

# MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 319, L.D. 953, Bill, "An Act to Reclassify Certain Waters of the State"

Amend the bill in section 5 by striking out all of paragraph B (page 2, lines 20 to 43 in L.D.) and inserting in its place the following:

'B. Carrabassett River Drainage.

(1) Carrabassett River, main stem.

(a) Above a point located 1.0 mile above the dam in Kingfield - Class AA.

(b) From a point located 1.0 mile above the dam in Kingfield to a point located 1.0 mile above the railroad bridge in North Anson - Class A.

(c) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River - Class B.

(2) Carrabassett River, tributaries - Class A unless otherwise specified.

(a) South Branch Carrabassett River - Class AA. The Legislature finds, however, that permitted water withdrawal from this river segment provides significant social and economic benefits and that this existing use may be maintained.

COMMITTEE AMENDMENT

R. 6. 8

2                    (b) All tributaries entering the Carrabassett  
3                    River below the Wire Bridge in New Portland -  
4                    Class B.

6                    (c) West Branch Carrabassett River above its  
7                    confluence with Alder Stream - Class AA.'

8  
9                    Further amend the bill by inserting after section 6 the  
10                    following:

11                    'Sec. 7. 38 MRSA §467, sub-§5, ¶B, as amended by PL 1989, c.  
12                    764, §4, is further amended to read:

13                    B. Machias River, tributaries - Class A unless otherwise  
14                    specified.

15                    (1) All tributaries entering below Route 1A in  
16                    Whitneyville - Class B.

17                    (2) Mopang Stream, from the outlet of Mopang Second  
18                    Lake to its confluence with the Machias River - Class  
19                    AA.

20                    (3) Old Stream, from the outlet of First Lake to its  
21                    confluence with the Machias River - Class AA.

22                    (4) West Branch of the Machias River, from the outlet  
23                    of Lower Sabao Lake to its confluence with the Machias  
24                    River - Class AA.

25                    (5) New Stream, in Northfield and Wesley - Class AA.

26                    (6) Crooked Stream - Class AA.'

27                    Further amend the bill in section 7 in paragraph B by  
28                    inserting at the end the following:

29                    '(6) Shorey Brook - Class AA.'

30                    Further amend the bill in section 10 in paragraph F in  
31                    subparagraph (14) in the first line (page 8, line 11 in L.D.) by  
32                    striking out the following: "Class AA" and inserting in its  
33                    place the following: 'Class A'

34                    Further amend the bill in section 14 in paragraph B in  
35                    subparagraph (3) in the first line (page 9, line 22 in L.D.) by  
36                    striking out the following: "Class AA" and inserting in its  
37                    place the following: 'Class A'

R. & S.

COMMITTEE AMENDMENT "A" to S.P. 319, L.D. 953

2 Further amend the bill by inserting after section 15 the following:

4 'Sec. 16. 38 MRSA §467, sub-§14, ¶A, as repealed and replaced  
6 by PL 1989, c. 764, §15, is repealed and the following enacted in its place:

8 A. St. George River, main stem.

10 (1) From the outlet of Little Pond to a point located  
12 2,000 feet below the pond - Class A.

14 (2) From a point located 2,000 feet below the outlet  
of Little Pond to the confluence with Stevens Pond,  
16 from the outlet of Stevens Pond to the confluence with  
18 Trues Pond and from the outlet of Trues Pond to the  
confluence with Sennebec Pond - Class AA.

20 (3) From the outlet of Sennebec Pond to Route 90,  
excluding segments that are great ponds - Class A.

22 (4) From Route 90 to tidewater - Class B.'

24 Further amend the bill by inserting after section 18 the following:

26 'Sec. 19. 38 MRSA §467, sub-§16, ¶A, as amended by PL 1991, c.  
28 813, Pt. E, §5, is further amended to read:

30 A. Salmon Falls River, main stem.

32 (1) From the outlet of Great East Lake to tidewater,  
34 ~~these waters lying within the State, including all~~  
impoundments the Route 9 bridge - Class B.

36 (2) From the Route 9 bridge to tidewater - Class C.'

38 Further amend the bill in section 25 by striking out all  
40 paragraph D (page 12, lines 28 to 47 in L.D.) and inserting in its place the following:

42 'D. Mount Desert.

