



STATE OF MAINE
EXECUTIVE DEPARTMENT
MAINE STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, ME 04333



JOHN ELIAS BALDACCI
GOVERNOR

MARTHA E. FREEMAN
DIRECTOR

March 5, 2007

Virginia N. Plummer, Chair
Members
Board of Environmental Protection
17 State House Station
Augusta, Maine 04333

RE: Petitions for Modification, Revocation or Suspension;
Lockwood Hydro Project #L-20218-33-C-N;
Hydro-Kennebec Hydro Project #L-11244-35-A-N
Shawmut Hydro Project #L-19751-333-A-N
Weston Hydro Project #L-17472-33-C-N

Dear Chair Plummer and Board members:

Petitioners in the above referenced matter, Mr. Douglas Watts and Friends of Merrymeeting Bay, have asked the Board of Environmental Protection ("Board") to amend fish passage provisions in water quality certifications issued by the Department of Environmental Protection ("DEP") for the above referenced hydropower projects. Petitioners suggest that changes to these water quality certifications are necessary and appropriate pursuant to the statutory criteria in 38 MRSA §341-D, sub-§3. In accordance with the February 7, 2007 comments of the Departments of Marine Resources ("DMR") and Inland Fisheries and Wildlife ("DIFW") and the Atlantic Salmon Commission ("ASC") (collectively, "fisheries agencies"), the state agencies with management authority and expertise regarding diadromous fish species, the State Planning Office ("SPO") urges the Board to dismiss these petitions.¹

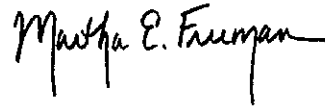
As noted elsewhere in the record, the fish passage provisions contained in the water quality certifications that are the subject of this proceeding derive from and implemented provisions of the 1998 Kennebec Hydro Developers Agreement ("KHDG Agreement"). An integral part of the larger lower Kennebec settlement agreement which resulted in removal of the Edwards Dam, the KHDG Agreement has supported substantial and on-going progress in achieving state fisheries restoration goals. SPO joins the fisheries agencies, FPLE and other

¹ SPO does not by this letter purport to address, point by point, all assertions made in the parties' pre-filed direct testimony or elsewhere in the record of this proceeding; and, accordingly, this letter is provided with reservation of rights to address additional issues as warranted at a subsequent stage of this or in any other proceeding and should not be construed as an agreement or admission with respect to those issues it does not address.

KHDG Agreement parties in support for the Agreement and recognition of its continuing contribution to achievement of state fisheries restoration goals.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Martha E. Freeman". The signature is written in a cursive style with a horizontal line at the end.

Martha E. Freeman, Director

cc:\
Service list