condition. And I remember
10 thinking to myself why is always a reference
11 condition unimpacted by people and nobody can really
12 answer that. And so I -- when I start -- I worked
13 for tribes -- I am actually representing myself
14 today, but I've worked for tribes and with tribes for
15 the past 20 years since I've gotten out of school and
16 one of the things that I have been reminded of is
17 that although educated in western science, you know,
18 we hear lots of stories about what this continent
19 used to be like before colonial times and so I urge
20 us to support these upgrades because we as people can
21 do the right thing. We are smart. We are stunning.
22 We can make it to the moon. We can actually have
23 industry that actually doesn't pollute things. So I
24 think we really need to take the lead from people who
25 used to do this all of the time, so we can do it. We

1 can do it again. And I think that we actually need
2 to not let things backslide to the days where I hear
3 people -- I live up near Houlton and I work down here
4 every week and I hear people both up in the
5 Meduckekeag River up near Houlton and down here
6 people say literally it would be raw sewage, they
7 would be swimming through raw sewage in the rivers
8 back then. And so I'm thankfully young enough to not
9 have known that, so I want to keep it that way. So
10 thank you for the work that you're doing and I trust
11 that the scientists are doing their jobs.

12 MR. PARKER: Maulian Dana. Marion? How do
13 you pronounce that?

14 AUDIENCE MEMBER: Maulian.

15 MR. PARKER: Maulian.

16 AUDIENCE MEMBER: (Maulian Dana.) Yup.

17 MR. PARKER: I can't spell I guess.

18 AUDIENCE MEMBER: No problem at all.

19 MR. PARKER: Go ahead.

20 AUDIENCE MEMBER: Thank you. So my name is
21 Maulian Dana and I'm the ambassador for the Penobscot
22 Nation, so I may be echoing things that the Chief has
23 said and our Natural Resources Department, so bear
24 with me and don't get too bored.

25 Good afternoon and thank you so much for the

1 opportunity to address this important issue that
2 affects so many in our beautiful state. I lived my
3 whole life on the reservation community Indian Island
4 of Penobscot Nation and I now raise my children on
5 the banks of the river where I spent my own
6 childhood. My role now is to represent the Nation as
7 a diplomat and advocate for our people as well as
8 communicate and maintain and build relationships with
9 local, state and federal government and entities.
10 Today this feels especially meaningful for me because
11 I have the honor of speaking in support of a cleaner
12 Penobscot River, which has supplied my tribe the deep
13 connection to our ancestors and continues to give us
14 life.

15 The Penobscot Nation consists of islands and
16 the main --

17 MR. PARKER: Excuse me, can you slow down
18 just a little bit?

19 AUDIENCE MEMBER: (Maulian Dana.) Sure. --
20 with Indian Island being the most inhabited. And I
21 know you guys are sleeping probably right now.

22 We have an inherent and sovereign right to
23 sustenance fishing in the river and many of our
24 citizens hunt the island and gather natural materials
25 and medicines on the lands and waters. We also have

1 entrepreneurs and business owners who guide and
2 utilize the territory in responsible and harmonious
3 ways. The river is not just a backdrop to our home
4 or what flows around the lands, it is a part of our
5 family, a part that we owe so much of our life ways,
6 livelihood, cultural knowledge and traditional
7 practices to. The health of the Penobscot people is
8 critically dependent on the health of the Penobscot
9 River.

10 I am here today to speak in support of the
11 upgrades in the proposal. I want to thank the DEP
12 and the Board for making this hearing possible and
13 proposing the upgrades. As you have heard from our
14 Natural Resources Department the science and data
15 supports this change as well. It is a fact of the
16 natural world that water flows and if we can keep a
17 more pristine level at the northern waters then the
18 river that reaches Indian Island and other
19 reservation territory will be much more suitable for
20 our sustenance and other uses.

21 I have personal reasons to address this
22 issue and submit testimony in addition to my work for
23 my people. I grew up on the reservation and was
24 warned against swimming in the river or eating fish
25 from it. I was so worried when I saw clumps of foam

1 from the discharge from the mills and other
2 industries or saw floating dead fish or smelled fumes
3 from pollution from the water while in a canoe or on
4 the shore as a child. Around age 8 or 9, I was so
5 moved by my feelings about the state of the river I
6 wrote a poem that was published in local papers and
7 reminds me now of my childhood senses being
8 overwhelmed with the need to care for the river and
9 speak up for it. Now that I get to do that, I am
10 ever humbled and honored.