44 (1) Tidal waters, except those lying within 500 feet  
46 of privately owned shoreline, lying northerly of  
latitude 44' - 16'-36" N. and easterly of longitude 68'  
48 - 13'-08" W. - Class SA.

50 (2) Tidal waters of Somes Sound lying northerly of a  
52 line beginning at a point located at the Acadia  
National Park boundary at latitude 44' - 18'-18" N.,  
longitude 68' - 18'-42" N W. and running northeasterly

2 to a point located at the Acadia National Park boundary  
3 at latitude 44' - 18'-54" N., longitude 68' - 18'-22"  
4 W. and lying southerly of a line beginning at a point  
5 located at latitude 44' - 19'-37" N., longitude 68' -  
6 18'-52" W. and running northeasterly to a point located  
7 at latitude 44' - 19'-45", longitude 68' - 18'-23" W.,  
8 except those waters of Broad Cove lying west of a line  
9 running from the point of land immediately south of the  
10 cove northerly to Navigation Can #7 and those waters  
11 lying within 500 feet of overboard discharges licensed  
12 as of January 1, 1999 - Class SA.

13  
14 (3) Tidal waters of Somes Sound lying within 500 feet  
15 of overboard discharges licensed as of January 1, 1999  
16 - Class SA.'

17 Further amend the bill by inserting after section 27 the  
18 following:

19 **'Sec. 28. Contingent effective date.** The Maine Revised Statutes,  
20 Title 38, section 469, subsection 2, paragraph D, subparagraph  
21 (3) takes effect only if the Commissioner of Environmental  
22 Protection certifies as part of the relicensing process that  
23 there are practicable alternatives to the 2 existing licensed  
24 overboard discharges to those waters described in that section of  
25 statute.

26  
27 **Sec. 29. Findings.** The Legislature finds that the  
28 reclassification of a segment of the St. George River from Class  
29 C to Class AA in 1990 was the result of a significant procedural  
30 error that occurred during the reclassification process in 1989  
31 and 1990. This Act corrects that error, which was unique to a  
32 narrow set of circumstances surrounding an application for a  
33 permit to reconstruct a dam that was being processed  
34 simultaneously with the larger reclassification process.  
35 Specifically, the Department of Environmental Protection staff  
36 that was processing the permit application did not know about the  
37 pending reclassification to Class AA and the department staff  
38 that was developing the reclassification study for the Board of  
39 Environmental Protection was unaware that an application for a  
40 dam reconstruction on that segment of the river had been  
41 submitted. The Legislature finds that if the department staff  
42 and the Board of Environmental Protection had been aware of the  
43 application, they may have made a different reclassification  
44 recommendation to the Legislature. The Legislature further finds  
45 that the correct classification for the segment of the St. George  
46 River that extends from the outlet of Little Pond to 2,000 feet  
47 downstream is Class A.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## SUMMARY

This amendment does the following.

It reclassifies the South Branch Carrabassett River from Class A to Class AA, but specifies that the existing use of permitted water withdrawal from that river segment provides significant social and economic benefits and may be maintained.

It reclassifies Crooked Stream, a tributary of the Machias River, from Class A to Class AA.

It reclassifies Shorey Brook, a tributary of the Narraguagus River, from Class A to Class AA.

It reclassifies Salmon Stream, a tributary of the Penobscot River, from Class B to Class A, rather than Class AA as proposed in the bill.

It reclassifies Buff Brook, a tributary of the Saco River, from Class B to Class A, rather than Class AA as proposed in the bill.

It classifies 2,000 feet of the St. George River, beginning at the outlet of Little Pond, as Class A. That segment of the river was reclassified from Class C to Class AA in 1990 as a result of a significant procedural error that occurred during the reclassification process in 1989 and 1990.

It reclassifies the segment of the Salmon Falls River from the Route 9 bridge to tidewater from Class B to Class C.

It makes the reclassification of a small area of Somes Sound from Class SB to Class SA contingent upon the Commissioner of Environmental Protection certifying that there is a practicable alternative to the 2 existing licensed overboard discharges to those waters.

It also corrects a technical error in the bill.