



STATE OF MAINE
BOARD OF ENVIRONMENTAL PROTECTION

Robert S. Duchesne, Chair

JANET T. MILLS
GOVERNOR

William F. Hinkel
Executive Analyst

Ruth Ann Burke
Board Clerk

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

December 18, 2025

A meeting of the Board of Environmental Protection was held on December 18, 2025, at the Augusta Civic Center. An audio and video stream of the meeting was provided via Zoom, and an audio recording of the meeting was made pursuant to 38 M.R.S. § 341-E(2). Board Chair Susan Lessard called the meeting to order at approximately 9:00 a.m. with the following individuals in attendance.

Board: Robert Duchesne, Betsy Fitzgerald, Susan Lessard, Robert Marvinney, Steven Pelletier, Robert Sanford, and Barbara Vickery were present.

Others: David Madore, Deputy Commissioner
William Hinkel, Board Executive Analyst
Ruth Ann Burke, Board Clerk
Jack Dafoe, Assistant Attorney General
Mark Bower, Assistant Attorney General
Department staff and others as noted below

I. ADMINISTRATIVE MATTERS, COMMENTS, AND NOTES

- 1. Commissioner's Comments:** Deputy Commissioner Madore thanked the Board for its service in 2025.
- 2. Chair's Comments:** No comments.
- 3. Executive Analyst's Comments:** Mr. Hinkel commented that the meeting agenda was revised on December 10th to move the Triennial Review matter to the first item for consideration.
- 4. Board Calendar:** The next regular Board meeting is tentatively scheduled for January 15, 2026, at the Public Safety Building in Augusta.
- 5. Departmental Orders / Applications Accepted for Processing:** No comments.

(Note: Votes are recorded in the following order: number voting in favor of a motion – number voting against a motion – number abstaining – number absent)

II. APPROVAL OF BOARD MINUTES

1. BEP Meeting Minutes, December 4, 2025

The Board voted (7-0-0-0) on a motion by Barbara Vickery and seconded by Steven Pelletier to approve the minutes of October 16, 2025, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(8) and 5 M.R.S. § 12014(1)(A).

The next matter on the agenda was the Board's consideration of the 2025 Triennial Review of Maine's Water Quality Standards. To comply with the Clean Water Act-related recusal requirements in 38 M.R.S. § 341-C(8), Susan Lessard and Betsy Fitzgerald recused themselves from participating in that matter and were absent for the associated deliberation and vote. Chair Lessard had previously designated Robert Duchesne to serve as the Presiding Officer in that matter.

III. CURRENT ITEMS FOR BOARD CONSIDERATION

1. Triennial Review of Maine's Water Quality Classification System and Related Standards

Staff: Brian Kavanah, Meagan Sims, Wendy Garland, Bureau of Water Quality
Board Counsel: Jack Dafoe

Mr. Hinkel introduced the matter and identified that one option available to the Board is for the Board to discuss and vote on a request to reopen the public hearing regarding the 2025 Triennial Review filed with the Board by Ed Friedman, Chair of Friends of Merrymeeting Bay; Peter Rubins, Chair of Grow L+A River Working Group; and Stephen G. Heinz, Maine TU Council.

The Board decided to take up the request for a hearing before inviting staff to present the 2025 Triennial Review. The Board deliberated the request, asked clarifying questions of Department staff, and did not solicit comments from the petitioners or members of the public. The Board voted (5-0-0-2) on a motion by Robert Marvinney and seconded by Barbara Vickery to deny the request for an additional public hearing. Susan Lessard and Betsy Fitzgerald were absent and did not participate in the vote.

Presiding Officer Duchesne invited Department staff to present the 2025 Triennial Review. The Board deliberated the matter and asked clarifying questions of Department staff. The Board did not receive public comment during this proceeding. The Board voted (5-0-0-2) on a motion by Barbara Vickery and seconded by Robert Marvinney to adopt the recommendations presented in the 2025 Triennial Review of Water Quality Standards with agreement to note in the Board's transmittal letter to the Joint Standing Committee on Environment and Natural Resources that one Board member would support upgrading the lower Androscoggin River from Gulf Island Pond

Dam to Worumbo Dam in Lisbon Falls from Class C to Class B; one Board member would support upgrading the Presumpscot River from Saccarappa Falls to Head of Tide at Presumpscot Falls from Class C to Class B; and one Board member would support upgrading Chandler Bay in Jonesport from Class SB to Class SA.