11 My children are now 9 and 11 and they are
12 able to swim in the river without experiencing the
13 poisonous sites and smells that I did at their age.
14 The fact that one generation of cleaning up the river
15 has had such an impact makes me very hopeful for the
16 continued improvement. The progress can be credited
17 to the work and efforts of many dedicated
18 individuals, coalitions, agencies and the drive to
19 protect the sacred. We have made some great strides
20 in this work to restore much of the health and
21 vitality of our homeland and we are constantly
22 engaged in how we can make it even better.

23 We understand the calls for industry and
24 development especially in economic climates that have
25 been unfavorable in recent years pushing families and

1 communities to hardship and struggles. The fact
2 remains that we have only one mother earth and she
3 needs us all on the same page. We do not get a
4 second chance planet. I would encourage developers
5 to consider projects that provide stimulation and
6 growth but also promotes sustainable practices that
7 can be in line with the appropriate level of
8 classification for the river.

9 I was able to paddle the Penobscot River
10 recently from Indian Island to Medway and up through
11 Ambajejus Lake as part of our tribal's ceremonial
12 journey from Penobscot Nation to Katahdin. There
13 used to a be a very noticeable difference in the
14 quality of the water from the river to the lake in
15 the appearance, clarity, odor, life presence, et
16 cetera. Multiple times it struck me on this last
17 trip that the river water was looking so much more
18 like the lake water and it was just so much cleaner
19 and healthy looking. They say that water is life and
20 the river right now has much more life to give us
21 because we have been caring for it. Gone are the
22 days are chunks of foul smelling foam and toxic air
23 and we are all better for it.

24 On behalf of my Nation, I support this
25 upgrade and proposal. When I see my children swim in

1 the water I think about the time of my
2 great-grandparents when Indian Island had dirt roads
3 and a ferry to the mainland instead of the bridge and
4 I think about the promises those ancestors made to
5 protect these important strands of our web of life.
6 I think we are at times very in line with these
7 promises and I celebrate allies who appreciate our
8 values and have helped us so much. Even at times
9 when tension and turmoil over the river can seem to
10 take the front seat, I am encouraged by the
11 willingness to build partnerships and exchange
12 compassion and understanding between our Nation and
13 different entities. We all benefit from taking care
14 of the earth.

15 I thank you again for this opportunity. I
16 hope my words speak to your heart and you can hear 8
17 year old me speaking up out of love and empathy for
18 the river. This is a great chance to keep progress
19 alive and contribute to the wellness and beauty that
20 makes Maine the place we are all privileged to call
21 home. Thank you.

22 MR. PARKER: Questions? Greg Ponte.

23 AUDIENCE MEMBER: Good afternoon, Chair
24 Parker, members of the Board and the staff of the
25 DEP.

1 My name is Greg Ponte, President of Kennebec
2 Valley Trout Unlimited. You may wonder Kennebec
3 Valley, well, our chapter goes from Gardiner to
4 Farmington to Jackman to Greenville to Millinocket to
5 Fort Kent to Calais to Bangor and back to Gardiner,
6 so that's why and also Trout Unlimited is the partner
7 to the Penobscot River Restoration Trust Project. I
8 first learned about it in 2002 at a national
9 convention when I was sworn to secrecy by the --
10 Charles Goggin was the Chair of Trout Unlimited,
11 which is the national organization in Portland,
12 Maine. That's when I found out that the Penobscot
13 dams were going to be taken out, two of them anyways.

14 The reason I'm here is in 2009 I was at the
15 Legislature speaking on behalf of the upgrades at
16 that time. The one that concerned me the most at
17 that time was the Crooked River, that one there was
18 going from A to AA and it was very contentious. It
19 went through the court system and ultimately it did
20 go to AA and here we are today.

21 A little background. I grew up in Auburn in
22 the -- went to Edward Little in the '70s and ended up
23 at Maine Maritime in '72, graduated '76, went to sea
24 for a living for 23 years. And the only reason I'm
25 bringing that up is I've been to 50 countries. I've

1 had the opportunity to go all over the place and I
2 choose to live here. I'm an avid angler. I find it
3 interesting when you look at water classification
4 non-attainment of the fishing use is thus not
5 considered a reclassification proposal. I thought
6 that was kind of interesting when I read through the
7 rules how you classify water, but fishing isn't one
8 of them. Part of it is mercury here and part of it
9 is mercury that flies out of the sky and it lands
10 here. Having said that though, water quality
11 obviously affects fish. It affects natural
12 vertebrate. It affects everything including us. And
13 so obviously the chapter of Kennebec Valley that I
14 represent wants the upgrades, wants to be able to go
15 to the testimony at the Legislature for the proposals
16 as they are.

