

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1497

S.P. 515

In Senate, March 28, 2005

### **An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.  
Cosponsored by Senator: DAVIS of Piscataquis, Representatives: CARR of Lincoln, CLARK  
of Millinocket.

Be it enacted by the People of the State of Maine as follows:

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4       Sec. 1. 38 MRSA §464, sub-§9, as amended by PL 1993, c. 344,  
§2, is repealed.

6       Sec. 2. 38 MRSA §464, sub-§9-A is enacted to read:

8       9-A. Existing hydropower impoundments managed as great  
10 ponds; habitat and aquatic life criteria. The following  
12 provisions govern habitat and aquatic life criteria for existing  
14 hydropower impoundments managed as great ponds.

16       A. For the purposes of water quality certification under  
18 the Federal Water Pollution Control Act, Public Law 92-500,  
20 Section 401, as amended, and licensing of modifications  
22 under section 636, the hydropower project located on the  
24 water body referenced in section 467, subsection 7,  
26 paragraph C, subparagraph (1), division (b-1), is deemed to  
28 have met the habitat characteristics and aquatic life  
30 criteria in the existing impoundment if:

32           (1) The project is in existence on June 30, 1992;

34           (2) The project creates an impoundment that remains  
36 classified under section 465-A after June 30, 1992;

38           (3) The project creates an impoundment that is subject  
40 to water level fluctuations that have an effect on the  
42 habitat and aquatic life in the littoral zone so that  
44 the habitat and aquatic life differ significantly from  
46 that found in an unimpounded great pond; and

48           (4) The existing impounded waters are able to support  
50 all species of fish indigenous to those waters and the  
52 structure and function of the resident biological  
community in the impounded waters is maintained.

38       B. For the purposes of water quality certification under  
40 the Federal Water Pollution Control Act, Public Law 92-500,  
42 Section 401, as amended, and licensing of modifications  
44 under section 636, Ragged Lake, located in the Penobscot  
46 River, West Branch drainage, is deemed to have met the  
48 habitat characteristics and aquatic life criteria in the  
50 existing impoundment if that habitat and aquatic life  
52 reflects the effects of annual drawdowns of up to 20 feet.

38       C. For the purposes of water quality certification under  
40 the Federal Water Pollution Control Act, Public Law 92-500,  
42 Section 401, as amended, and licensing of modifications  
44 under section 636, Seboomook Lake, located in the Penobscot  
46 River, West Branch drainage, is deemed to have met the  
48 habitat characteristics and aquatic life criteria in the  
50 existing impoundment if that habitat and aquatic life  
52 reflects the effects of annual drawdowns of up to 20 feet.

2 existing impoundment if that habitat and aquatic life  
3 reflects the effects of annual drawdowns of up to 17 feet.

4 D. Other than those described in paragraphs A, B and C, all  
5 hydropower projects with impoundments in existence on June  
6 30, 1992 that remain classified under section 465-A after  
7 June 30, 1992 and that do not attain the habitat and aquatic  
8 life criteria of that section must, at a minimum, satisfy  
9 the aquatic life criteria contained in section 465,  
10 subsection 4, paragraph C.

11 E. When the actual water quality of the impounded waters  
12 attains any more stringent characteristic or criteria of  
13 those waters' classification under section 465-A, that water  
14 quality must be maintained and protected.

15 **Sec. 3. 38 MRSA §467, sub-§7, ¶C,** as amended by PL 1999, c.  
16 277, §10, is further amended to read:

17 C. Penobscot River, West Branch Drainage.

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

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

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

25 (b-1) From its confluence with Chesuncook Lake to  
26 Ripogenus Dam - Class GPA as modified by section  
27 464, subsection 9 9-A.

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

30 (d) From the McKay powerhouse to its confluence  
31 with Ambajesus Lake - Class A.

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

34 (f) From the outlet of Ferguson and Quakish Lakes  
35 to its confluence with the East Branch of the  
36 Penobscot River, including all impoundments -  
37 Class C.

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

4 (a) Those segments of any tributary that are  
6 within the boundaries of Baxter State Park - Class  
AA.

8 (b) Those tributaries above the confluence with  
10 the Debsconeag Deadwater, any portion of which is  
located within the boundaries of Baxter State Park  
- Class AA.

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

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

22

**SUMMARY**

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26 This bill amends the laws governing the water quality  
standards for aquatic life and habitat for Ragged Lake and  
28 Seboomook Lake, located in the Penobscot River, West Branch  
drainage.