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,

[Signature]

Martha E. Freeman, Director

cc:
Service list