17 Someone mentioned shad. During the Kennebec
18 when Edwards was removed, Edwards dam when they
19 removed it it went from Class C to B from Waterville
20 down to Augusta. And what was interesting is now
21 here we are, it was removed in '99, so basically
22 almost 20 years later the largest run of herring on
23 the east coast is in the Sebasticook. Millions.
24 Now, interesting enough the shad gets stopped in
25 Lockwood and my friend and I catch more shad than

1 they pass at that. And that was a stock out of
2 Waldoboro. They had a fish -- fish hatchery there
3 where they would grab the fish from out of state,
4 bring them here and then put them in the water until
5 finally they realized they didn't have to do that
6 anymore. The reason I bring that up is they passed
7 more fish in Enfield in one year than the Kennebec
8 did at that dam since '06 and they didn't even know
9 they were there. I remember going to the hearings
10 and people saying is Mr. Chapman going to be able to
11 stock the Penobscot and there was no money to do it
12 because on the Kennebec when the other dam came out
13 the Kennebec Hydro KCG agreement was done there was
14 lots of money to do stuff like that. So the
15 Penobscot was like, oh, we'll just let that be and
16 see what happens. Well, the shock was there was
17 thousands and thousands of shad in there milling
18 about waiting for the move to go up. And that was
19 probably the biggest surprise that I had in the
20 river. And of course the bypass that was built
21 around Howland is unbelievable too because they do
22 that in Europe and they don't do it here. We build
23 rock ramps. We don't build bypasses. So that's a
24 very interesting thing.

25 There was only one thing in the proposal

1 that I did not understand and it came on Blackman
2 Stream and I didn't understand it because GPA used
3 pawns, but is the Phase Class C, which is for moving
4 water, so I have no idea what the rationale was there.
5 I was trying to figure it out. I asked a few people,
6 but I didn't get a good explanation of Blackman
7 Stream is not going to be -- thought to be upgraded
8 and they were using moving water data and using the
9 pond, I was confused. So if you could explain that
10 one to me that would be great. Otherwise, I'll be
11 looking forward to seeing this in the Legislature and
12 hopefully that would be in the upcoming session.

13 MR. PARKER: Any questions?

14 AUDIENCE MEMBER: (Greg Ponte.) So if
15 somebody can explain that Blackman Stream why they
16 use Class C on Davis Pond, I don't know. Maybe it
17 was a typo, I don't know. Thank you.

18 MR. PARKER: I am sure someone from the
19 staff can speak to you after the meeting.

20 AUDIENCE MEMBER: (Greg Ponte.) Okay.

21 MR. PARKER: Matt Scott.

22 AUDIENCE MEMBER: (Matt Scott.) Yes, Mr.
23 Chairman, you had a question?

24 MR. PARKER: What's that?

25 AUDIENCE MEMBER: (Matt Scott.) I don't

1 need a second bite, okay. Thank you very much.

2 MR. PARKER: Okay. I appreciate it. Susan
3 Dickson-Smith. Susan Dickson-Smith, is she here?

4 AUDIENCE MEMBER: She had to leave.

5 MR. PARKER: Oh, okay. Moving on to Michael
6 Maybury.

7 AUDIENCE MEMBER: Mike Maybury. President
8 of the Penobscot Bay Institute and known as the
9 Penobscot Riverkeepers. Basically our goal is to
10 take classrooms, students out on the Penobscot River
11 in 28 foot Voyager canoes and we take students from
12 Lincoln to Bucksport and basically it's an outdoor
13 classroom and we get to see the river, be on the
14 river and see how it has changed. The majority of
15 the Riverkeepers are in their 60s, 70s and maybe even
16 a little older and unfortunately we have seen it as
17 an open sewer to what it is at present, a Class B
18 river. We talk about Muskie and Mitchell, our
19 senators from the State of Maine who introduced the
20 Clean Water Act, the Clean Air Act and how this has
21 made changes not just in our state but the entire
22 nation and we ask them to become stewards of the
23 environment to never let the Penobscot River or for
24 that sake any other body of water revert to what it
25 was before. We run classes basically for nothing.

1 Again, the goal is to get students out and to
2 actually experience the river. Thank you for this
3 opportunity. If you have any questions maybe I'll be
4 able to answer them.

5 MR. PARKER: Any questions? Thank you.
6 Cloe Chunn.

7 AUDIENCE MEMBER: Hello. I'm Cloe Chunn. I
8 am a registered Maine guide and a naturalist and bog
9 woman and there is a reason I'm introducing myself
10 that way because I'm speaking in favor of your
11 proposed upgrading of the Fish River where it flows
12 through and along the borders of Crystal Bog from
13 Crystal to Island Falls. It's a pristine, wild and
14 scenic paddling trip and it goes through 1400 acre
15 forested and Crystal Bog. It's a bog and fen, all
16 forested with lots of rare plants and animals. It's
17 a unique environment. And I've been in a lot of bogs
18 in Maine and loved them all. Crystal is the
19 quintessential bog in that it's -- it has statewide
20 significance in having 16 different species of
21 orchids and the eastern-most stand of the white
22 fringed prairie orchid. It's the only place in our
23 state that has them at all.

