

MAINE STATE LEGISLATURE

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*See attached
amendment.*STATE LAW LIBRARY
AUGUSTA, MAINEOFFICE OF
THE GOVERNORNO. LEY 82/S3
DATE July 6, 1982

MAINE RIVERS POLICY

WHEREAS, the waters of Maine are held in trust by the State for the benefit of the people, and their use is a proper subject for the exercise of stewardship by the State; and

WHEREAS, the Department of Conservation was directed by the State Energy Policy of June 1981 to identify river stretches that provide unique recreational opportunities or natural values, and to submit to the Governor a strategy for the protection of those river stretches, and has accordingly submitted such a report based on the "Maine Rivers Study" conducted under its auspices; and

WHEREAS, the Departments of Marine Resources and of Inland Fisheries & Wildlife, and the Atlantic Sea Run Salmon Commission, were directed by the State Energy Policy to prepare a statewide fisheries plan for submission to the Governor, and have accordingly submitted such a plan; and

WHEREAS, it is necessary to protect certain river stretches identified by the Department of Conservation from unwise development, and to preserve them for the future; and

WHEREAS, sufficient river resources exist to allow for the protection of our most valuable river stretches and the development of Maine's indigenous, renewable energy resources; and

WHEREAS, it is also necessary to ensure the wise use of all the river resources identified in the "Maine Rivers Study" by means of improved environmental regulation;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine order that the following river stretches be designated as meriting special protection:

Allagash: Gerald Brook to Telos Lake

Arcostook: Sheridan Dam to Millinocket Lake

Dead: Kennebec River to Flagstaff Lake

Dennys: Hinkley Point to headwaters of Meddybemps Lake

East Machias: ~~Hadley Lake~~ *Newcomb Point (see attached memo (7/27/82) amending)* to Pocomoonshine Lake, including Maine River

Kennebec: Bay Point to Edwards Dam, Augusta; The Forks to Harris Dam

Narraguagus: Fickett Point to headwaters

Machias: Fort O'Brian Point to Fifth Machias Lake, including
Fourth and Fifth Lake Streams

Moose: Attean Pond to Canadian Border

Penobscot: Main Stem from Sandy Point to Veazie Dam, including
Eastern Channel; East Branch from Medway to Grand Lake
Matagamon; West Branch from Ambajejus Lake to western
boundary of T-3, R-10; and from Chesuncook Lake to
Seboomcook Lake

Pleasant: Seavey Point to Pleasant River Lake

West Branch Pleasant: Main Stem to Fourth West Branch Pond

Saco: East Limington to New Hampshire border

St. Croix: Oak Point to Spednik Lake

St. John: One mile above the foot of Big Rapids to Baker Branch

Sheepscot: Wiscasset to headwaters

as well as certain related tributaries identified in the Department of
Conservation report as contributing to the unique recreational or
natural values of these river stretches; and

IT IS FURTHER ORDERED, that to protect these stretches of rivers, it shall
be the policy of the State that no new dams shall be constructed on these stretches,
and that additional development or redevelopment of dams existing on these stretches
as of the date of this Order shall be designed and executed in a manner that either
enhances the significant resource values of these river stretches, or does not
diminish them; and

IT IS FURTHER ORDERED, that actions of Executive Departments and Agencies
shall be consistent with the policy stated in this Order; and

IT IS FURTHER ORDERED, that independent regulatory, quasi-judicial, and
judicial agencies shall receive a copy of this Order and are urged to take action
consistent with it; and

IT IS FURTHER ORDERED, that the State Planning Office, in ^{collaboration} ~~consultation~~ with
the Cabinet Committee on Hydropower Policy, shall survey and assess the adequacy
of existing legal, regulatory and administrative mechanisms to provide for the
use in the best interests of the people, of those river stretches identified as
having outstanding significance in the "Maine Rivers Study", particularly along
the so-called B, C, and D rivers. The Office shall submit a report together with
appropriate recommendations to the Governor not later than December 1, 1982; and

IT IS FURTHER ORDERED, that the Office of Energy Resources shall prepare
an analysis of the need for electricity generated by hydropower to meet demand
as projected in the Comprehensive Energy Resources Plan for 1990 and 2000, and
shall submit such analysis to the Governor no later than September 1, 1982; and

*(see attached memo
7/27/82, amending
collaboration)*

IT IS FURTHER ORDERED, that the Office of Energy Resources shall prepare a comprehensive plan as envisaged in Section 10 (a) of the Federal Power Act, to be submitted for use by the Federal Energy Regulatory Commission (FERC), such plan to include: this Executive Order and the Maine Rivers Study, the hydropower analysis provided for above, the essential elements of the statewide fisheries plan, and when appropriate, information on action taken pursuant to recommendations to strengthen legal, regulatory and administrative mechanisms relating to use of river resources and their protection, and that this plan be submitted initially to FERC not later than October 1, 1982.

IT IS FURTHER ORDERED, that this Executive Order and the Maine Rivers Study shall be transmitted to the Federal Energy Regulatory Commission forthwith, and that the Commission and its staff, when reviewing hydropower projects in Maine, shall be informed that this is State policy for use of the river stretches designated in this Executive Order.



JOSEPH E. BRENNAN
Governor