Chair Lessard and Betsy Fitzgerald returned to the meeting following the vote on the 2025 Triennial Review.

2. Chapter 167, *Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions*

Staff: Jeff Crawford and Allison Montgomery, Bureau of Air Quality

Board Counsel: Mark Bower

Mr. Crawford and Ms. Montgomery briefed the Board on proposed amendments to Chapter 167 and the staff recommendation that the Board post the proposed routine technical rule for public comment and a public hearing. Staff circulated to Board members a handout of the mark-up version of the proposed Chapter 167 that includes minor revisions, clarifications, and corrections to the proposed rule.

The Board voted (7-0-0-0) on a motion by Barbara Vickery and seconded by Steven Pelletier to post the proposed revisions to Chapter 167, as presented in the Board packet and with additional revisions noted on the handout, for public comment. The Board decided not to hold a public hearing on the proposed rule. The vote was taken pursuant to 38 M.R.S. § 341-D.

3. Chapter 310, *Wetlands and Waterbodies Protection*

Staff: Rob Wood, Bureau of Land Resources, and Naomi Kirk-Lawlor, Office of the Commissioner

Board Counsel: Mark Bower

Mr. Wood and Ms. Kirk-Lawlor briefed the Board on proposed amendments to Chapter 310 and the staff recommendation that the Board adopt the proposed routine technical rule. Pursuant to 38 M.R.S. § 341-H(3-A), the Board received additional oral comment from Francesca Gundrum of Maine Audubon.

Following deliberations, the Board voted (7-0-0-0) on a motion by Steven Pelletier and seconded by Robert Sanford to adopt the Chapter 310 rule, the associated basis statement, and the response to comments, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052.

4. Chapter 305, *Natural Resources Protection Act Permit by Rule Standards* and Chapter 335, *Significant Wildlife Habitat*

Staff: Rob Wood, Bureau of Land Resources, and Naomi Kirk-Lawlor, Office of the Commissioner

Board Counsel: Mark Bower

Mr. Wood and Ms. Kirk-Lawlor briefed the Board on proposed amendments to Chapter 305 and Chapter 335 and the staff recommendation that the Board adopt the proposed routine technical sections of Chapter 305 and provisionally adopt the major substantive sections of Chapter 305 and Chapter 335.

Pursuant to 38 M.R.S. § 341-H(3-A), the Board invited additional oral comment on the routine technical sections of Chapter 305. No persons offered such comment.

Following deliberations, the Board voted (6-0-0-1) on a motion by Barbara Vickery and seconded by Robert Marvinney to adopt the Chapter 305 rule, the associated basis statement, and the response to comments, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052. Robert Duchesne was absent for the deliberation and vote.

Pursuant to 38 M.R.S. § 341-H(3-A), the Board invited additional oral comment on the major substantive sections of Chapter 305 and Chapter 335. One person, Francesca Gundrum of Maine Audubon, offered such comment.

Following deliberations, the Board voted (6-0-0-1) on a motion by Steven Pelletier and seconded by Barbara Vickery to provisionally adopt the Chapter 305 rule, the associated basis statement, and the response to comments, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052. Robert Duchesne was absent for the deliberation and vote.

Following deliberations, the Board voted (6-0-0-1) on a motion by Steven Pelletier and seconded by Robert Marvinney to provisionally adopt the Chapter 335 rule, the associated basis statement, and the response to comments, as presented. The vote was taken pursuant to 38 M.R.S. § 341-D(1-C) and 5 M.R.S. § 8052. Robert Duchesne was absent for the deliberation and vote.

5. Draft 2025 Board of Environmental Protection Report to the Joint Standing Committee on Environmental and Natural Resources

Staff: William F. Hinkel, Board Executive Analyst

Mr. Hinkel presented the draft Board Report to the Legislature's Joint Standing Committee on Environment and Natural Resources. The Board voted (6-0-0-1) on a motion by Barbara Vickery and seconded by Robert Sanford to direct Mr. Hinkel to coordinate finalization of the draft report with Chair Lessard for submission to the

Legislature in early January 2026. The vote was taken pursuant to 38 M.R.S. § 341-D(7). Robert Duchesne was absent for the deliberation and vote.

IV. ADJOURNMENT

The Board voted (6-0-0-1) on a motion by Steven Pelletier and seconded by Barbara Vickery to adjourn the meeting at approximately 1:39 p.m.