24 For me, Crystal Bog is the enchanted forest
25 and I love walking around there along the banks of

1 the Fish Stream through Crystal Bog watching the
2 orchids, the forest, the big trees and the sphagnum
3 moss. I'm a real mosser. And of the 50 or so
4 species of sphagnum we have in Maine about half of
5 them are there represented in that one area because
6 it's so pristine and so rich. You can see them of
7 all colors, sphagnum of emerald green, golden, red.
8 And so I just want to give a shout out to Crystal Bog
9 and the Fish Stream especially but to applaud your
10 efforts at upgrading all waterbodies that are in this
11 packet. Thank you so much.

12 MR. PARKER: Questions? Thank you. Frank
13 Porter.

14 AUDIENCE MEMBER: Yes, sir. My name is
15 Frank Porter. I'm a selectman for the town of Island
16 Falls. I've lived there all my life and I'm
17 concerned about the Mattawamkeag and the upgrade. We
18 had a lot of questions. We missed the first meeting,
19 so we weren't aware of them. This is the first one
20 we were aware of and I apologize for my lack of
21 knowledge here today, but our questions are on the
22 rules and regulations that pertain to our local
23 residents and our local businesses, property owners
24 and anyone along the edge of that river. If you've
25 ever been to Island Falls there is a lot of

1 businesses, a lot of -- a lot of buildings right on
2 the edge of the river and what's it going to do to
3 them?

4 We currently -- we have no idea on what
5 these changes will bring about to us. I suspect it
6 could affect our land valuations. It could even
7 possibly bring us into -- all of our buildings have
8 septic systems, so I'm curious as to if this is going
9 to force us into a waste water treatment plant or
10 something to that effect. We lost our factory
11 approximately 10 years ago, I guess it was. I'm not
12 sure, is that correct?

13 AUDIENCE MEMBER: (Laura Farnsworth.) Yes.

14 AUDIENCE MEMBER: (Frank Porter.) They were
15 the only remaining discharge in our area and there is
16 no longer any more discharge on that river that I
17 know of. I've lived there -- I've lived there all my
18 life. I swam in that river. I fished in that river.
19 I fished in the Mattawamkeag and I swam in the
20 Mattawamkeag Lake. At the present time -- I've seen
21 it at its worst, I've seen it at its best. At the
22 present time, I'd say it's at its best, however you
23 can probably walk through Crystal Bog all the way to
24 Mattawamkeag right now without getting up to your
25 waist. The water is severely low.

1 Our economy is based around our two lakes
2 and that river and we are kind of in the dark and
3 without any knowledge of how it's going to affect us
4 we need some answers is what we need. And on the
5 rules -- on the rule changes from a Class B to a
6 Class A how that's going to -- how that's going to
7 affect our policies in town. Water runoff, if that's
8 going to be a problem because most of our drainage
9 flows into our water drains for our local roads and
10 what not, they flow into that river if there is going
11 to have to be some changes there or what we'll have
12 to do. I truly think if you -- our lake -- our lower
13 lake is as clean now and our lakes association has
14 been doing a tremendous job with testing the waters
15 for clarity, for oxygen and they say that now
16 Pleasant Pond and Mattawamkeag -- the lower end of
17 Mattawamkeag Lake is probably as clear as it has ever
18 been. The upper lake is a different story. That's
19 the tail pipe of the Mattawamkeag river.

20 We have approximately 3,000 -- I'm told we
21 have approximately 3,000 miles of tributaries flowing
22 into the Mattawamkeag. With the clear-cutting and
23 the poor forest management, we are susceptible to
24 high -- during heavy rains, we are susceptible to
25 small flash floods, which turn the rivers brown and

1 bring a lot of sediment from those areas all the way
2 through our town and into that lake. That lake takes
3 a pattern where -- that river takes a pattern where
4 it comes out into the upper lake, the upper
5 Mattawamkeag Lake. If you've got a map there you can
6 see it. It swings and comes right towards the head
7 of the lake by Robinson Mountain. It's dumping silt
8 into that lake at an alarming rate. I have never
9 seen -- I haven't been on the lake in the last 16
10 years and I went down this year just to survey what
11 was going on and 2 to 300 yards out from the actual
12 shore where the shore used to be on that lake there
13 is nothing but silt probably 20 feet, 30 feet deep
14 and this is all coming downstream. Our problem isn't
15 from the interstate to Mattawamkeag Lake. Our
16 problem is way beyond that. Our problem is
17 clear-cutting and poor forest management. And I
18 think that's where we ought to start and not -- not
19 in that area.

