

From: Matthew Scott, Belgrade, ME 04917

Good morning Mr. Chairman, members of the Board, Commissioner, Staff and Audience. My name is Matthew Scott Citizen of Belgrade and retired Chief Biologist from the Maine DEP. I am testifying in clear opposition to these proposed mining rules. Prior to my coming to the DEP I spent 11 years as a Fisheries Biologist with IF&W experiencing fish kills on the Androscoggin, Kennebec, Sebasticook and Penobscot Rivers. Passage of the CWA of 1972 is when I envisioned great improvements for Maine's water quality.

In the early to mid 1970's northern and eastern Maine timberlands were under a spruce budworm infestation. A great deal of seasonal time was spent with numerous Biologists and Researchers on the spraying impacts to non target species both terrestrial and aquatic. Many of these waters were class A. During this time Superior Oil and Louisiana Land Exploration Company announced a major copper strike at Bald Mtn., west of Portage Lake. This was estimated to be worth \$1 billion at the time of discovery. It caused a scrambling of policy makers and DEP leadership. Many legislators discussed the discharge of mining wastes to Class A waters and the fact that we had no governing rules. Changes were considered in water quality classification and were on the table and even a declass similar to 1963 regarding Prestile Stream eliminating all the water quality criteria was discussed. All types of assurances were made to protect Class A waters but massive enforcement by the DEP would have to be established when the Department (as a new agency) had only 50 employees at that time.

On June 22, 1979 Phyllis Austin of the Maine Times unveiled a story. I was in disagreement with my Commissioner at that time. Ms Austin quoted the both of us and some legislators about things that might happen from mining. I told Ms Austin about our experience with Kerr-American a small copper mine at Blue Hill where in 1963 the legislature declassified First and Second Ponds to allow discharged waste. So my opinion prevailed that it would be a miracle if a mining operation could produce an effluent that would protect Class A waters. My Commissioner at that time was quoted by Ms Austin on the discharge and protection of class A waters claiming 100% guaranteed protection could not be made and that he too had some reservations, "which basically is Scott's position", Austin said.

Then Speaker of the House John Martin came to the rescue. Together we proposed to the Energy and Natural Resources Committee, work session that an up- grade or reclass of all Maine waters was in order. We proposed to do away with class D and to establish AA, A, B and C with some narrative standards, at that time, as numerical standards would have to be developed later. The intent then and as today for me was no discharge to class AA waters as well as no discharge to class GP-A great ponds. This system is what we have today. Since then a number of reclass meetings and hearings have been held to improve upon the classification and standards. Now, understanding that the LEGISLATURE makes and takes, we may see further changes. When I held the last reclass meeting before my retirement in 1988 we continued the Class AA, A, B, and C with narratives. Dave Courtemanch, Susan Davies and Leon Tomides went on to continue the research for numeric standards for aquatic life. Those are in place today through continuous monitoring. All the streams in and around Bald Mtn., have been classified by the legislature as AA or A. Class AA and A narrative standards state that aquatic life shall be "as naturally occurs"

No discharges are allowed in class AA waters and only a discharge of “equal to or better “are allowed in class A waters.

So my position today and will continue to be the Protection and improvement of our water quality to prevent any discharge to AA and only discharges of equal quality to the receiving water of class A, to protect their integrity for the inarticulate organisms inhabiting their aquatic environments. I am now doing living history lectures and presentations at a number of Institutions and NGO’s to inform younger generations of how badly our Maine waters were from 1935 to 1965 and up through the decades to 2015 to show the improvements by DEP staff. Explaining how the existing classification system protects water quality for the future. Presentations have been made at USM, UMPI and TU. Next spring I will be presenting at the Mitchell Center at UMO again at USM and hopefully at UMM and UMF.

My major concern from large scale mining is habitat fragmentation, acid mine drainage and loss of ecosystem interconnectivity between terrestrial and aquatic systems. It is a very high risk to accept due to the after effects of mining that are historically long term. In 2005 The Maine legislature declared the Eastern Brook Trout our Heritage Fish Species. The Bald Mt. site for potential mining is located in Wild Eastern Brook Trout habitat. Maine has 90% of this remaining habitat for this species in the northeast. We should do everything possible to protect this fish and its habitat. We should not be developing rules to encourage mining in brook trout watersheds. Therefore mining in these habitats is highly risky to the survival of this species.

Finally, I again oppose these rules.

15 September 2016