

March 31, 2020

Susanne Meidel
Water Quality Standards Coordinator
Maine Department of Environmental Protection
State House #17
Augusta, ME 04333

Dear Ms. Meidel,

The Nature Conservancy (TNC) in Maine appreciates this opportunity to propose changes to the classification of certain surface waters as part of the Department's Triennial Review of Maine's Water Quality Standards. Below are several proposed changes recommended by TNC conservation staff and scientists, with applicable statutory amendments attached.

Upgrade the West Branch of the Penobscot River from 1000 feet downstream of McKay powerhouse to its confluence with Ambajejus Lake to Class AA, including tributaries entering downstream of Ripogenus Dam. Also upgrade Nahmakanta Stream and its tributaries to Class AA.

The West Branch of the Penobscot River downstream of Ripogenus and Chesuncook Lakes is one of Maine's most iconic stretches of water. It is a world-class landlocked salmon fishery; hosts native brook trout and many other important species; and supports a vibrant recreation industry, with commercial rafting companies welcoming approximately 15,000 guests per year on Class 4 and 5 rapids. Its forested shoreline and backdrop of Mount Katahdin make it arguably the most scenic waterway in the state. For these reasons and more, we believe it meets the threshold of "ecological, social, scenic or recreational importance" required of Class AA waters.

This segment has not previously received the Class AA distinction because it had been proposed as the site of a large hydroelectric facility, "Big A," in the 1980s. However, permit applications for Big A were denied, and no attempts have been made to revive the proposal, leaving the river in its present exceptional and highly valued condition. Our proposal leaves a 1000-foot segment downstream of the McKay powerhouse in its present Class A status, consistent with other Class AA waters located downstream of hydropower stations that may cause localized effects due to flow manipulation (e.g. Kennebec, Rapid, Saco, East Branch Penobscot Rivers).

We also propose upgrading tributaries to this segment of the West Branch to Class AA. These tributaries are now largely protected within conservation ownership, and upgrading these waters will ensure the continued quality and character of the West Branch. TNC's Debsconeag Lakes Wilderness Area and the State's Nahmakanta Public Reserved Land comprise much of the watershed south of this segment of the West Branch, while Baxter State Park occupies much of the watershed to the north. Each of these lands are valued for their ecological, scenic, and recreational values.

Similarly, we have included Nahmakanta Stream and its tributaries in this upgrade proposal since its watershed is also located primarily within the Debsconeag Lakes Wilderness Area and the Nahmakanta Reserve. This watershed is important to the local recreation economy, supporting commercial sporting camps and running alongside and intersecting the Appalachian Trail.

Upgrade tributaries to the East Branch of the Penobscot River located in Katahdin Woods and Waters National Monument to Class AA.

Portions of the East Branch of the Penobscot River and many of its tributaries have already been designated as Class AA due to their high value for Atlantic salmon restoration as well as valued scenic and recreation character. The new Katahdin Woods and Waters National Monument now encompasses many of these waters. However, many smaller tributaries, which serve as high quality water sources to the river as well as important habitat for salmon, brook trout and other species, are still Class A. This proposal would make management of all waters within the Monument consistent and recognize their high values. It should be noted that waters in the Monument that do not drain to the East Branch are not included in this proposal and would remain as presently classified.

Upgrade tributaries to Donnell Pond to Class A.

Donnell Pond is a water of high ecological and recreational value largely surrounded by the State's Donnell Pond Public Reserved Land, an important conservation area in eastern Maine. Tributary waters draining to Donnell Pond, the great portion of which are within the public lands, have been inadvertently left in Class B (waters in the eastern side of the Reserved Land draining to Tunk Stream are Class A). We recommend that waters within the Reserved Land be consistently managed as Class A to protect their natural qualities and the quality of Donnell Pond.

Clarify the segments of the main stem of the St. John River that are Class AA.