20 MR. PARKER: Thank you. I think there was a
21 previous public hearing held by the DEP not by the --

22 AUDIENCE MEMBER: (Frank Porter.) Excuse
23 me, sir, I can't hear well.

24 MR. PARKER: I said there was some previous
25 public hearings held by the DEP and not by this

1 Board. And I think what you should do is take your
2 comments, get them back to the staff and they can
3 discuss it in more detail with you so you can
4 understand better what they're recommending and why
5 they're recommending it and you can give them your
6 comments as to why you agree or disagree and they'll
7 be feeding that information back to us before we
8 deliberate.

9 AUDIENCE MEMBER: (Frank Porter.) We plan
10 on sending a written questionnaire too.

11 MR. PARKER: Yeah, get your concerns down
12 and get them to them and then they'll come back to
13 the Board so we can review them in detail.

14 AUDIENCE MEMBER: (Frank Porter.) Sure.
15 Thank you for your time, sir. Thank you.

16 MR. PARKER: Jutta Beyer. Did I get that
17 right?

18 AUDIENCE MEMBER: Almost. My name is Jutta
19 Beyer. I'm the Town Manager of Island Falls and I
20 feel that like we are kind of the minority here when
21 it comes to the opinions. But still, I also -- I
22 can't really disagree with what I've heard, but I'm
23 still here to, well, represent the town of Island
24 Falls.

25 So for the town of Island Falls the

1 reclassification to A affects the stretch of the
2 Mattawamkeag River, which goes directly through our
3 downtown area. We are worried that the
4 reclassification to A will impact the development
5 along the riverfront. We are in the process of
6 planning a river walk to have a recreational
7 attraction for our town and as of now we don't know
8 the impact or the regulations that come along with
9 the reclassification. We are trying very hard to
10 revitalize our downtown area and this might just put
11 a halt to it all.

12 After the loss of the town's factory 10
13 years ago the water quality improved. The
14 Mattawamkeag River is one of our natural resources.
15 It flows into the Mattawamkeag Lake and it will be
16 protected by us, but our town is also dealing with
17 vacant buildings along the river and we need to know
18 how regulations will affect the codes within the
19 shore lines. Our region with little job opportunity,
20 high unemployment rate needs businesses in the area
21 and if we can't revitalize our downtown our town will
22 be dying. We need to know what businesses could be
23 moving into the buildings of the old storage factory
24 as well. And we are actually pretty excited about
25 the revitalization of our town and I don't think that

1 it's necessarily meaning that there is going to be
2 more discharge into the river by doing that.

3 More regulation for the benefit of the
4 economy in Southern Maine doesn't make sense. You
5 keep forgetting that these rules impact Northern
6 Maine and our town in this specific case. We depend
7 on this river. We have absolutely no intention of
8 polluting one of our economic assets, which we are
9 being accused of just by opposing this. We need to
10 know what a reclassification means to our town before
11 we can support this and that's where we are lacking
12 with information.

13 MR. PARKER: Okay. The same comment I
14 think --

15 AUDIENCE MEMBER: (Jutta Beyer.) Yeah.

16 MR. PARKER: -- your concerns, you should
17 get those to the staff --

18 AUDIENCE MEMBER: (Jutta Beyer.) Mmm Hmm.

19 MR. PARKER: -- and they'll be coming back
20 with the comments and we'll be discussing those
21 before we make any recommendations.

22 AUDIENCE MEMBER: (Jutta Beyer.) Okay. All
23 right. Thank you.

24 MR. PARKER: Thank you. Laura Farnsworth.

25 AUDIENCE MEMBER: I'm Laura Farnsworth. I

1 am going to pass my time to the next speaker. Frank
2 and Jutta have spoken for me and I mostly came with
3 questions and I will pass the questions on in
4 writing.

5 MR. PARKER: Okay. Thank you. John Davis.

6 AUDIENCE MEMBER: Mr. Chairman, members of
7 the Board. My name is John Davis. I'm the Town
8 Manager of Millinocket and I speak today in
9 opposition to the Board's proposal to change the
10 water quality classification in our region.

11 Thirty years ago Millinocket's mill provided
12 over 4,000 well-paying jobs. Then the closing of the
13 mill changed the town dramatically. Our population
14 declined, taxes soared and families shattered. A
15 dynamic community formerly thought of as one of the
16 more prosperous in the state faced unprecedented hard
17 times. Since closure of the mill in 2008,
18 substantial efforts have commenced to locate industry
19 on the former mill site. Our attempts are
20 coordinated and comprehensive seeking to place
21 suitable industries of a diverse nature to rebalance
22 and energize the region's economy. In spite of
23 daunting challenges, a private non-profit
24 organization comprised of skilled volunteers has
25 taken on the task of moving the region's economy

1 forward.

2 In 2017, Our Katahdin purchased the mill
3 site with the intent of redeveloping it as a modern
4 industrial park. On July 4, 2017, they signed an
5 agreement to form a public/private partnership with
6 the town of Millinocket. In a very short period we
7 have embarked on a course of concerted action that I
8 am confident will bring results to further diversify
9 the economy of the region, but now our confidence and
10 the confidence of those considering committing
11 significant economic resources to our region is in
12 peril. Do not under estimate the fact of uncertainty
13 created by the current proposal. The loss of our
14 Class C qualified industry does not mean that we no
15 longer require the classification. The dampening
16 effect is two-fold. Not only does your proposal
17 leave uncertainty upon serious prospects, it
18 precludes countless other potential prospects from
19 even considering Millinocket as a site location.

20 Another concern is that a B classification.
21 The numeric criteria for bacteria, e coli, would
22 decrease and make it more difficult for our waste
23 water treatment plant to meet the state standards.
24 We are then forced to find money to upgrade and the
25 balance -- and the absence of a tax base that could

1 undertake such an endeavor. The irony of that
2 situation should not be lost on anyone here.

3 Although those advocating the change no
4 doubt mean well, the reality is that the proposed
5 changes are at their core anti-economic development.
6 Our region desperately needs growth. While the
7 tourism economy has made excellent strides it cannot
8 be the sole cornerstone of our new economy. The
9 paper industry taught us that the first time around
10 and it is incumbent upon us to not let that happen
11 again. Our region needs a diversified, resilient
12 economy providing good paying jobs and promise of
13 growth. Reclassifying the water quality standard at
14 this juncture will permanently harm our new
15 competitiveness while ignoring the economic needs of
16 this entire region.

17 In conclusion, I believe the activities of
18 Our Katahdin and others to reverse the fortunes of
19 the town of Millinocket by attracting new businesses,
20 diversifying the economy are solid reasons to
21 reconsider the proposed reclassification or at least
22 defer it to a future date pending further studies of
23 industries that actually locate here. Thank you.

24 MR. PARKER: Any questions for Mr. Davis?
25 Thank you. Michael Madore.

1 AUDIENCE MEMBER: Thank you, Mr. Chairman,
2 members of the committee. I am Michael Madore. I am
3 a four-term town councilor for the town of
4 Millinocket. I was there in 2008 when the mill
5 shuttered and our economy collapsed. We have lost
6 half our population. Our unemployment rate is one of
7 the highest in the state. We have undertaken a great
8 economic program with the help of a group called Our
9 Katahdin to try to revitalized the mill site. That
10 mill site abuts Millinocket Stream. And, yes,
11 Millinocket Stream has been cleaned up considerably
12 since the early 1970s, but unlike what some people
13 have said here as far as worrying about a CLT plant
14 on-site, which has been announced in the future will
15 be developed on that site, we are the third largest
16 industrial site in the State of Maine encompassing
17 1400 acres. We look to have and try to develop a
18 very diverse economic, you know, economic platform
19 and base, but also eco-friendly and
20 technically-friendly. We do not want to be hampered
21 by having to have restrictions placed on something
22 that hasn't developed yet. I believe the
23 reclassification to the Millinocket Stream is
24 premature. It's at a time when there is nothing
25 there, so any future development of it now will be

1 hinged upon what you're doing with your
2 reclassification from C to B.

3 We need to be able to go ahead and grow and
4 prosper our economy for the sake of our community.
5 We have one of the highest mill rates in the State of
6 Maine right now and we have very little economic
7 promise on the horizon, but we are trying. We are in
8 a position where a change from C to B may inverse --
9 impact our waste water treatment plant and our
10 ability to go ahead and take proper care of discharge
11 without having it being an extra burden -- economic
12 burden our community. We also know that what we have
13 as far as our ability to entice people to come here
14 is dependent upon that stream. The classification of
15 Class C right now fits very well into our economic
16 plans for the future, B not so much.