We recommend an amendment to address discrepancies in the labeling of a certain segment on maps of the St. John River that appear to leave a Class A segment between the Southwest and Northwest Branches. The entire St. John River from First St. John Pond down to the Allagash village area has always been intended as Class AA. The segment in question falls within TNC's ownership and management along the St John River. We request that this segment be unequivocally designated as Class AA by designating the beginning of the St. John River main stem to be located at the confluence of the Southwest Branch and Baker Branch.

Thank you for your consideration of these proposals. I have attached the applicable proposed changes to statutory language below, with changes indicated by strikethroughs and underlining. Please note that TNC may provide additional supporting documentation at a later point during the Triennial Review process. Please do not hesitate to contact me at robert.wood@tnc.org if you have any questions.

Sincerely,



Rob Wood
Director of Government Relations and Climate Policy
The Nature Conservancy in Maine

(1 attachment)

38 MRS § 467. Classification of major river basins

7. Penobscot River Basin.

B. Penobscot River, East Branch Drainage.

(2) East Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) All tributaries, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(b) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class AA.

(c) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(d) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(e) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Webster Lake - Class AA.

(f) All tributaries, any portion of which is located within the boundaries of the Katahdin Woods and Waters National Monument - Class AA.

C. Penobscot River, West Branch Drainage.

(1) West Branch of the Penobscot River, main stem.

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class A.

(b-1) From its confluence with Chesuncook Lake to Ripogenus Dam - Class GPA as modified by section 464, subsection 9-A.

(c) From Ripogenus Dam through Ripogenus Gorge to the McKay powerhouse - Class B.

(d) From the McKay powerhouse to a point 1000 feet downstream ~~its confluence with Ambajejus Lake~~ - Class A.

(d-1) From a point 1000 feet downstream of the McKay powerhouse to its confluence with Ambajejus Lake – Class AA.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with Millinocket Stream - Class C.

(g) From the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments - Class B.

(2) West Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) Those tributaries, any portion of which segments of any tributary that are within the boundaries of Baxter State Park - Class AA.

(b) Those tributaries entering between Ripogenus Dam and above the confluence with Ambajejus Lake the Debsconeag Deadwater, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(c) Millinocket Stream, from the railroad bridge near the Millinocket-T.3 Indian Purchase boundary to its confluence with the West Branch Canal - Class B.

(d) Millinocket Stream from the confluence of the West Branch Canal to its confluence with the West Branch of the Penobscot River - Class B.

(e) Nahmakanta Stream and its tributaries, including tributaries of Nahmakanta Lake – Class AA.

15. St. John River Basin.

A. St. John River, main stem.

(1) From the confluence of ~~the Northwest Branch and the Southwest Branch~~ and the Baker Branch to a point located one mile above the foot of Big Rapids in Allagash - Class AA. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) From a point located one mile above the foot of Big Rapids in Allagash to the international bridge in Fort Kent, those waters lying within the State, including all impoundments - Class A.

(3) From the international bridge in Fort Kent to the international bridge in Madawaska, those waters lying within the State, including all impoundments - Class B.

(4) From the international bridge in Madawaska to where the international boundary leaves the river in Hamlin, those waters lying within the State, including all impoundments - Class C.

38 MRSA § 468. Classifications of minor drainages

2. Hancock County. Those waters draining directly or indirectly into tidal waters of Hancock County, with the exception of the Union River Basin - Class B unless otherwise specified.

A. All brooks, streams and segments of those brooks and streams that are within the boundaries of Acadia National Park - Class AA.

B. Blue Hill.

(1) Carleton Stream, main stem, between First Pond and Second Pond - Class C.

(2) Carleton Stream, main stem, from the outlet of First Pond to tidewater at Salt Pond - Class C.

C. Orland.

(1) Alamoosook Lake, tributaries - Class A.

N. Township 7 Southern Division.

(1) Whitten Parritt Stream - Class A.

(2) Tributaries to Tunk Stream - Class A.

O. Sullivan.

(1) Tributaries to Tunk Stream - Class A.

P. Township 10 Southern Division.

(1) Tunk Stream and its tributaries - Class A.

Q. Township T9 Southern Division, Township 10 Southern Division.

(1) All tributary waters draining into Donnell Pond - Class A.