17 We're not asking for you to allow us to go
18 back to the good old days of when Great Northern
19 Paper was the largest paper company in the world and
20 we were discharging into that stream at an alarming
21 rate. Nobody wants that. Everybody wants clean
22 water. Everybody wants a clean environment, but we
23 also want a playing field where we can then go ahead
24 and work to help our town recover. I have properties
25 in that town right now -- at one time we had a high

1 of 138 homes for sale. Our town has taken back
2 properties that people have abandoned because they
3 cannot find work. We are economically cash strapped.
4 We need to be able to revitalize our mill site. We
5 need to be able to go ahead and move forward. We are
6 trying as desperately as we can to create that
7 situation. We have formed a public/private
8 partnership. We have a non-profit company buying a
9 for-profit company partnering with the town to create
10 a partnership. We have written legal precedent that
11 you will not find anywhere else in the United States.
12 That's how desperately we want to do this. We are
13 blazing new trails in Millinocket. We are trying to
14 do more economically than any community can try to do
15 by finding alternative solutions to a very
16 long-standing problems. This reclassification on
17 Millinocket Stream could adversely effect that
18 process.

19 Now, I'm not saying the process needs to be,
20 you know, never changed. What I'm asking for is a
21 delay in that process for that stream until such time
22 as we have the opportunity to start developing the
23 site, getting the businesses on there, seeing what
24 the effects are, staying within the boundaries that
25 are allowed under Class C and trying to move forward.

1 If at that time we can do that and you then find it,
2 you know, prudent to go ahead and change from C to B
3 then we can do that, but right now we don't need
4 another road block or another speed bump in the road
5 to try to keep us from moving forward, to try to keep
6 us from rebuilding, to try to keep us from being part
7 of the economic engine that drove Penobscot County
8 for 100 years. We were at one time the highest
9 contributor in Penobscot County economically as far
10 as wages, benefits and pay distribution within the
11 county. So it wasn't just Millinocket that was
12 affected, but it was all of Penobscot County. We're
13 trying to regain that. We feel as a community the
14 reclassification that you're proposing at this time,
15 and I want to emphasize that, at this time, would
16 have an adverse effect not only for our development
17 but for Our Katahdin, for our mill site and for
18 Penobscot County as a whole.

19 Our Katahdin members could not be here
20 today. They have been at other hearings at other
21 places, but they feel the same as we do, that we need
22 to be able to keep the classification where we are
23 and give us a fighting chance to be able to develop
24 our economy again. I ask you to delay your judgement
25 on Millinocket Stream until such time as we can get a

1 better handle on not only for our forefront as far as
2 economy is concerned but give you a better
3 understanding of what the effects of the businesses
4 that may settle or we can settle on that site. We
5 have been contacted by 54 different industries
6 looking to get on that site or looking to observe it
7 or try to see if their businesses fit, so we need to
8 be able to present it as is and that includes the
9 stream. So please, if you see it within your purview
10 to be able to go ahead and delay your
11 reclassification of Millinocket Stream, it would
12 really be a shot in the arm for the economic
13 well-being of my community. And with that, I would
14 say thank you very much for your time.

15 MR. PARKER: Thank you. Any questions?
16 Thank you. Barbara Moore.

17 AUDIENCE MEMBER: Good afternoon. My name
18 is Barbara Moore. I am a Penobscot native. And I'd
19 like to -- I had a lot of things to say, but really a
20 lot of people have mirrored what I was going to say.
21 I'd like to just add one other thing. I would like
22 to -- I'm here for upgrading all of the waterbodies
23 and especially including those which are more
24 northern, which empty into all of the other lower
25 bodies. And I think that in speaking to not doing

1 the northernmost one for, you know, future
2 possibility of economic growth in the area when --
3 I'd just like to speak against doing that one part --
4 leaving that one part because leaving that one part
5 actually affects all of the others because that's
6 where all of Penobscot River comes from there and so
7 really that's the only thing that I'm in favor of the
8 upgrade of all of the water quality and I appreciate
9 everybody's efforts over the years. I am in my 60s
10 now and I can remember children and things swimming
11 in the water around our reservation and oftentimes it
12 even caused sores and things and this is not true
13 now. It's been just an incredible effort by
14 everyone. Our Nation and state have really colluded
15 together in a very positive way to increase the --
16 the water quality and everything and I applaud that.
17 And so I -- I don't need to say anything because all
18 of the other people in favor of the upgrades have
19 said that. And I just ask that you -- that you take
20 into consideration that excluding one particular area
21 especially because it's at the northern part that
22 empties into all of the others would just not make
23 any sense to me. Thank you.

24 MR. PARKER: Thank you. It's either Lonnie
25 or Laurie Osher. I bet it's Lonnie.

1 AUDIENCE MEMBER: Hello. I'm Laurie Osher.
2 I'm a town councilor from the town of Orono. Orono
3 is on the ancestral lands of the Penobscot people and
4 it's bounded on its east side by the Penobscot River.
5 It is in the section between Bangor and Milford that
6 is now free-flowing because of the removal of two
7 dams in the Penobscot River Restoration Project. The
8 town of Orono has benefited from the dam removal by
9 having free-flowing river. In the time since the dam
10 removal the use of the river has increased. We
11 have -- our own high school has a white water canoe
12 team that's participated in national canoe races and
13 the Penobscot Nation in Old Town hosted the National
14 Whitewater Recreation -- White Water River races for
15 three years in a row that brought a lot of people to
16 our town and to Old Town to participate in that and
17 that's because the river was free-flowing and they
18 could have a race there where before there had been
19 dams. So as a town councilor in the town of Orono, I
20 support the free-flowing river status for the
21 Penobscot River between Milford and Bangor.

22 In my training as a scientist and my work as
23 a watershed scientist for the federal government for
24 various agencies before I moved to Maine I can say
25 that I applaud the continued cleaning of rivers

1 throughout the country by the actions of individuals
2 and government to improve water quality. I think
3 that's been an important part of the history since
4 the Clean Water Act and before that we have looked to
5 the river to do a better job of caring for it and
6 that it improves our economy because people look to
7 the river as a place to recreate and a place to
8 enjoy. And so I support the upgrading of the
9 standards of the various sections of the river. I
10 think that that's a good thing and as having been a
11 technocrat, meaning working as a government
12 scientist, my experience is you cannot make these, as
13 was mentioned by the Penobscot Nation representative,
14 you cannot make the upgrade unless the river already
15 meets those criteria and so there is evidence from
16 the Penobscot Nation that collects water quality data
17 that these sections of river already meet these
18 criteria and so it's in the best interest to then
19 follow the rules of upgrading them if they've already
20 met the criteria. So I support that as an
21 independent person, I support that as a scientist, I
22 support that again as a representative of the town of
23 Orono, I support the free-flowing river section.

24 MR. PARKER: Thank you. Have I missed
25 anyone who signed the list? Who is this?

1 AUDIENCE MEMBER: (Bucky Owen.) Yeah, I
2 came in late, so I wasn't able to sign the sheet.

3 MR. PARKER: Go ahead. Then you can sign
4 our list before you sit down.

5 AUDIENCE MEMBER: My name is Bucky Owen. I
6 am from Orono. The reason I'm late is I just got off
7 the river with a whole bunch of Mike's canoes and 35
8 students and we talked about water quality and all
9 kinds of aspects and things like that.

10 Formerly, I was Chair of the Maine Land Use
11 Regulation Commission when we did river
12 reclassification in the unorganized towns, put on
13 significant buffers on A streams and so forth, dealt
14 with big A, which wasn't much fun. As Commissioner
15 of the Fish and Wildlife, I work with many biologists
16 who maintain water quality, increase water quality
17 for both recreation and economic components
18 associated with that. And I was a co-chair of the
19 restoration -- the Ambassador's Group for the
20 restoration of the Penobscot. I've been working 30
21 years on restoring the Penobscot back to its former
22 beauty.

23 And I just wanted to say -- mention a couple
24 things. Rivers have an amazing ability to restore
25 themselves when they're bathed in a clean

1 environment. They rapidly return to a much higher
2 condition and that's what is happening with the
3 Penobscot. That's the reason we're here today. So I
4 really urge you to move forward with these
5 reclassifications. It's my understanding that moving
6 to B for the Millinocket area will allow significant
7 input of materials that may or may not be treated,
8 but that the capacity is there to allow economic
9 development to occur. And if it goes beyond that it
10 should be treated, that's what we're doing these
11 days. We're not bringing in industries that can just
12 put materials in rivers. So I urge you to do what
13 the river is telling us and asking us to do and that
14 is to reclassify that system and bring it back to its
15 former just wonderful condition that it was and that
16 we are all enjoying now from Bucksport all the way up
17 through the whole system and so I urge you to do
18 that. Thank you.

19 MR. PARKER: If you wouldn't mind signing
20 our list just for the record.

21 AUDIENCE MEMBER: (Bucky Owen.) What's
22 that?

23 MR. PARKER: Would you mind putting your
24 name on the list? Just your name and address.

25 AUDIENCE MEMBER: (Bucky Owen) Absolutely.

1 MR. PARKER: Is there anyone else that I
2 missed? If not, I will close our public hearing.
3 Thank you.

4

5 (Hearing concluded at 3:59 p.m.)

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C E R T I F I C A T E

I, Robin J. Dostie, a Court Reporter and
Notary Public within and for the State of Maine, do
hereby certify that the foregoing is a true and
accurate transcript of the proceedings as taken by me
by means of stenograph,

and I have signed:

Court Reporter/Notary Public

My Commission Expires: February 6, 2019.

DATED: October 4, 2018

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